Stellenbosch
UNIVERSITY
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Law | Eyezomthetho
Regsgeleerdheid

20 Meyi 2022

Imibuliso mfundi wezoMthetho

Iziganeko ezichazwe ngokubanzi kule mpela-veki idlulileyo zimanye ifakhalthi kunye nabafundi bayo ekugxekeni nakuphina ukuthoba isidima, ucalu-calulo nobuhlanga kwikhampasi yethu, kunye nokuqinisekisa ukuzibophelela kuluntu olulinganayo nentlalo yobulungisa apho umntu ngamnye anakho ukuzalisekisa injongo yakhe kwaye aphathwe ngesidima. Sikhathazekile kakhulu ngeziganeko ezisasaziweyo zase-Huis Marais kunye noMdaniso wezoMthetho, ngaphezulu koko kuba abafundi bezoMthetho bebandakanyeka. Imithetho yentlalo yesininzi soluntu lwezemithetho lusekelwe kwintlonipho, uvelwano, uxanduva, ukulingana, kunye nokugqwesa. Ngako oko siyaluxhasa ngokupheleleyo uphando olunzulu nolukhawulezileyo nasekugqibezeleni le mibandela.

IFakhalthi yezoMthetho iyayiqonda indima ekufuneka iyidlalile ekukhuthazeni iinjongo zeenguqu zoMgaqo-siSeko. Ukuphakamisa ukuqonda kunye nokungabunyamezeli kwaphela ubuhlanga nokuphatha kakubi abanye zizinto ezibaluleke kakhulu kwezemfundo kunye noluntu, kwaye ngamanyathelo okuphelisa ubuhlanga, ucalu-calulo ngokwesini, kunye nobunye ububi ekuhlaleni. Sibhekisa kwisibhambathiso abathi abafundi bomthetho kunyaka wokuqala basityikitye, ikopi yoMgaqo-siSeko wethu (othembisa ubomi obungcono kumntu wonke kunye nokuqhawula ngokuqinisekileyo kwingcinezelo yexesha elidlulileyo) efumana indawo kwishelufa yeencwadi zakho okanye kwibhegi yakho yokufunda kunye nethuba lokuthetha-thethana ngombandela obalulekileyo wokuba, ukuba ucingisiswe ngokufanelekileyo, bonke banaso isakhono sokuthi batshintshe ngokuqinisekileyo iingqondo nobomi babantu. Ngokwamazwi alowo ungasekhoyo, nowayesakuba yiJaji ePhezulu uPius Langa kwinqaku lowe-2006 i*Stellenbosch Law Review*, “Oku kum,ngumbono ongundoqo wenguqu yomgaqo-siseko: ekufuneka siyitshintshe.”

Izifundiswa, abafundi, amagqwetha, abaza kuba ngamagqwetha, kunye neengcali zomthetho eziqeqeshiweyo kuninzi ekufuneka zikwenzile ukufezekisa amaphupha neenjongo njengoko zibekiwe kuMgaqo-siSeko. Siyayiqonda into yokuba umthetho wawusetyenziswa njengesixhobo sengcinezelo ngexesha lengcinezelo yobukoloniyali eMzantsi Afrika, kodwa saliqhawula ngokugqibeleleyo elo siko. Xa siqwalasela ixesha lethu elidlulileyo lobuhlanga, kufuneka sithathele ingqalelo eyona nto iphambili kwisidima somntu ngokohlukana nezinto ezindala sibheke phambili noluntu olukhululekileyo nolulinganayo. Ngoko, sikhetha umthetho – njengoko umthetho unakho ukubuyisela, umthetho unika ithemba, kwaye oku kuko esizibophelela ekukwenzeni njengeqela.

Njengoluntu, senze inkqubela phambili kolu hambo lweenguqu kwaye asinakuthanda ukuba isiganeko sakutshanje esothusayo sisikhuphe endleleni yokuzinza kwethu malunga nokufikelela kwiinguqu kwifakhalthi yethu, kwikhampasi yethu, kwidolophu yethu kunye noluntu ngokubanzi. Sonke kufuneka siziphicothe ngaphakathi siqonde indima esiyidlalayo kuhambo lwethu lokwenza iinguqu kwiziko lethu nakuluntu lwethu ukwenzela ukuba sikwazi ukwenza ngcono.

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Ukushwankathela, INgqonyela u- Edwin Cameron ubhale kwincwadi yakhe i-*Justice A Personal Account*, uhambo lwelizwe lethu ukuya kwidemokhrasi yomgaqo-siseko uzele “ngamahla-ndenyuka, kodwa ekugqibeleni kukho izinto ezinokwenza ithemba”. Kule veki siye safumana amanqaku aliqela aphantsi, nangona kunjalo, siyacela ukuba sisebenzisane njengeFakhalthi nabafundi ukuya kwimibono yethu esabelana ngayo ukuze senze ngcono.

Kind regards / Ngemibuliso emihle / Vriendelike groete

ULawulo/lweFakhalthi

Njingalwazi Smit, Pienaar, Stevens
OoNjingalwazi Boggenpoel, Broodryk, Karjiker, Slade, Wessels

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