



UNIVERSITY OF NAMIBIA

FACULTY	FACULTY OF LAW		
SUBJECT	MATURE AGE ENTRY EXAMINATION		
DATE	3 AUGUST 2019		
DURATION	180 MINUTES	MARKS	100

Mature Age Entry (Law Specific) Examination 2019

Examiners: Mr K Kariseb / Mr P Balhao

Moderator: Dr. Tapiwa Warikandwa

This question paper consists of 5 pages, including the cover page.

Instructions:

1. Answer ALL THREE questions.
2. Kindly number the answers appropriately on the front of the answer book in the sequence you have answered them.
3. Please write legibly and to the point.
4. In addition to substantive arguments and/or answers, your answers will be, where appropriate, credited according to coherence, content, vocabulary and general use of language.

Question 1

[30 marks]

Read and comprehend the extract annexed to this question paper titled “The Legal System: First Glimpses”, and answer the following questions:

- 1.1. With reference to the text, define and discuss the meaning and nature of law? **/5 marks**
- 1.2. According to the writer, why do different sets of standards create difficulties in obeying rules?
/5 marks
- 1.3. Explain what the writer refers to as “organised power”. **/5 marks**
- 1.4. With reference to the text, what is the difference between a legal system and rules? **/5 marks**
- 1.5. State and differentiate between two forms of liability discussed in the text. **/5 marks**
- 1.6. State two principles highlighted in abstract that deals with due process rights of an accused. **/5 marks**

Question 2

[20 marks]

- 2.1. Identify three main organs of the State in Namibia and state their primary functions. **/9 marks**
- 2.2. State the three mainstream courts of the judiciary in Namibia. **/3 marks**
- 2.3. Explain why the Namibian Constitution is referred to as the Supreme law of Namibia in terms of Article 1 (6) of the Namibian Constitution. **/3 marks**
- 2.5. Explain and differentiate the following concepts: ‘marriage in community of property’ and ‘marriage out of community of property’. **/5 marks**

Question 3

[50 marks]

Write an essay NOT EXCEEDING THREE PAGES on ANY ONE of the following topics.

- 3.1. Separation of powers is a moot phenomenon in the Namibian legal system.
- 3.2. The introduction of religious studies in the education curriculum goes against the principle of secularity.
- 3.3. Namibian laws are inadequate in addressing gender based violence against women and sexual minorities.

“ANNEXURE 1”

“The Legal System: First Glimpses”

Law sometimes tells people what they must do, or refrain from doing. The law says you must not steal – if you are caught doing so you can be convicted of a crime and punished. Other people and groups also tell you what you should do, although they need not always say so in the same fashion. You may be avoided at your club or snubbed by your friends if you tell vulgar jokes (or perhaps if you *don't* tell vulgar jokes) or if you hold the wrong political opinions. Often the law and others tell you the same thing, and often a certain kind of conduct offends against different sets of standards, for example, standards of morality, taste, courtesy. Murder is illegal; it is also immoral, vulgar, and impolite. But sometimes different sets of standards tell you different things, and create some difficult choices: publishing pornography may be illegal but you may think it acceptable. Or it may be legal but you think it immoral. You may be required by the law to serve in a war which you regard as immoral. At times the law tells you not to do something, but does not make it a crime. If you make a contract to do something, and fail to do it, you do not commit any offence so as to face punishment. But the law may force you to keep your word, or order you to pay money to compensate the other person. This is “civil” as distinct from “criminal” liability.

Law sometimes tells you what to do in order to do something else. The law does not make you rent your house or make a will, but it does say that if you want to do these things, you have to do them in a certain way; but it is up to you to decide whether you want to sell the house or make the will at all.

The law gives people powers. The policeman and the judge and the inspector from the council all owe their legal power to the law: the law *authorises* them to do their jobs, and allows them to call in power if necessary. Of course, power exists in the community in many forms, and only some of them are derived from law. Important people, influential groups and big strong men all exercise forms of power which have nothing to do with the law. But organised power is, in our society, very much in the hands of the “authorities”. When the judge orders you to pay a fine, or to go to prison, he has the police force to back him up and make you comply if you resist. In a sense, the society is based on the notion that the state, through its legally authorised bodies, has a monopoly on organised force.

The legal system is not just rules, though rules form an important part of it. It includes legal institutions like courts, prisons, law schools, administrative officers, law libraries, parliament and lawyers' officers. It also includes people who in one way or another make the law the center of their professional life: judges, magistrates, solicitors and barristers, law teachers, and so on.

The law embodies certain values, some of them so important that they need to be discussed even in an introductory book. For example: a person is regarded as innocent until he is proved guilty through recognised procedures in a court; judges must decide cases on the evidence put before them and not on their own personal whims and prejudices; people have to be given proper notice of charges against them so that they can prepare their case and put it before the court. Principles such as these are regarded as essential to the just administration of law by the judges and lawyers who work within the system. Together, they form part of our "legal tradition".