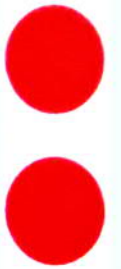


Isigama Somthetho Law Terminology Regsterterminologie



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UNIT FOR ISIXHOSA, STELLENBOSCH UNIVERSITY LANGUAGE CENTRE

LAW TERMINOLOGY
ISIGAMA SOMTHETHO
REGSTERMINOLOGIE

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PREFACE

This trilingual list on Law Studies terminology aims to promote isiXhosa and to support Xhosa-speaking students who sometimes struggle with difficult Law terms. The terminology list, therefore, is an initiative to support and assist these students. It aims to widen the scope of understanding, so that these students are afforded the opportunity to learn and understand these Law terms through their mother tongue. One of the direct outcomes of this endeavour is the intention to elevate isiXhosa to the status of a language of learning in higher institutions. This terminology list is also one of the strategies for highlighting the fact that Stellenbosch University is committed to the promotion of isiXhosa, which is one of the three official languages in the Western Cape.

This terminology list has 283 word entries, which are presented in a user-friendly manner. It is divided into four sections: (i) Introduction to Law; (ii) Family Law; (iii) Customary Law; (iv) Criminal Law. Since Law contains many Latin terms, Latin phrases are used without being translated. This approach is followed in all three languages used in this booklet: English, isiXhosa and Afrikaans.

ACKNOWLEDGEMENTS

This terminology list is the result of cooperation between the Faculty of Law and the Language Centre's Unit for isiXhosa. I sincerely commend lecturers at the Faculty of Law at the *Ou Hoofgebou*. The love, kindness and approachability that they displayed during this endeavour are much appreciated. I salute the following persons for their immense contribution to this initiative:

- Prof. Lourens du Plessis, for making available a book entitled *Introduction to Law*, as a basis for the first section of this booklet.
- Prof. Sonia Human, for making available the book entitled *Introduction to South African Law* written by Robinson, Human and Boshoff. In doing so, she has contributed significantly, since it made it easy for me to access other departments of the Law Faculty and was thus enabled to access additional concepts.
- Ms Mary Nel, a lecturer at the Law Faculty, for providing a list of concepts on crime.
- Ms Phozisa Nana contributed a lot by giving definitions to these concepts, which helped me to translate them into isiXhosa and Afrikaans.

- Ms Deirdré Roos, a freelance translator, who made additions to the Afrikaans terms used in this booklet. Her contribution made it possible for this terminology list to be trilingual.
- Mr Mzo Tshaka, an attorney by occupation, for evaluating whether the isiXhosa used in this booklet is relevant to Law concepts in general.
- Mr Mhlobo Jadezweni, for helping in investigating and editing isiXhosa terms, and comparing them with English and Afrikaans terms.
- Mr Ebrezia Johnson, who is a lecturer of Law Studies at the *Ou Hoofgebou*. He compared the Afrikaans and English terms.
- I am very grateful for the enormous contribution of the Language Service. Their translation, editing, quality control, facilitation and the implementation of the plan facilitated the publication of this work.

It is my honour to express my gratitude to the Department of African Languages, particularly Prof. Marianna Visser, for facilitating the realisation of this terminology list through initiating this project between the Unit for isiXhosa and the Faculty of Law.

INGABULA-ZIGCAWU

Esi sigama sezifundo zoMthetho esilwimi-ntathu sijonge ukuphuhlisa isixhosa nokuxhasa abafundi abalwimi lusisiXhosa xa beqolozelene kwaye benyukiswa intaba ngamagama athile kwezoMthetho. Oko kukuthi – eli lilinge lokuxhasa nokunika igwiba lokuphephela kwaba bafundi. Esi sigama sijonge ukuvula ifestile yengqiqo khon' ukuze nabo baxhamle ekufundeni nasekuqondeni ngolwimi lwenkobe olulolwabo. Le yenye yeenjongo ezithe ngqo zokuphakamisela isiXhosa kwinqanaba lokuba lulwimi lwemfundo ephakamileyo. Le yenye yeenzame zokudandalazisa ukuzibophelela kweYunivesithi yaseStellenbosch ekuphuhliseni isiXhosa, ulwimi lwesithathu oluthethwayo eNtshona Koloni.

Le ncwadana iqulethe iingqiqo zamagama (iientri) ezingama-283. ukuyenza ifundeke ngokulula kubasebenzisi bayo, ikwahlulwe yangamacandelo amane:- (i) Intshayelelo kuMthetho;

(ii) uMthetho wosapho; (iii) uMthetho wesiNtu; (iv) uMthetho woLwaphulo-mthetho.

Najengokuba isifundo sezoMthetho sityebe siteke-teke nje ngamagama esiLatini, la mabinzana esiLatini asetyenziswe enjengoko enjalo ngaphandle kokuguqulwa, koko kuguqulwe inkcazelo kuphela. Oku kwenzeke kuzo zontathu iilwimi ezisetyenziswe kule ncwadana: isiNgesi, isixhosa nesiAfrikaans.

UMBULELO

Esi sigama siyimveliso yentsebenziswano phakathi kweSebe lezoMthetho kunye neZiko lesiXhosa elikwiZiko leeLwimi. Ndibamba ngazibini kwaye ndothulela umnqwazi abahloli besi sifundo sezoMthetho eHoof Gebou. Uthando, ububele, ukufikeleleka abakubonakalisileyo ekudidiyelweni kwale mbiza – akunambaliso.

Ndothulela umnqwazi aba bantu balandelayo ngokuphosa amatye kwesi sivivana:

- uProfesa Lourens du Plessis ngokunikeza ngencwadi yakhe ethi "Introduction to Law" ibe sisiseko kwicandelo lokuqala lale ncwadi.
- uProfesa Human ngokunikeza ngencwadi yabo ethi "Introduction to South African Family Law" ebhalwe nguRobinson, Human noBoshoff. UProfesa Human ube ngumvuli-ndlela ngale ncwadi kuba kutsho kwabalula kum ukungena nakweminye iminyango yeSebe lezoMthetho – kwatsho kwamqengqelezi ukufumana iingqiqo ezongezelelweyo.
- uNkszn M Nel, ongumhloli kweli Sebe loMthetho, ngoluhlu lweengqiqo zecandelo lolwaphulo-mthetho.
- uNkzn Phozisa Nana, ube negalelo elikhulu lokunikeza ngeenkcazelo (definitions) kwezi ngqiqo (concepts) kwatsho kwalula ukuziguqulela esiXhoseni nakwisiAfrikaans.
- uNkskz Deirdre Roos, umguquli weelwimi ozimeleyo othe wongezelela isiAfrikaans esisetyenziswe apha. Igalelo lakhe lisenze esi sigama saba ngulwimi-ntathu.

- uMnu. Mzo Tshaka, oligqwetha ngomsebenzi, ngokuhlola ukuba ingaba isiXhosa esilapha siyawunika na umhluzi ekuveliseni ingqiqo yomthetho ngokuthe gabalala.
- uMnu. Mhlobo Jadezweni ngokunceda ukuphicotha nokuhlela isiXhosa esithelekisa nesiNgesi nesiAfrikaans.
- uEbrezia Johnson, ongumhlohli kwisifundo sezoMthetho eHoof Gebou. Uthelekise isiAfrikaans nesiNgesi.
- Ndibamba ngazibini kwiCandelo leeNkonzo zeeLwimi ngegalelo elingathethekiyo elinjengeli: ukuhlela nokuguqula itekisi, ukuqinisekisa udididi lomgangatho wetekisi, ukuncedisa ekuququzeleleni nokuplana lo msebenzi uwonke.

Ndivakalisa umbulelo ngemilomo eliwaka kwiSebe leeLwimi zaseAfrika, ingakumbi uProfesa Visser, ekuququzeleleni esi sigama ukuba side sibe siyalibona ilanga ngokuqalisa usungulo lwale projekthi phakathi kweZiko lesiXhosa neSebe lezifundo zoMthetho.

VOORWOORD

Hierdie drietalige lys van regsterminologie het ten doel die bevordering van isiXhosa en die ondersteuning van isiXhosa-sprekende studente wat soms probleme met moeilike regsterme ervaar. Die terminologielys is daarom 'n inisiatief om hierdie studente te ondersteun en by te staan. Die strewe met die lys is om begrip te verbreed sodat hierdie studente die geleentheid gebied word om regsterme in hul moedertaal te leer en te verstaan. Een van die direkte uitkomst van hierdie onderneming is die voorneme om aan isiXhosa die status van onderrigtaal in hoër instansies te verleen. Hierdie terminologielys is ook een van die strategieë waardeur die Universiteit Stellenbosch hul verbintenis tot die bevordering van isiXhosa, een van die drie amptelike tale in die Wes-Kaap, beklemtoon.

Hierdie terminologielys bevat 283 woordinskrywings wat op gebruikersvriendelike wyse aangebied word. Dit is in vier afdelings verdeel: (i) Inleiding tot die regte; (ii) Familiereg; (iii) Gewoontereg; (iv) Strafrege. Aangesien die regte baie Latynse terme bevat, word Latynse frases gebruik sonder om dit te vertaal. Hierdie benadering is gevolg in al drie tale wat in hierdie boekie gebruik word, naamlik Engels, isiXhosa en Afrikaans.

ERKENNING

Hierdie terminologielys is die resultaat van samewerking tussen die Fakulteit Regsgeleerdheid en die Taalsentrum se Eenheid vir isiXhosa. My lof aan die dosente aan die Regsfakulteit by die Ou Hoofgebou. Die warmte, vriendelikheid en behulpsaamheid wat hulle gedurende hierdie onderneming openbaar het, word opreg waardeur. Ek bedank ook graag die volgende mense vir hul aansienlike bydrae tot hierdie inisiatief:

- Prof. Lourens du Plessis het die boek getiteld *Introduction to Law* as 'n grondslag vir die eerste afdeling van hierdie boekie beskikbaar gestel.
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- Me. Mary Nel, 'n dosent aan die Regsfakulteit, het 'n lys begrippe oor misdaad verskaf.

- Me. Phozisa Nana het 'n groot bydrae gelewer deur omskrywings vir hierdie begrippe te verskaf, wat my gehelp het om hulle in isiXhosa en Afrikaans te vertaal.
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- Mnr. Mzo Tshaka, 'n prokureur van beroep, het beoordeel of die isiXhosa wat in hierdie boekie gebruik word oor die algemeen op regsbegrippe van toepassing is.
- Mnr. Mhlobo Jadezweni het gehelp met navorsing oor en die redigering van isiXhosa terme sowel as die vergelyking daarvan met Engelse en Afrikaanse terme.
- Mnr. Ebrezia Johnson, 'n dosent in die Regte by die Ou Hoofgebou het die Afrikaanse en Engelse terme vergelyk.
- Ek is baie dankbaar vir die Taaldiens se reuse bydrae: Hierdie publikasie is moontlik gemaak deur hulle vertaling, redigering, gehaltebeheer, fasilitering en die uitvoer van die aksieplan.

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Introduction to law
Ingabula-zigcawu kwezoMthetho
Inleiding tot die reg

English

Adjective law

This part of law, also called procedural/prescriptive law, regulates the enforcement of substantive law, i.e. it determines the manner in which a case must be practically handled when a legal rule has allegedly been violated.

Administrative law

This is the law of administration, which regulates the various executive authorities of the state, such as state departments and boards. It also regulates the way state officials and functionaries exercise their powers.

Condition

A condition is an occurrence that lasts for a long time, such as drought and pregnancy. The condition may be the result of a human act or acts, but as a juristic fact has its own legal consequence. It is also an objective juristic fact because its continuance is not (and cannot be) a protracted human act.

Constitutional law

The subdivision of public law that defines the state, and is based on, concerns or interprets a constitution. Constitutional matters such as the structure of the state and who may participate in general elections typically fall within the ambit of constitutional law, whilst a bill of human rights also forms an integral part of it.

Crimes

Unlawful acts that violate the interest and safety of the community or body politic. Someone who is accused of a crime is brought before a court of law by the state and may be punished upon being found guilty.

isiXhosa

Umthetho owongezelelweyo wolwaphulo-mthetho

Eli candelo lilawula ingcaciso ngamagama, ngamanye amazwi, linika isikhokelo sendlela emalixoxwe ngayo ityala xa kusithiwa kwaphulwe umgaqo osemthethweni.

Umthetho wolawulo

Lo ngumthetho wolawulo, ulawula ukusetyenziswa kwegunya lolawulo lwelizwe. Lo mthetho ulawula ukusebenza kwawo onke amagunya ahlukeneyo olawulo, anjengamasebe aseburhulumenteni, iibhodi, njalo-njalo. Ukulawula indlela amagosa oburhulumente amakawasebenzise ngawo amagunya awo.

Iimeko

Imeko sisehlo esihlala ixesha elide, njengembalela, ukumitha, njl-njl. Imeko ingaba sisiphumo sesenzo somntu okanye izenzo, kodwa njengenyaniso yomthetho imeko inesiphumo sayo somthetho. Ikwayinyaniso yento yomthetho kuba ukuqhubekela kwayo akusiso (kungekhe kwabasiso) isenzo esenziwe ngumntu.

Umthetho womgaqo-siseko

Licandelwana lomthetho woluntu olunika iinkcukacha ngobuzwe kwaye lixhomekeke, liphathelene okanye licacisa imiba yomgaqo-siseko. Imiba yomgaqo siseko njengokumisa kwamasebe aseburhulumenteni anakho ukuthabatha inxaxheba kuvoto lukawonke-wonke ilawulwa ngumthetho womgaqo siseko.

Ulwaphulo-mthetho

Izenzo ezingekho mthethweni ezijongela phantsi abahlali kunye nokhuseleko lwabo okanye umbutho wezopolitiko. Umntu otyholwa ngolwaphulo-mthetho ilizwe limzisa phambi kwenkundla yomthetho, kwaye unokohlwaywa akufunyaniswa enetyala.

Afrikaans

Formele reg

Hierdie deel van die reg, ook proses-/voorskriftelike reg genoem, bepaal hoe die materiële/substantiewe reg afgedwing word, d.w.s. dit bepaal die praktiese hantering van 'n geval waar 'n regsreël vermoedelik oortree is.

Administratiefreg

Dit is die reg van administrasie wat die verskeie uitvoerende liggame van die staat, soos staatsdepartemente en rade, reguleer. Dit reël ook die wyse waarop staatsamptenare en ampsdraers hulle magte uitoefen.

Toestand

'n Toestand is 'n gebeurtenis wat oor 'n lang tydperk strek, soos droogte, swangerskap, ens. Die toestand kan die gevolg van 'n menslike handeling of handeling wees, maar het as 'n regsfeit sy eie regsgevolge. Dit is ook 'n objektiewe regsfeit omdat die voortduur daarvan nie deur 'n menslike handeling verleng (kan) word nie.

Staatsreg

Die onderafdeling van die publiekreg wat die staat definieer, en op 'n grondwet gegrond is, daarmee gemoeid is en dit vertolk. Grondwetlike sake soos die struktuur van die staat, en wie aan algemene verkiesings mag deelneem, val tipies op die gebied van staatsreg, terwyl 'n menseregtehandves ook eie daaraan is.

Misdade

Onregmatige handeling wat die belange en veiligheid van die gemeenskap of staatsgemeenskap oortree. Iemand wat van 'n misdad aangekla word, word deur die staat voor 'n geregshof gebring of gedaag en kan by skuldigebevinding gestraf word.

English

Criminal law

Is divided into:

- a) substantive criminal law – which determines which unlawful acts are crimes and prescribes penalties for crimes; and
- b) adjective criminal law – which prescribes the procedures according to which the alleged commission of offences has to be tried.

Delicts

Unlawful acts that violate the subjective right of a legal subject, e.g. A collides with B's car because he is driving negligently, or J plagiarises K's book. The accountability of the perpetrator and the presence of some form of culpability [intent (*dolus*) or negligence (*culpa*)] are conditions for a delict to have been committed.

Duty-observing acts

Lawful acts in fulfilment of legally imposed duties, for example A stops at a stop sign, B pays for his debts.

Environmental law

Focuses on the measures the government takes to maintain the natural environment.

isiXhosa

Umthetho wolwaphulo-mthetho

Wahlulwe :

- a) Wangumthetho ozimeleyo wolwaphulo-mthetho – umisela ukuba zeziphi na izenzo ezingekho mthethweni ezilulwaphulo-mthethweni, ukwamisela izohlwayo kwizenzo zolwaphulo-mthetho.
- b) Wangumthetho owongezelweyo wolwaphulo-mthetho – umisela iinkqubo zokuba zeziphi na izenzo zobutyala ezityholekayo emazixoxwe.

Utyeshelo lwemithetho

Izenzo ezingekho mthethweni ezityeshela ilungelo lomntu womthetho, umz. u-A ungquba imoto ka-B kuba eqhuba ngokungenankathalo, u-J ukhuphela incwadi ka-K injengoko injalo, njl-njl. Into yokuba isaphuli-mthetho sibuthathela kuso ubutyala nokwenza into ngokungakhathali okanye ngenjongo zizinto ezibonakalisa utyeshelo lomthetho.

Izenzo zokuzalisekisa imfanelo

Izenzo ezisemthethweni ekuzalisekiseni imfanelo enikezelwe ngokusemthethweni, umz. u-A uma kuphawu lokuma, u-B uhlawula izikweleti zakhe, njl-njl.

Umthetho wobume bemeko yendalo

Uqwalasela amanyathelo athatyathwa ngurhulumente ekulondolozeni ubume bemeko yendalo.

Afrikaans

Strafreg

Word verdeel in:

- a) materiële strafreg – wat bepaal watter onregmatige handeling misdade is, en boetes vir misdade voorskryf; en
- b) formele strafreg – wat die prosedures voorskryf waarvolgens die beweerde pleging van misdaad verhoor moet word.

Delikte

Onregmatige handeling wat die subjektiewe reg van 'n regsonderdaan skend, bv. A stamp B se kar omdat hy nalatig bestuur, of J pleeg plagiaat uit K se boek. Die aanspreeklikheid van die dader en die teenwoordigheid van 'n vorm van skuldigheid [opset (*dolus*) of nalatigheid (*culpa*)] is voorwaardes vir die pleging van 'n delik.

Pligshandelinge

Regmatige handeling in die uitvoering van regtens opgelegde verpligtinge, bv. A hou by 'n stopteken stil, B vereffen sy skuld.

Omgewingsreg

Handel oor die maatreëls wat die regering tref om die natuuromgewing in stand te hou.

English

Imputed acts

If a legal subject performs a juristic act through some organ or representative, that particular act may be imputed (attributed) to the legal subject concerned.

The principle applicable here is that he/she who acts through another, is considered to have acted himself/herself. Both lawful and unlawful acts may be imputed to a legal subject, who did not physically act himself/herself. For example, if A physically forces B (at gunpoint) to kill C, in legal terms A has committed the murder even though B actually pulled the trigger. Another example in terms of the principle of vicarious liability is when an employer is held delictually liable for the patrimonial or personality damage caused in a culpable way to others by one of his employees in the course of his employment. Employee X's delict is therefore imputed to Employer Y.

Indigenous law

Involves a study of the traditional systems of customary law of the indigenous black groups and tribes in South Africa. Indigenous/customary law may be applied in particular circumstances in disputes among black people.

Juridically non-accountable persons

Also called "persons incapable of guilt", these fall into three main categories:

a) people whose rational abilities and insights are deficient or inadequate over a fairly lengthy period, such as infants or the mentally ill;

b) people whose rational abilities are normally adequate, yet were temporarily inadequate or lacking, such as sleepwalkers or people who act under the influence of alcohol, drugs or an irresistible impulse; and

c) people whose mental abilities are intact, but who act under some or other form of superior power, such as external coercion.

isiXhosa

Izenzo ezibalelwa komnye umntu

Ukuba umntu womthetho wenza isenzo somthetho ngelungu elithile okanye ngokumelwa, eso senzo sinokubalelwa kumntu womthetho ochaphazekayo.

Umthetho-siseko wokuba - lowo wenza into ngomnye umntu uthathwa njengoyenze ngokwakhe, uyasebenza apha. Asizo zenzo zomthetho kuphela, koko nezenzo ezingekho mthethweni zingabalelwa kumntu womthetho ongazenzanga ngokwakhe. Umzekelo, ukuba u-A unyanzela u-B (emkhombe ngompu) ukuba adubule khon' ukuze abulale u-C, ngokomthetho ngu-A obuleleyo nangona phofu ingu-B omdubuleyo. Omnye umzekelo, ngokomthetho-siseko wobutyala obuzenzelelayo, umqeshi ufunyanwa enobutyala ngomonakalo odaleke kwabanye nowenziwe ngomnye wabaqeshwa bakhe ngexesha lokuqeshwa kwakhe. Ukutyeshela umthetho komqeshwa ongu-X, ngamanye amazwi, kubalelwa kumqeshi wakhe ongu-Y.

Umthetho wemveli

Uquka ukufundwa kweenkqubo zemveli zomthetho wamasiko eenzalelwane zamaqela abamnyama kunye neentlanga eziseMzantsi Afrika. Umthetho wemveli/wamasiko unokusetyenziswa kwiimeko ezithile kwiingxabano eziphakathi kwabantu abamnyama.

Abantu abangenakubalelwa butyala ngokwasemthethweni

Aba bantu baziindidi ezintathu ezingundoqo:

a) abantu abangqondo nabangqiqo zabo zilabalabayo okanye zinganelanga kangangexesha elide, njengeentsana okanye abaphambene engqondweni.

b) abantu abangqondo zanele ngokuqhelekileyo, bezikhe azanela okwexesha, njengabantu abasebuthongweni okanye abaphantsi kwefute lotywala, iziyobisi okanye intshukumisa engaxhatisekiyo.

c) abantu abangenanto ingalunganga engqondweni, kodwa abenza izinto bephantsi kwamnadla angaphaya kwabo, njengonyanzelo lwangaphandle.

Afrikaans

Toegerekende handeling

Indien 'n regs subjek 'n regshandeling deur 'n orgaan of verteenwoordiger uitvoer, kan daardie bepaalde handeling aan die betrokke regs subjek toegereken word.

Die beginsel dat die persoon wat deur iemand anders optree, beskou word asof hy/ -sieself opgetree het, is hier van toepassing. Regshandeling en onregmatige handeling kan 'n regs subjek onderdaan wat nie die fisiese handeling self uitgevoer het nie, toegereken word. Bv. Indien A vir B fisies dwing met 'n vuurwapen om vir C dood te skiet, dan het A in regsterme die moord gepleeg selfs al het B in werklikheid die sneller getrek. 'n Ander voorbeeld, ingevolge die beginsel van middellike aanspreeklikheid, kan 'n werkgewer deliktueel aanspreeklik gehou word vir die vermoëns- of persoonlikheidskade wat op 'n strafbare manier deur een van sy/haar werknemers in die loop van sy/haar diens veroorsaak is. Werknemer X se delik, in ander woorde, word aan werkgewer Y toegereken.

Inheemse reg

Behels die studie van die tradisionele regstelsels van die gewoontereg van die inheemse swart groepe en stamme in Suid-Afrika. Inheemse/gewoontereg kan in bepaalde omstandighede op geskille tussen swart mense toegepas word.

Juridies ontoerekeningsvatbare persone

Hierdie persone kan in drie kategorieë verdeel word:

a) mense wie se rasonale vermoëns en insigte oor 'n betreklik lang tydperk gebrekkig of onvoldoende is, soos babas of sielsiekes;

b) mense wie se rasonale vermoëns gewoonlik voldoende is, maar tydelik onvoldoende of gebrekkig was, soos slaapwandelaars of mense wat onder die invloed van alkohol, dwelms of 'n onweerstaanbare impuls optree; en

c) mense wie se verstandelike vermoëns ongeskonde is, maar onder een of ander vorm van oormag optree, soos eksterne dwang.

English

Juristic acts

They are lawful acts that create, amend or terminate rights and duties, and to which the law attaches the very consequences envisaged by the person performing the act.

Juristic acts may be unilateral or multilateral. A unilateral act is performed in full by a single person, e.g. in the case of making a will or donation. More than one person is needed to perform a multilateral juristic act, e.g. concluding a contract or marriage.

Law of contract(s)

A subdivision of the law of obligations that is concerned with personal rights and their concomitant obligations. Sometimes it is regarded as a subdivision of commercial law because the conclusion of contracts plays an important role in commerce. Other fields of applied contract law are the law of agency, the law of sale, the law of lease, the law of partnership, and the law of suretyship.

Law of deeds

Primarily concerned with the registration of immovable property, developed from property law as a specialised field of commercial law.

Law of delict

Sets down the necessary conditions for a delict to have been committed, and regulates personal rights and obligations.

Law of intellectual property

Subdivision of the law relating to patrimony that has to do with rights to intellectual property and their concomitant duties. This area of law primarily deals with questions of patents, copyright and trademarks.

isiXhosa

Izenzo zomthetho

Zizenzo ezisemthethweni ezidala, ezilungisa okanye ezibhangisa amalungelo neemfanelo, nekulapho umthetho ufakela iziphumo ezimisela ngumntu owenza isenzo.

Izenzo zomthetho zingacalanye okanye zibe macala-maninzi. Isenzo esicalanye senziwa ngokuzeleyo ngumntu omnye, umz. ukwenza umyolelo okanye umnikelo. Isenzo somthetho esimacala-maninzi senziwa ngabantu abangaphezu komnye, umz. ukusonga isivumelwano okanye umtshato.

Umthetho wesivumelwano

Usisahlulo esiphantsi komthetho wezibophelelo ojongene namalungelo omntu kunye nezibophelelo ezihamba nawo. Maxawambi uthatyathwa njengesahlulelo somthetho worhwebo kuba ukusongwa kwesivumelwano kudlala indima ebalulekileyo kurhwebo. Ezinye iinkalo zomthetho wesivumelwano osetyenziswayo zezi: umthetho we-arhente, umthetho wentengo, umthetho wokuqeshisa, umthetho wolwahlulelwano, umthetho wesibambiso.

Umthetho wobunini bezindlu

Uchaphazela ngakumbi ukubhaliswa kwempahla engenakususwa, uphuculwe kumthetho wempahla njengenkalo ekhethekileyo yomthetho worhwebo.

Umthetho wokutyeshelwa komthetho

Ubeka imimiselo eyimfuneko ukuze kube kwenzekile ukutyeshelwa komthetho, ulawula amalungelo obuntu nezibophelelo.

Umthetho olawula ubunini bokuyila

Lo mthetho usisahlulo esingaphantsi komthetho ophathelele kwilifa elinento yokwenza namalungelo kwibango lobungqondi kunye nezibophelelo ezihamba nawo. Le nkalo yomthetho ijongene ikakhulu nemibuzo yokukhuselwa kwamagunya obunini, ilungelo elisemthethweni lomsunguli, ilungelo lobumnini kokubhaliweyo kunye neempawu zorhwebo.

Afrikaans

Regshandelinge

Dit is regmatige handelinge wat regte en verpligtinge skep, wysig of beëindig, en waaraan die reg dieselfde gevolge koppel wat deur die persoon wat die handeling uitvoer, voor oë gestel word.

Regshandelinge kan eensydig of meersydig wees. 'n Eensydige handeling word ten volle deur slegs een persoon uitgevoer, bv. wanneer 'n testament opgestel of 'n donasie gemaak word. Meer as een persoon is nodig om 'n meersydige regshandeling uit te voer, bv. om 'n kontrak of huwelik te sluit.

Kontraktereg

Die onderafdeling van die verbintenisreg wat oor persoonlike regte en hulle gepaardgaande verpligtinge handel. Dit word soms as 'n onderafdeling van handelsreg beskou omdat die aangaan van kontrakte 'n belangrike rol in handel speel. Ander velde van toegepaste kontraktereg is verteenwoordigingsreg, koopkontrakte, huurkontrakte, vennootskappe en borgstelling.

Aktesreg

Behels hoofsaaklik die registrasie van onroerende eiendom, en het uit die eiendomsreg as 'n gespesialiseerde veld van handelsreg ontwikkel.

Deliktereg

Skryf die vereistes voor vir die pleeg van delikte, en reël persoonlike regte en verpligtinge.

Immateriële / goederereg

Die onderafdeling van die vermoënsreg wat met immateriële-goedereregte en die gepaardgaande verpligtinge gemoeid is. Hierdie regsgebied handel hoofsaaklik oor kwessies soos patente, outeursreg en handelsmerke.

English

Law of obligation

Subdivision of the law relating to patrimony that has to do with personal rights and their concomitant obligations. It is further subdivided into the law of contract.

Law of personality

This law regulates the origin, content, transfer and termination of personality rights and their concomitant duties, and makes provision for the protection of these rights and enforcing the duties mentioned by means of the civil process.

Law of persons

Defines the legal subject and his/her legal subjectivity. It is a subdivision of private law that regulates the creation and termination of legal subjectivity and the status of persons.

Law of succession

Regulates the management of a legal subject's estate (or patrimony) after his/her death, and is therefore a subdivision of the law relating to patrimony that overlaps with other subdivisions of the law relating to patrimony for certain purposes. The law of succession also stipulates the requirements for making a valid will.

Law of taxation

Deals with the legislative measures a government takes in order to collect taxes. It forms part of administrative law, but since tax plays a crucial role in business activities, taxation law is seen as commercial law.

Law of unjustified enrichment

Deals with a benefit by chance, mistake or other misfortune, for which the one enriched has not paid / worked and which morally and ethically he/she should not keep.

isiXhosa

Umthetho wesibophelelo

Usisahlulo esiphantsi komthetho ophathelele kwilifa elininto yokwenza namalungelo omntu kunye nezibophelelo ezihamba noko. Uphinde waba ngumthetho wesivumelwano.

Umthetho wobuntu

Lo mthetho ulawula imvelaphi, isiqulatho, ukudluliswa nokubhangiswa kwamalungelo obuntu kwanezibophelelo ezihamba nawo, wenza ulungiselelo lokukhuselwa kwala malungelo kwanokunyanzelisa izibophelelo ezikhankanywe ngeendlela zenkqubo yoluntu.

Umthetho wabantu

Uchaza umntu ophantsi komthetho nokuba phantsi komthetho. Usisahlulo esiphantsi komthetho wabucala olawula ukudalwa nokubhangiswa kokuba phantsi komthetho nesikhundla sabantu.

Umthetho wamafa

Ulawula ilifa lomntu akuba ebhubhile, uthi ngoko ube sisahlulo esiphantsi komthetho ophathelele kwilifa, ongenana nezinye izahlulelo eziphantsi komthetho ophathelele kwilifa ngezizathu ezithile. Umthetho wamafa ukwabeka iimfuneko zokwenziwa komyolelo osemthethweni.

Umthetho worhafiso

Ujongene namanyathelo asemthethweni athatyathwa ngurhulumente ekuqokeleleni iirhafu. Lo mthetho wenza inxalenye yomthetho wolawulo, kodwa kuba irhafu idlala indima ebalulekileyo kushishino, umthetho worhafiso ubonwa njengomthetho worhwebo.

Umthetho othintela ukuzityebisa ngokungekho mthethweni

Inzuzo efunyanwa ngebhaqo, ngempazamo okanye ngelishwa, ethi lowo oyifumanayo abe engayihlawulelanga / engayisebenzelanga kwaye engamele kuyigcina ngokomthetho wokuziphatha.

Afrikaans

Verbintenisreg

Onderafdeling van die vermoënsreg wat betrekking het op vorderingsregte en die gepaardgaande verpligtinge. Dit word verder in kontraktereg onderverdeel.

Persoonlikheidsreg

Hierdie reg reguleer die oorsprong, inhoud, oordrag en beëindiging van persoonlikheidsregte en die gepaardgaande pligte, en maak voorsiening vir die beskerming van hierdie regte en die uitvoering van die vermelde pligte deur die siviele proses.

Personereg

Omskryf die regs subjek en sy/haar regs subjektiwiteit. Dit is 'n onderdeel van die privaatreë wat die skep en beëindiging van regs subjektiwiteit en die status van persone reël.

Erfreg

Reguleer die bestuur van 'n regsonderdaan se boedel (of vermoë) ná sy/haar dood, en is daarom 'n onderafdeling van die vermoënsreg wat vir sekere doeleindes met ander onderafdelings van vermoënsreg ooreenstem. Erfreg lê ook die vereistes vir die opstel van 'n geldige testament neer.

Belastingreg

Behels wetgewende maatreëls wat die regering tref om belasting in te vorder. Dit vorm deel van administratiewereg, maar aangesien belasting 'n belangrike rol in sake-aktiwiteite speel, word belastingreg as deel van handelsreg beskou.

Verrykingsreg

Is gemoeid met 'n voordeel wat per toeval, 'n fout of ander ongeluk iemand verryk wat nie daarvoor betaal of gewerk het nie, en dit nie volgens sedelike en etiese beginsels behoort te hou nie.

English

Law of wardship / curatorship

Regulates the relationship between child and parent, or between minor child and guardian. The legal rules regarding the supervision of mentally ill people are also sometimes included hereunder.

Law relating to patrimony

Regulates or organises the origin, content, transfer and termination of patrimonial rights and duties, and makes provision for the protection of these rights and enforcement of the concomitant duties by means of civil process.

Lawful acts

They are acts in accordance with the precepts of positive law, which fall into the following categories:

- juristic acts
- procedural acts
- power-exercising acts
- duty-observing acts and
- lawful acts in public law

Lawful acts in public law

The acts that have been referred to thus far primarily fall in the domain of private law. However, government as well as its subjects can naturally also act lawfully in the domain of public law, and thus exercise its public law capacities. A police officer may for example lawfully arrest somebody, or a citizen may vote in a general election.

Natural events

Occur due to the influence of natural forces or the behaviour of animals, for example A is born, B dies, the wind blows the roof off C's house, D's dog bites E.

isiXhosa

Umthetho wobulindi / ubugcini

Ulawula ubudlelwane obuphakathi komntwana nomzali okanye phakathi komntwana nomgcini. Imithetho esemthethweni emayela nokonganyelwa kwabantu abangaphilanga kakuhle engqondweni, maxawambi, nayo iqukwa kulo mthetho.

Umthetho ophathelele kwilifa

Ulawula okanye ulungiselela imvelaphi, isiqulatho, ukudluliswa nokubhangiswa kwamalungelo elifa nemisebenzi, wenze ulungiselelo lokukhuselwa kwala malungelo kwanokunyanzela izibophelelo ezihamba nawo ngeendlela zeenkqubo zabemi.

Izenzo ezisemthethweni

Zizenzo ezihambelana nemiyalelo yomthetho ovumayo, eziwela kwezi ndidi zilandelayo:

- izenzo zomthetho
- izenzo zenkqubo
- izenzo zokusetyenziswa kwamandla
- izenzo zokuzalisekisa imfanelo
- izenzo ezisemthethweni kumthetho woluntu

Izenzo ezisemthethweni kumthetho woluntu

Izenzo ezibizwa ngolo hlobo okwangoku, ikakhulu zikulawulo lomthetho wemicimbi yasekhaya. Urhulumente kwanabantu abaphantsi kwakhe bangenza ngokusemthethweni kulawulo lomthetho woluntu, ngokwenjenjalo babe basebenzisa izikhundla zabo zomthetho woluntu. Umzekelo, ipolisa lingabamba umntu ngokusemthethweni okanye ummi angavota kuvoto lukawonke-wonke, njl-njl.

Iziganeko zendalo

Zehla ngenxa yeempembelelo zamandla endalo okanye indlela yokuziphatha kwezilwanyana, umzekelo, u-A uzelwe, u-B uyafa, umoya uncothulela kude uphahla lwendlu ka-C,inja ka-D ilumla u-E.

Afrikaans

Voogdyreg/kuratorskap

Reguleer die verhouding tussen 'n kind en ouer, of tussen minderjarige kind en voog. Die regsreëls betreffende toesig oor geestesongestelde persone word ook soms hierby ingesluit.

Vermoënsreg

Reguleer of organiseer die oorsprong, inhoud, oordrag en beëindiging van vermoënsregte en -pligte, en maak ook voorsiening vir die beskerming van hierdie regte, en die uitvoering van die gepaardgaande verpligtinge deur die siviele proses.

Regmatige handeling

Dit is handeling wat ooreenstem met die voorskrifte van die positiewe reg, wat in die volgende kategorieë val:

- regshandeling
- prosesvoeringshandeling
- bevoegdheidshandeling
- plighandeling
- regmatige handeling in publiekreg

Regmatige handeling in die publiekreg

Die handeling waarna daar tot dusver verwys is, val hoofsaaklik op die gebied van privaatreë. Die regering en sy onderdane kan egter ook regmatig in die domein van die publiekreg optree, en dus hulle publiekregtelike bevoegdhede uitoefen. 'n Polisiebeampte kan byvoorbeeld iemand regmatig arresteer, of 'n burger kan in 'n algemene verkiesing stem.

Natuurlike gebeurtenisse

Vind plaas weens die invloed van natuurkragte of die gedrag van diere, byvoorbeeld A word gebore, B gaan dood, die wind waai die dak van C se huis af, D se hond byt vir E.

English

Objective juristic acts

These are juridically relevant events that cannot be ascribed to legal subjects (occur outside of the human will) but nevertheless create, amend or terminate legal relationships, capacities as well as legal subjectivity and legal status as such.

Such events fall into the following categories:

- natural events,
- the acts of non-accountable people, and
- conditions

Power-exercising acts

Lawful acts whereby the powers deriving from subjective rights are exercised, for example A lives in/rents/sells his/her house.

Private international law / conflict of laws

Helps to determine which legal system's laws are to be applied in cases where legal subjects from different countries become involved in a dispute, or where the events which gave rise to the dispute occurred in different countries.

Procedural acts

Acts performed by parties in connection with and during civil litigation, such as process and bringing an interim application to court.

Property law

Subdivision of the law relating to patrimony that is concerned with real rights and their concomitant duties.

isiXhosa

Izenzo zezinto ezinganakumangalelwa

Ezi ziziganeko zomthetho ezinganakubalelwa kubantu bomthetho (zenzeka ngokungaphaya kwentando yomntu), kodwa nangona kunjalo zidala, zilungise okanye zibhangise ubudlelwane bomthetho, izikhundla kwangokunjalo zixhomekeke kumthetho nakwisikhundla somthetho ngokunjalo.

Iziganeko ezinjalo ziwela kwezi ndidi zilandelayo:

- iziganeko zendalo,
- izenzo zabantu abangenakubalelwa butyala,
- iimeko

Izenzo zokusetyenziswa kwamandla

Zizenzo ezisemthethweni apho kusetyenziswa amandla aphuma kumalungelo omntu, umz. u-A uhlale endlwini yakhe/uqeshisa ngendlu yakhe/uthengisa indlu yakhe.

Umthetho wabucala wezizwe zehlabathi / imithetho yembambano

Unceda ukumisela ukuba yeyiphi na imithetho yenkqubo yomthetho emayisetyenziswe kwiimeko apho abantu abavela kumazwe ahlukeneyo bathi baxabane okanye apho iziganeko ezidala ingxabano zenzeka kumazwe ahlukeneyo.

Izenzo zenkqubo

Izenzo ezenziwa ngamaqela ngokuphathelele nexesha lokumangalelana koluntu, ezinjengokudlulisela amaphepha enkundla kunye nokuzisa isicelo sethutyana enkundleni.

Umthetho wempahla okanye umthetho wezinto

Umthetho wempahla licandelwana eliphantsi komthetho ophathelele kwilifa elichaphazela amalungelo okwenene kunye nezibophelelo ezihamba nawo.

Afrikaans

Objektiewe regsfeite

Dit is juridies relevante gebeurtenisse wat nie aan regssubjekte toegereken kan word nie (wat buite die menslike wil plaasvind) maar wat nietemin regsverhoudinge, bevoegdhede asook regsobjektiwiteit en status kan skep, wysig of beëindig.

Sulke gebeure val in die volgende kategorieë:

- natuurlike gebeure;
- handelinge van ontoerekeningsvatbare persone;
- en toestande

Bevoegdheidshandeling

Regmatige handelinge waardeur die bevoegdhede wat van subjektiewe regte afgelei is, uitgeoefen word, byvoorbeeld A bly in/huur/verkoop sy/haar huis.

Internasionale privaatreg

Help om te bepaal watter land se regstelsel toegepas moet word in gevalle waar regsonderdane van verskillende lande betrokke is in 'n geskil, of waar die gebeure wat tot die geskil aanleiding gegee het, in verskillende lande plaasgevind het.

Prosesvoeringshandeling

Handelinge wat deur partye uitgevoer word met betrekking tot en tydens siviele litigasie, soos die instel van 'n aksie of 'n tussentydse aansoek by die hof.

Sakereg

Onderafdeling van vermoënsreg met betrekking tot werklike regte en hulle gepaardgaande pligte.

English

Public international law

Regulates the mutual relations between sovereign independent states. It is regarded as public law in the sense that states (as bearers of political authority) are its subjects.

From this law stems the following subdivisions:

- a) conventional international law – which sets norms for the protection of human rights that have developed particularly since the World War II; and
- b) humanitarian law.

Public law

In terms of public law, a government/state acts with power or authority. Public law regulates the relationship between the state (as bearer of state authority) and the state's subjects (as subservient to that authority), as well as the mutual relationship between state or government bodies and states themselves.

Subjective juristic facts: human acts

Subjective juristic facts are events that occur through the instrumentality of human beings, i.e. the acting person must be accountable for the act. He/she must be able to foresee and understand the consequences of his/her acts. If it is an unlawful act, he/she must be able to distinguish between right and wrong.

The acts of non-accountable people

Certain categories of people may physically perform certain acts, for which they are not held legally accountable, but which may in fact be the direct cause of legal consequences. For example, if a mentally ill person stabs someone to death, all the legal consequences of that death come into effect.

Traditional classification of law

The division of law that proceeds from the basic distinction between public law and private law.

isiXhosa

Umthetho wabantu bezizwe

Ulawula ubudlelwane obufanayo phakathi kwamazwe azimeleyo. Ngumthetho woluntu ngendlela yokuba amazwe (njengabathwali begunya lopolitiko) aphantsi kwawo.

Phantsi kwalo mthetho kuphuma ezi ndidi zemithetho zilandelayo:

- a) umthetho wemvumelwano yezizwe zehlabathi – omisela ukukhuselwa kwamalungelo abantu owaphuhliswa ukususela kwiMfazwe yeSibini yeHlabathi,
- b) umthetho wentlalontle yabantu.

Umthetho woluntu

Kulo mthetho urhulumente (abo bongamele ilizwe) usebenzisa amandla okanye igunya. Izimiselo zoluntu zilawula ubudlelwane obuphakathi kwelizwe (njengomthwali wegunya lelizwe) nabaphantsi kwalo (njengabaphantsi kwelo gunya). Bakwalawula ubudlelwane obufanayo phakathi kwelizwe okanye amasebe karhulumente kunye nezizwe phakathi kwezinye.

Iinyaniso zomntu womthetho: izenzo zomntu

Iinyaniso zomntu womthetho ziziganeko ezenzeka ngenxa yomntu, okt umntu owenzayo kufuneka abe noxanduva lwesenzo. Kufuneka asibone kwangaphambili kwaye asiqonde isiphumo sesenzo sakhe. Ukuba sisenzo esingekho mthethweni, makakwazi ukwahlula phakathi kokulungileyo nokungalunganga.

Izenzo zabantu abangenakusoleka

Iindidi ezithile zabantu zingenza izenzo ezithile zezandla ezingenakubalelwa kubo ngokomthetho, kodwa zibe zingunobangela othe ngqo weziphumo zomthetho. Umz. ukuba umntu ophambeneyo ngokwasengqondweni uhlabisa umntu ngemela afe, zonke iziphumo zoko kufa ziyaqala ukusebenza.

Ukukhulwa komthetho

Ukwahlulwa komthetho kususela kumahluko ongundoqo phakathi komthetho woluntu nomthetho wabucala.

Afrikaans

Volkereg

Reguleer die onderlinge verhoudinge tussen soewerein onafhanklike state. Dit word as publiekreg beskou in dié sin dat state (as draers van politieke gesag) die onderdane daarvan is.

Uit hierdie reg spruit die volgende onderafdelings:

- a) konvensionele volkereg – wat norme neerlê vir die beskerming van menseregte wat veral sedert die Tweede Wêreldoorlog ontwikkel het; en
- b) humanitêre reg.

Publiekreg

Ingevolge die publiekreg tree 'n regering/staat as maghebber of gesagsliggaam op. Die publiekreg reël die verhouding tussen die staat (as gesagsdraer) en staatsonderdane (as gesagsonderhoriges), asook die onderlinge verhouding tussen staats- of owerheidsliggame en state self.

Subjektiewe regsfeite: menslike handelinge

Subjektiewe regsfeite is gebeure wat deur die toedoen van mense plaasvind, d.w.s. die handelende persoon moet vir die handeling aanspreeklik wees. Hy/sy moet die gevolge van sy/haar handeling kan voorsien en verstaan. Indien dit 'n onregmatige handeling is, moet hy/sy daartoe in staat wees om tussen reg en verkeerd te onderskei.

Handelinge van ontoerekeningsvatbare persone

Sekere kategorieë mense kan sekere fisiese handelinge uitvoer waarvoor hulle nie regs aanspreeklik gehou word nie, maar wat inderdaad die direkte oorsaak van regsgevolge is. Indien 'n sielsieke byvoorbeeld iemand met 'n mes doodsteek, tree al die regsgevolge van die dood in werking.

Tradisionele indeling van reg

Die indeling van die reg wat uit die basiese onderskeid tussen die publiekreg en privaatrek spruit.

English

Unlawful acts

Acts in conflict with legal precepts or requirements that usually involve the violation of rights and/or the failure to fulfil obligations, including:

- delicts;
- crimes;
- acts that are unlawful only for certain purposes; and
- acts that are lawful but are in conflict with provisions of the law.

isiXhosa

Izenzo ezingekho mthethweni

Zizenzo ezikhabana nemiyalelo okanye iimfuneko zomthetho, ezidla ngokudibanisa ukutyeshelwa kwamalungelo kunye/okanye ukusilela ukuzalisekisa izibophelelo:

- utyeshelo lwemithetho;
- ulwaphulo-mthetho;
- izenzo ezingekho mthethweni ngezizathu ezithile kuphela;
- izenzo esingezizo ezingekho mthethweni kodwa ezikhabana nezibophelelo zomthetho.

Afrikaans

Onregmatige handelinge

Handelinge in stryd met regsvoorskrifte en -vereistes wat gewoonlik die skending van regte en/of die versuim om verpligtinge na te kom behels, insluitend:

- delikte;
- misdade;
- handelinge wat slegs vir sekere doeleindes onregmatig is; en
- regmatige handelinge wat in stryd is met bepalinge van die reg.

Family law
Umthetho weeNtsapho
Familiereg

English**isiXhosa****Afrikaans****Ab initio**

From the beginning / the start.

Ab initio

Ukusuka ekuqaleni / isiqalo.

Ab initio

Van die begin af / die begin.

Abrogate

To annul, to cancel; to make a law void by legislative repeal.

Ukubhangiswa

Ukutshitshisa, ukuphelisa; ukwenza umthetho ube lilize ngokubhangisa uwiso-mthetho.

Afskaf

Om op te hef, te kanselleer; om 'n wet nietig te verklaar deur dit te herroep.

Access

A parent may, following divorce proceedings on the making of a custodianship order, be given a right of access by the court to see his/her child(ren).

Ukunikezwa kwelungelo

Emva koqhawulo-mtshato umzali unikwa yinkundla ilungelo lokufikelela ebantwaneni okanye lokubona abantwana.

Toegang

'n Ouer mag, ná die egskeidingsproses oor 'n toesigbevel, deur die hof toegangsreg gegee word om sy/haar kind(ers) te besoek.

Accrual

Growing or adding interest on a debt or investment that continues to accumulate.

Ukuhluma kwenzala

Ukuhluma/ukongezelela inzala esikweletini/uzaliso-mali oluqhubekeka nokwanda.

Aanwas

Groei of byvoeging van rente op skuld of belegging wat aanhou ooploop.

Accrual system

To accumulate, to grow, to happen, with regard to a cause of action or specific legal claim; to come into existence as an enforceable claim.

Inkqubo yolwahlulelwano

Kulapho ilifa labatshatileyo lithi likhule, kuze kuthi xa bewuchitha umtshato bahlulelane ngesixa somahluko phakathi kwemali umyeni nomfazi angene nayo emtshatweni, naleyo bathe bayenza bekunye.

Aanwasbedeling

Om op te loop, te groei, aan iemand toe te val met betrekking tot 'n skuldoorsaak of 'n bepaalde wettige eis; om as 'n afdwingbare eis te ontstaan.

Actio iniuriarum

Action resulting from derogation of personality.

Actio iniuriarum

Inyathelo elithatyathwa ngenxa yokuthotywa kwesidima somntu othile.

Actio iniuriarum

Geding vanweë skending van persoonlikheid.

Adoption

An act by which the rights and duties of the natural parents of a child are extinguished, and equivalent rights and duties become vested in the adopters, to whom the child then stands in all respects as if born to them in lawful wedlock.

Isenzo sokwamkelwa njengomntwana

Isenzo sokupheliswa kwamalungelo noxanduva lwabazali bemveli, athi anikezelwe ngokulinganayo ezandleni zabazali babumini, abathi bona bammele umntwana ngandlela zonke ngokungathi uzelwe ngabo ngokomtshato osemthethweni.

Aanneming

'n Handeling waardeur die regte en verpligtinge van die natuurlike ouers van 'n kind nietig verklaar word, en gelykstaande regte en verpligtinge oorgaan na die aanneemouers, teenoor wie die kind dan in alle opsigte is asof hy/sy vir hulle binne 'n wettige huwelik gebore is.

Adultery

Voluntary sexual intercourse between a married person and another person, who is not his/her married spouse.

Ukrexezo

Ukwabelana ngesondo okwenzeka ngemvumelwano phakathi komntu otshatileyo nomnye umntu angatshatanga naye.

Owerspel

Vrywillige seksuele omgang tussen 'n getroude persoon en 'n ander persoon wat nie sy/haar huweliksmaat is nie.

Affidavit

A statement in writing and on oath, sworn before a person with authority to administer it. The person who makes the statement is called the affiant.

Ingxelo efungelweyo

Ingxelo ebhaliweyo efungelweyo, ifungelwa phambi komntu ongunya lokuyilawula. Umntu owenza le ngxelo kuthiwa ngumfungi.

Beëdigde verklaring

'n Skriftelike verklaring wat onder eed afgeneem word deur 'n persoon met die nodige gesag om dit te doen.

English**Alienate**

To transfer title / ownership to somebody else.

Animus iniurandi

The intention of offending someone.

Annulment

To make void, to dissolve that which once existed, e.g. to annul the bond of matrimony. A marriage that is annulled is *void ab initio* as opposed to a marriage that is dissolved by a decree of divorce.

Antenuptial contract

Contract before marriage.

Appellant

The party who appeals a trial court decision after having lost a case.

Assets

Property that has monetary value, including articles with only sentimental value (particularly in the estates of the dead).

Bequest

A disposition by will of personal property; a legacy / a gift of personal property contained in a will.

Bigamy

The offence of marrying a second time by someone who has a husband/wife still living without being divorced.

Bona fide

Good faith, without fraud or deceit.

Canon law

Law of the Christian Church.

Capacity to act

Having legal authority or mental ability to act.

isiXhosa**Unikezelo-lifa**

Ukugqithisela ilifa komnye umntu.

Animus iniurandi

Injongo yokukhubekisa umntu.

Ukutshitshiswa komtshato

Ukwenziwa ilize nokuchitha oko kwakha kwakho, okunjengokuchitha ikhonkco lomtshato. Umtshato otshitshisiweyo uba *void ab initio* kwasekuqaleni xa uthelekiswa nomtshato ochithwe ngokwesigwebo soqhawulo-mtshato.

Isivumelwano somtshato

Isivumelwano saphambi komtshato.

Umbheni

Umntu owenza isibheni kwisigwebo senkundla esimlahlileyo.

Izinto onazo

Iimpahla ezinexabiso lemali, kuquka izinto ezinexabiso lokuzibuka kuphela (ingakumbi kwilifa lomntu ongasekhoyo).

Ulwabiwo-lifa

Ukwabiwa kwelifa lomntu ngokomyolelo; ilifa / isipho selifa somntu esiqulethwe kumyolelo.

Ukutshata kabini ngaxeshanye

Ityala lokutshata okwesibini, ngelixa ubani anomyeni/inkosikazi esaphilayo kwaye nomtshato bengawuqhawulanga.

Bona fide

Ngokunyanisekileyo, ngaphandle kokuqhatha / inkohlakalo okanye inkohliso.

Umthetho wecawe

Umthetho weCawe yobuKrestu

Amandla engqiqo yasemthethweni

Ukuba negunya lomthetho okanye ingqiqo yokuphatha ityala.

Afrikaans**Vervreemding**

Om titel / eienaarskap aan iemand anders oor te dra.

Animus iniurandi

Die opset om iemand te na te kom.

Nietigverklaring

Om iets nietig te maak/te ontbind wat eens bestaan het, bv. om 'n huwelik nietig te verklaar. 'n Huwelik wat nietig verklaar word, is ongeldig *ab initio* vergeleke met 'n huwelik wat deur 'n egskeidingsbevel ontbind word.

Voorhuwelikse kontrak

'n Kontrak wat voor die huwelik gesluit word.

Appellant

Die party wat teen 'n beslissing van die hof appelleer nadat hy/sy die saak verloor het.

Bates

Eiendom met monetêre waarde, insluitend artikels met slegs sentimentele waarde (veral in bestorwe boedels).

Bemaking

'n Testamentêre beskikking van persoonlike eiendom; 'n legaat / geskenk van persoonlike eiendom wat in 'n testament vervat is.

Bigamie

Wanneer 'n persoon 'n tweede keer trou terwyl hy/sy reeds 'n wettige, lewende man/vrou het van wie hy/sy nie geskei is nie.

Bona fide

Goeie trou, sonder bedrog of misleiding.

Kanonieke reg

Reg van die Christelike kerk.

Handelingsbevoegdheid

'n Persoon met die regs- of verstandelike bevoegdheid om regshandeling uit te voer.

English

Chastisement

The common law right of a parent / teacher / other person having the lawful control to administer punishment was preserved by the Children and Young Persons Act of 1933, Section 1(7).

Civil actions

Any lawsuits relating to civil matters and not criminal prosecutions.

Community of property

A state in which spouses hold property that is acquired during marriage (other than property acquired by inheritance or individual gifts).

Compos mentis

Of sound mind; able to go to trial.

Condition

A term / requirement stated in a contract that must be met for the other party to have the duty to fulfil his/her obligations.

Consanguinity

Relationship by blood / descent from common ancestor, whether male or female.

Consortium

The companionship of a spouse. If a spouse is injured / emotionally distressed through the fault of another, a possible claim could include the value of the spouse's services or companionship that was lost due to the accident.

Contractual obligation

Does not refer to any duty that arises from the contract itself, but to the legal requirements that bind the contracting parties to the performance of the undertaking.

isiXhosa

Ilungelo lokohlwaya

Ilungelo lomzali / likatitshala/ lomnye umntu lokuba nolawulo olusemthethweni lokusebenzisa isohlwayo lagcinwa nguMthetho waBantwana naBantu aBatsha we-1933, isiqendu 1(7).

Izimangalo zoluntu

Nasiphi na isimangalo esiphathelene nemiba yoluntu, nesingesiso esotshutshiso lolwaphulo-mthetho.

Ubunini obudibeneyo bempahla

Imeko apho bathi abatshati babe nebango lepropati elifunyenwe ngexesha labo lomtshato (ngaphandle kwebango elifunyenwe ngokushiyelwa ilifa okanye ngokuphiwa isipho ngumntu).

Compos mentis

Ukuba sezingqondweni eziphileleyo ngohlobo lokuba ungajongana nezityholo.

Umqathango wesivumelwano

Umqathango oxelwe kwisivumelwano nomelwe kukuhlangatyezwa ukuze omnye umntu akwazi ukuzalisekisa izibophelelo zakhe.

Ulwalamano ngegazi

Uzalwano ngegazi / isinyanya esingunozala womnombo nokuba sesiyindoda okanye sesingumfazi.

Ilungelo lobudlelwane basemtshatweni

Xa umntu otshatileyo ethe wonzakala ngendlela yokuba angakwazi ukunika usapho iimfanelo zalo elinye iqabane liyakwazi ukunyanzelisa umenzi ukuba akuhlawulele oko.

Iimfanelo zesivumelwano

Igama elingabhekiselele kuyo nayiphi na imfanelo evela kubuqu besivumelwano, koko iimfanelo ezisemthethweni ezidibanisa amaqela avumelanayo kuphumezo lwesibhambathiso.

Afrikaans

Straf

Die gemenegereg-bevoegdheid van 'n ouer / onderwyser / ander persoon om straf toe te dien, was verskans in artikel 1(7) van die Wet op Kinders en Jong Persone, 1933.

Siviele geding

Enige hofgeding oor siviele sake en nie strafprosedures nie.

Gemeenskap van goed

'n Huweliksbedeling waarin albei gades die eiendom besit wat tydens die huwelik bekom is (buiten eiendom bekom deur erfenis of individuele geskenke).

Compos mentis

By jou volle verstand; verhoorbevoeg.

Voorwaarde

'n Voorwaarde / vereiste in 'n kontrak waaraan voldoen moet word alvorens die ander party sy/haar verpligtinge hoef na te kom.

Bloedverwantskap

Verwantskap deur bloed / afstamming van 'n gemeenskaplike voorouer, hetsy manlik of vroulik.

Konsortium

'n Gade se geselskap of kameraadskap. Indien 'n gade deur 'n ander persoon se fout beseer / ontstel word, kan 'n moontlike eis die waarde van die gade se dienste of geselskap insluit wat weens die ongeluk verloor is.

Kontraktuele verpligting

Verwys nie na enige verpligting wat uit die kontrak self spruit nie, maar die wetsvereistes wat die partye in die kontrak tot die uitvoering van die onderneming verbind.

English

Curator

A person entrusted with the charge of an estate, or with the conduct of a minor, who is past the age of pupilage, or with the management of a lawsuit.

Damages

A cash compensation ordered by a court to offset losses / suffering caused by another's fault or negligence.

Debentures

A written acknowledgement of a debt with a promise to pay; financial obligations of corporations are often bought and sold as investments.

Defendant

One who is being sued in a civil case by another private individual, and who is able to contest the action by offering a legally recognised excuse.

Delict

Violation of the law.

Delictual

Of or relating to a violation of law.

Delivery

A legally recognised handing over of one's possessory rights to another.

Dependant

A person who to some extent depends on others for the provision of the ordinary necessities of life.

Desertion

An abandonment of a wife/husband, i.e. a matrimonial offence.

Discretion

The power of a judge / public official to make decisions on various matters based on his/her opinion within general guideline.

isiXhosa

Umgcini

Umntu ophathiswe ulawulo lwelifa, okanye lwempatho yomntwana ongekafikeleli kubuntu obudala, okanye ulawulo lwesimangalo.

Iimali zembuyekezo

Imali eyimbuyekezo ngokuyalelwa yinkundla ukuba ilinganise ilahleko / imbulaleko ebangwe yimposiso okanye kukungakhathali kothile.

Imvumo-sikweleti

Isivumo esibhaliweyo sesikweleti nesithembiso sokusihlawula; iimfanelo zemali zamaqumrhu ezisoloko zithengwa zibuye zithengiswe njengozaliso-mali.

Ummangalelwa

Ngulo umangalelwayo kwityala loluntu kwaye unako ukuphikisana nesimangalo ngokunika ubungqina obusisizathu esisemthethweni.

Utyeshelo-mthetho

Ukutyeshelwa komthetho.

Okotyeshelo-mthetho

Okuphathelile kutyeshelo lomthetho.

Unikezelo-malungelo

Ukunikezelwa ngokusemthethweni kwamalungelo ebango lomntu othile komnye.

Umxhomekeki

Umntu othi ngohlobo oluthile axhomekeke kwabanye ngobonelelo lweemfuneko eziqhelekileyo zokuphila.

Ukulahlwa

Ukulahlwa komfazi/komyeni; oku kulityala ngokomthetho womtshato.

Ukugweba ngokwengqiqo

Amandla omgwebi / egosa loluntu okwenza izigqibo kwimibandela eyahlukeneyo nesekwe kuluvo lwakhe ngokungaphakathi kwezikhokelo zomthetho.

Afrikaans

Kurator

'n Persoon aan wie die beheer van 'n boedel, die sorg vir 'n minderjarige bo die ouderdom van pupilskap, of die bestuur van 'n hofgeding toevertrou is.

Skadevergoeding

'n Kontantvergoeding per hofbevel om vir skade / lyding weens 'n ander se fout of nalatigheid te vergoed.

Obligasie

'n Skriftelike skulderkennis met die belofte om te betaal; finansiële obligasies van korporasies word dikwels as beleggings gekoop en verkoop.

Verweerder

Persoon wat in 'n siviele saak deur 'n ander privaat individu gedagvaar word, en wat in staat is om die geding teen te staan deur 'n wettig erkende verweer aan te voer.

Delik

Oortreding van die wet.

Deliktueel

Met betrekking tot die oortreding van die wet.

Lewering

'n Regserkende oorhandiging van 'n eienaar se eiendomsreg aan iemand anders.

Afhanklike

'n Persoon wat in 'n sekere mate van ander afhanklik is vir die voorsiening van algemene lewensnoodsaaklikhede.

Verlating

Agterlating van 'n huweliksmaat, d.w.s. 'n huweliksoortreding.

Diskresie

Die bevoegdheid van 'n regter of staatsampenaar om, op grond van sy/haar mening en binne algemene regsriglyne, besluite oor verskeie sake te neem.

English

Discrimination

Unequal treatment of persons, for a reason that has nothing to do with legal rights or ability.

Dissolution of marriage

Termination of the legal relationship between persons formally joined by marriage or partnership.

Divorce

Termination of a marriage otherwise than by death or annulment. A petition for divorce might be formerly presented to the High Court by a husband/wife on the grounds of adultery, desertion, cruelty or insanity.

Donor

The person who donates property to the benefit of another.

Duress

Where a person is prevented from acting (not acting) according to his/her free will, by threats or force of another.

Equality clause

The right to equal treatment (with the same concern and respect) enshrined in the Bill of Rights.

Error in negotio

When a contract is invalidated because the parties are not *ad idem* (of the same mind) about the nature of the contract.

Fideicommissum

When a property is bequeathed in trust, usually entailing a successive right to the property.

Fraudulent

With the intention to defraud.

isiXhosa

Ukucalu-calula

Ukuphathwa kwabantu ngokungalinganiyo, ngesizathu esingenanto yakwenza namalungelo / nobuchule bomthetho.

Ubhangiso-mtshato

Ukupheliswa kobudlelwane basemthethweni babo bantu bebefudula bedityaniswe ngumtshato / bubulingane.

Uqhawulo-mtshato

Ukupheliswa komtshato ngandlela yimbi ngaphandle kokufa okanye ukutshitshiswa. Isicelo soqhawulomtshato singangeniswa ngokusesikweni kwiNkundla ePhakamileyo ngumyeni/ngumfazi phantsi kwesizathu sokukrexeza, ukulahlwa, inkohlakalo, okanye impambano.

Umnikeli-lifa

Umntu onikela ngelifa ukuba lixhanyulwe ngomnye umntu.

Unyanzelo

Apho ubani athintelwa ukuba enze (angenzi) ngokwentando yakhe, kuba esoyikiswa okanye enyanzelwa ngomnye.

Impatho ngokulinganayo

Ukuphathwa komntu wonke ngenkathalo nangentlonipho efanayo.

Error in negotio

Akukho sivumelwano kuba amaqela akakho *ad idem* ngobume besivumelwano.

Fideicommissum

Umyolelo okwitrasti.

Ubumenemene

Iinjongo zokuqhatha / zokudyobha ngentshongo emehlweni.

Afrikaans

Diskriminasie

Ongelyke behandeling van persone om 'n rede wat niks met wettige regte of vermoë te doen het nie.

Ontbinding van 'n huwelik

Beëindiging van die wettige verhouding tussen persone wat formeel deur 'n huwelik of vennootskap verbind is.

Egskeiding

Beëindiging van 'n huwelik buiten deur dood of nietigverklaring. Een huweliksmaat kan op grond van die ander huweliksmaat se owerspel, verlating, wreedheid of kranksinnigheid formeel 'n petisie vir egskeiding by die hooggeregshof indien.

Skenker

Die persoon wat eiendom/sake tot voordeel van 'n ander skenk.

Dwangdruk

Waar 'n persoon verhoed word om uit sy/haar eie wil op te tree (nie op te tree nie) weens 'n ander se dreigemente of dwang.

Gelykheidsklousule

Die reg op gelyke behandeling (met dieselfde besorgdheid en respek) wat in die Handves van Menseregte verskans word.

Error in negotio

Wanneer 'n kontrak ongeldig verklaar word omdat die partye nie *ad idem* (eensgesind) is oor die aard van die kontrak nie.

Fideicommissum

Wanneer 'n eiendom in trust bemaak word, gewoonlik met 'n opeenvolgende eiendomsreg.

Bedrieglik

Met die opset om te bedrieg.

English

Guardian

One who has the charge or custody of any person or thing; more commonly the person who has the custody and education of a person who is not of sufficient discretion to manage his/her own affairs.

Habitual criminal/recidivist

A person convicted of crime on numerous occasions, and who for that reason is subject to an extended term of imprisonment under the habitual offender laws of many jurisdictions.

Harbouring

The offence under various enactments of secretly providing shelter.

Household necessities

Reasonable household expenses for food and clothing and other things, in respect of which a wife may bind herself and her husband.

Impeachment

To charge a public official with a wrongdoing whilst holding office.

Impotence

Physical inability of a man/woman to perform the act of sexual intercourse.

Incapacity

To lack the ability / legal, physical or intellectual power, e.g. *non compos mentis* (not of sound mind).

Incest

A criminal offence that involves sexual intercourse between members of a family, or those among whom marriage would be illegal because of blood relations.

Infringement

An act that interferes with one of the exclusive rights of a patent, copyright, or trademark owner.

isiXhosa

Umgcini / umlondoloz

Umntu onegunya lokugcina nokukhathalela umntu okanye into, kodwa ixesha elininzi ikukugcina umntu nokumluleka kuba yena engenangqiqo yaneleyo yokuzenzela izinto zakhe.

Isaphula-mthetho

Umntu ogwetywe amaxesha amaninzi ngenxa yolwaphulo-mthetho, nothe ngenxa yeso sizathu abe phantsi kwesigwebo esongezelelweyo phantsi kwemithetho yezaphula-mthetho ezona rhoqo.

Ukugcina

Ityala lokuzimelisa isaphuli-mthetho phantsi kwemithetho eyahlukeneyo.

Iindleko zomzi

Iindleko zendoda nomfazi emzini ngokuphathelene nokutya, iimpahla nezinye izinto.

Umangalelo lwegosa

Ukumangalela igosa loluntu ngesenzo esigwenxa ngelixa lisezintanjeni zolawulo.

Ubunyumba

Ukungakwazi kwendoda/komfazi ukunika omnye iimfanelo zakhe ngokuphathelene nokwabelana ngesondo.

Ukuswela amandla engqiqo

Ukungaphili kakuhle engqondweni nasemzimbeni ngendlela yokuba ungazisombululela imcimbi yakho, umz. *non compos mentis*.

Umbulo

Ityala lolwaphulo-mthetho elingokubakho kokulalana ngokwesondo phakathi kwamalungu osapho, okanye abo bantu ukutshata kubo kungaba kukwaphula umthetho ngenxa yokuzalana.

Ibango lamalungelo

Isenzo esiphazamisana namalungelo obunini bokuyila.

Afrikaans

Voog

Iemand met beheer of toesig oor enige persoon of ding; gewoonlik 'n persoon met toesig en opvoedingsreg oor iemand wat nie voldoende diskresie het om sy/haar eie sake te bestuur nie.

Gewoontemisdadiger/residivis

'n Persoon wat by vele geleenthede skuldig bevind is aan misdaad, en wat om daardie rede onderworpe is aan 'n verlengde gevangenstermyn ingevolge die gewoontemisdadigerreg van menige jurisdiksies.

Voorsiening van herberg/skuijing

'n Oortreding ingevolge verskeie verordeninge om in die geheim skuijing te bied.

Huishoudelike benodigdhede

Redelike huishoudelike uitgawes vir kos en klere en ander dinge, waartoe 'n vrou haar en haar man kan verbind.

Ampsaanklag

Om 'n staatsbeampte van 'n oortreding in diens aan te kla.

Impotensie

Fisiese onvermoë van 'n man/vrou om die seksuele omgangshandeling uit te voer.

Onvermoë

Die ontbreking van vermoë / regs-, fisiese of intellektuele bevoegdheid, bv. *non compos mentis* (nie by jou volle verstand nie).

Bloedskande

'n Misdryf van seksuele omgang tussen lede van 'n familie of persone wat weens bloedverwantskap nie wettig kan trou nie.

Inbreuk

'n Handeling wat die alleenreg van die eienaar van 'n patent, outeursreg of handelsmerk belemmer.

English

Innocent misrepresentation

When a statement is not known to be false, it is a ground for relief against a contract if such statement furnished a material inducement to a plaintiff to enter into that contract.

Insanity

Not mentally responsible to some degree, depending on the legal transaction in relation to which it is employed. It may refer to lack of criminal responsibility, commitment to a mental institution, inability to transact business, inability to stand trial (e.g. inability to assist in one's own defence).

Insolvency

A financial condition in which one is unable to meet his/her obligations as they mature in the ordinary course of business. Inability to pay debts.

Intent

A conscious intention on the part of the accused.

Inter vivos

To describe a gift or agreement between living persons, as opposed to a bequest in a will.

Interdict

A court order in which a person is ordered to refrain from performing a particular act. It is issued in circumstances in which a party requires protection against unlawful actual interference or threatened interference with his/her rights. Its nature may be prohibitory, mandatory or restitutory.

Intestate

To die without leaving a valid will or fully disposing of property by will. Administration of the estates of such persons is governed by the provisions of the Intestate Succession Act, 81 of 1987, as amended by the Law of Succession Act, 43 of 1992.

isiXhosa

Umelo olunganyanisekanga

Kulapho ubani athi anike ulwazi olungeyonyani engaqondi ze loo nto yenze ukuba omnye angene kwisivumelwano esibophelelayo. Kwimeko elolu hlobo unako ukufumana uxolelo.

Impambano

Ukurhoxiswa kwetyala lomntu ongenakumelana nezityholo ngenxa yemeko enkene-nkene ngokwasezingqondweni. Oku kunokubhekisela kwisizathu sokuba angasazi isono asenzileyo, ukubaligeza elibotshwayo, ukungakwazi ukulawula imicimbi yemali zakhe ukungakwazi ukumelana netyala ngenxa yokushiya ziingqondo (umz. ukungakwazi ukuncedisa ekuzikhuseleni).

Ukutshona ngokwemali

Imeko yezemali apho ubani athi angakwazi ukuhlangabezana neemfaneko zakhe njengoko ziye zinyuka kushishino. Ukungakwazi ukuhlawula izikweleti.

Injongo

Injongo esengqiqweni kwicala lommgalelwa.

Inter vivos

Unikezelwano ngesiphophakathi kwabantu abaphilayo, sisuka komnye ophilayo ukuya komnye, kwahlukile kwincwadi yelifa.

Isithintelo senkundla

Umyalelo wenkundla apho umntu ayalelwa ukuba akunxweme ukwenza isenzo esithile, ukhutshwa kwiimeko apho othile athi afune ukhuseleko kuphazamiso lobukho obungekho mthethweni okanye kuphazamiso ngokoyikiswa ngokwamalungelo akhe. Ubume balo myalelo ungathintela, uyalele, ubuyekeze.

Ukungabikho komyolelo

Ukufa ngaphandle kokushiya umyolelo osemthethweni okanye ufe ungazabanga ngokupheleleyo izinto zakho. Ulawulo lwamafa abantu abangasekhoyo lulawulwa zizibonelelo zoMthetho woLawulo lwamafa we-1925.

Afrikaans

Onopsetlike wanvoorstelling

Wanneer dit nie bekend is dat 'n stelling vals is nie, is dit gronde vir vrystelling van 'n kontrak indien sodanige stelling 'n materiële dryfveer vir die eiser was om daardie kontrak te sluit.

Kranksinnigheid

Verstandelik onbevoeg in 'n sekere mate, afhangende van die regstransaksie waarin dit toegepas word. Dit kan verwys na 'n gebrek aan strafregtelike verantwoordelijkheid, opname in 'n inrigting vir sielsiekes, onvermoë om sake te doen, en onvermoë om tereg te staan (bv. onvermoë om bystand te verleen in jou eie verweer).

Insolvensie

'n Finansiële toestand waarin 'n persoon nie sy/haar verpligtinge soos dit in die normale loop van sake betaalbaar word, kan nakom nie. Onvermoë om skuld te betaal.

Opset

'n Bewustelike voorneme van die beskuldigde.

Inter vivos

'n Skenking of ooreenkoms tussen lewende persone, in teenstelling met 'n bemaking in 'n testament.

Interdik

'n Hofbevel waardeur iemand gelas word om hom/haar van 'n bepaalde handeling te weerhou. Dit word uitgereik in omstandighede waar 'n party beskerming vereis teen onregmatige werklike belemmering of dreigende belemmering van sy/haar regte. Die interdik kan verbiedend, gebiedend of 'n interdik tot herstel wees.

Intestaat

Om te sterf sonder om 'n geldige testament na te laat of alle eiendom in 'n testament te bemaak. Die boedel van die oorledene sal dan bestuur word ingevolge die bepalings van die Wet op Intestate Erfopvolging, 81 van 1987, soos gewysig deur die Wet op Erfopvolging, 43 van 1992.

English

Jurisdiction

Official power to make legal decisions and judgements.

Law of Persons

The legal conception by which the law regards a human being or an artificial entity as a person.

Legacy

A bequest or gift of goods and chattels by will. A disposition by will of personal property.

Legatee

A person to whom personal property is given by will, one who receives legacy.

Legitimate child

A child born in a valid wedlock of natural parents.

Liquidator

One who is appointed to carry out the winding up of a company. His/her duty is to realise the property of the company, to pay its debts, and to distribute the surplus (if any) among the members.

Lucidum intervallum

Temporary sanity (of a disturbed mind).

Maintenance

Providing children, or other persons in a position of dependence, with food, clothing and other necessaries.

Mala fide

In bad faith, fraudulent.

Malicious desertion

When one spouse abandons the other without a good cause and with the intention of not returning.

Marital power

Authority or power of a husband over his wife in terms of common law.

isiXhosa

Igunya

Igunya loburhulumente ekwenzeni izigqibo nezigwebo zomthetho.

Umthetho wamalungelo obuntu

Inggqiqo yomthetho ethi ithathe okuphilayo nokungaphiliyo njengomntu.

Ilifa

Umyolelo okanye isipho seempahla anazo umntu ngokomyolelo. Ukwabiwa kwelifa lomntu ngokomyolelo.

Iindlamafa

Lowo utyunjelwe ukufumana ilifa.

Umntwana womtshato

Umntwana ozalelwe kumtshato osemthethweni wabazali begazi.

Umpheleli-shishini

Umntu owonyulelwe ukuthwala uxanduva lokuqoshelisa inkampani. Umsebenzi wakhe kukungena, abale impahla yenkampani, ahlawule izikweleti zayo, abele amalungu intsalela (ukuba ikhona).

Lucidum intervallum

Ukubanamaxesha ushiywe ziingqondo (komntu ongqondo iphazamisekileyo).

Isondlo

Ukubonelela abantwana, okanye abanye abantu abakwisikhundla soxhomekeko, ngokutya, ngeempahla nangezinye iimfuno.

Mala fide

Ngokunganyanisekanga, ngokobumenemene.

Ukulahlwa ngolunya

Ukulahlwa ngaphandle kwesizathu esivakalayo.

Igunya lendoda

Igunya / amandla endoda kumfazi wayo ngokomthetho oqhelekileyo.

Afrikaans

Jurisdiksie

Amptelike bevoegdheid om wettige besluite te neem en oordele te vel.

Personereg

Die regsbeginsel waarvolgens die wet 'n mens of kunsmatige entiteit as 'n persoon beskou.

Legaat

'n Erflating of geskenk van goedere en besittings deur 'n testament. 'n Wegmaking van persoonlike eiendom deur 'n testament.

Legetaris

Die persoon aan wie persoonlike eiendom deur 'n testament gegee word, wat die legaat ontvang.

Binne-egtelike kind

'n Kind wat binne 'n geldige huwelik van sy/haar natuurlike ouers gebore is.

Likwidateur

'n Persoon wat aangestel is om 'n maatskappy te likwideer. Sy/haar plig is om die eiendom van die maatskappy te likwideer, skuld te betaal en die oorskot (indien enige) tussen die lede te versprei.

Lucidum intervallum

Tydlike helderheid van gees (van 'n geestesongestelde persoon).

Onderhoud

Verskaffing van kos, klere en ander noodsaaklikhede aan kinders of ander persone in 'n afhanklikheidsposisie.

Mala fide

Te kwader trou, bedrieglik.

Kwaadwillige verlating

Wanneer een huweliksmaat die ander sonder 'n grondige rede of die voorneme om terug te keer, verlaat.

Maritale mag

Gesag of mag van 'n man oor sy vrou ingevolge die gemenerereg.

English

Metus

When a debtor is threatened and induced by fear of arrest to sign an acknowledgement of debt of an amount due; similar to "duress". The creditor does not act according to good morals.

Minor

A person who has not attained full age, and in the case of common law cannot contract without the assistance of his/her guardian.

Mortis causa donatio

A gift made in anticipation of death.

Mutatis mutandis

Similar manner, with the necessary changes.

Negligence

Failure to exercise the degree of care that a person of ordinary prudence (a reasonable man) would exercise under the same circumstances, e.g. conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm.

Notarial contract

A contract that is attested and certified to be authentic.

Offence

An act or omission punishable under criminal law.

Offer

A display of willingness to enter into a contract on specified terms, made in a way that would lead a reasonable person to understand that an acceptance will result in a binding contract.

Parole

The release of a prisoner from imprisonment before his/her sentence has been served. Usually granted for good behaviour on condition that the parolee regularly reports to a supervising officer for a specified period.

isiXhosa

Metus

Apho umntu onesikweleti athi kuba eqhutywa luloyiko lokubanjwa, oyikiswa ukuba asayine isivumo-tyala semali elindelekileyo. Umntu okweletwayo wenza ngokuchasene nobulungisa ngokwenza njalo.

Umntwana

Umntu ongekafikeleli kubudala obuzeleyo, kwaye ngokomthetho akanakungena kwisivumelwano ngaphandle kokoncedo lomgcini wakhe.

Mortis causa donatio

Isipho esenziwe ngenx' engaphambi kokufa.

Mutatis mutandis

Ngokufanayo, ngeenguqu eziyimfuneko.

Ukungakhathali

Ukusilela ukuthabatha iqondo lenkathalo eliqondo ebenokuthi umntu oqiqayo alisebenzise phantsi kweemeko ezinjalo, umz. isimilo esiwa nganeno kumgangatho omiselwe ngumthetho ngenjongo yokukhusela abanye phantsi komngcipheko wobungozi.

Isivumelwano esingqinelweyo

Isivumelwano esifungelweyo nesiqinisekisiwe njengesiyinene.

Ityala

Isenzo / ukungenzi njengoko kulindelekile ngokwasemthethweni.

Isithembiso

Ukubonisa umnqweno wokungena kwisivumelwano ngokukhululekileyo ngamagama aqingqekileyo nenziwe ngendlela eya kukhokelela ekubeni umntu aqonde ukuba ukuwamkela kuya kuphumela kwisivumelwano esibophelelayo.

Ingqawule

Ukukhululwa kwebanjwa eluvalelweni lingekasigqibi isigwebo salo. Ivame ukunikwa ngenxa yokuziphatha kakuhle, ngokommiselo wokuba oyinikiweyo uya kuzivelisa rhoqo kwigosa elongameleyo kangangexesha eliqingqekileyo.

Afrikaans

Metus

Wanneer 'n debiteur met arrestasie gedreig en gedwing word om 'n skulderkennis van 'n verskuldigde bedrag te teken; soortgelyk aan "dwangdruk". Die krediteur handel dus nie ingevolge sedelike beginsels nie.

Minderjarige

'n Persoon wat nog nie mondig is nie en wat, ingevolge die gemenerereg, nie 'n kontrak kan sluit sonder die bystand en toestemming van sy/haar voog nie.

Mortis causa donatio

'n Geskenk wat in afwagting van die dood gemaak word.

Mutatis mutandis

Soortgelyk, met die nodige veranderinge.

Nalatigheid

Versuim om die nodige mate van sorg uit te oefen wat 'n persoon van gewone omsigtigheid (redelike persoon) onder dieselfde omstandighede sou uitoefen, bv. optrede wat nie op die standaard is wat deur die reg vir die beskerming van ander teen onredelike risiko van skade gestel word nie.

Notariële kontrak

'n Kontrak wat onder eed bevestig en as eg verklaar word.

Oortreding

'n Handeling of versuim wat ingevolge die strafreg strafbaar is.

Aanbod

Die toon van gewilligheid om 'n kontrak op bepaalde voorwaardes te sluit wat daartoe sal lei dat 'n redelike persoon sal verstaan dat aanvaarding 'n bindende kontrak tot gevolg sal hê.

Parool

Die vrylating van 'n gevangene uit gevangenskap voordat die vonnis ten volle uitgedien is. Dit word gewoonlik vir goeie gedrag toegestaan, op die voorwaarde dat die paroolganger vir 'n vasgestelde tydperk gereeld by 'n toesighoudende beampte aanmeld.

English

Partnership

The relation between persons carrying on a business in common, with a view to profit.

Patrimonial law

Law dealing with all of a person's assets and liabilities that are capable of monetary valuation and subject to execution for a creditor's benefit.

Performance

Fulfillment of one's obligations required by contract, e.g. what may be demanded in a lawsuit.

Plaintiff

A person who brings a case against another party in a court of law.

Polyandry

When a woman has more than one husband simultaneously.

Polygamy

Practice / custom of having more than one wife/husband simultaneously.

Positive law

Existing law created by legally valid procedures, "...law set by political superiors to political inferiors".

Presumption

A rule of law that permits a court to assume that a fact is true until there is preponderance of evidence.

Prodigal

A person who cannot be trusted to look after his/her own property.

Prohibited degrees of affinity

Forbidden degrees of consanguinity.

Puberty

The age of 14 in males and 12 in females, at which they are deemed formally capable of contracting marriage.

isiXhosa

Ubulingane

Ubudlelwane obuphakathi kwabantu abathwele ushishino ngembono enye yokufumana inzuzo.

Umthetho wezinto onazo

Zizonke izinto zexabiso, kuquka namatyala, anazo umntu nezinokuba nexabiso lemali xa zinokuthengiselwa ukuhlawula abantu anezikweleti kubo.

Uzalisekiso-mfanelo

Ukuthi ubani azalisekise iimfuno zakhe njengoko kufunwa njalo sisivumelwano, umz. oko kunokubangwa kwisimangalo.

Ummangali

Umntu ozisa ityala kwinkundla yamatyala ukuze agwetyelwe ngenxa yokoniwa ngomnye.

Unobayeni

Isithembu apho inkosikazi inabayeni abangaphezu kwesinye ngaxeshanye.

Isithembu

Isiko lokuba nomfazi / umyeni ongaphezu kwesinye ngaxeshanye.

Umthetho ovumayo

Umthetho okhoyo nodalwe ziinkqubo ezisemthethweni, "...umthetho obekwe zizikhulu zopolitiko ziwubekela abangaphantsi kwezopolitiko.

Ubunyaniso bobungqina

Ummiselo womthetho ovumela ukuba inkundla ithabathe inqaku njengeliyinyaniso de kube kukho ubungqina obuphikisayo.

Usonkcitho

Umntu ekungenakuthenjela kuye ukuba ajonge ilifa/izinto ezizezakhe.

Amaqondo ozalwano ngegazi

Amaqondo angavumelekanga omtshato ngenxa yozalwano ngegazi.

Ukufikisa

Ubudala obuli-14 emakhwenkweni nobuli-12 leminyaka emantombazaneni, obucingelwa njengobufaneleke ukwenza isivumelwano somtshato ngokusesikweni.

Afrikaans

Vennootskap

Die verhouding tussen persone wat saam 'n sake-onderneming met die oog op wins bedryf.

Vermoënsreg

Reg met betrekking tot al 'n persoon se bates en laste wat moontlik 'n geldwaarde het en onderhewig is aan uitwinning tot voordeel van 'n krediteur.

Uitvoering

Die nakoming van kontraktuele verpligtinge, bv. wat in 'n hofgeding versoek word.

Eiser

Die persoon wat 'n hofsak teen 'n ander aanhangig maak.

Poliandrie

Wanneer 'n vrou gelyktydig meer as een man het.

Poligamie

Die gebruik om gelyktydig met meer as een mens getroud te wees.

Positiewe reg

Bestaande reg wat deur wettige geldige prosedures geskep is, "...reg wat deur politieke meerderes vir politieke ondergeskikte vasgestel word".

Vermoede

'n Regsreël wat 'n hof toelaat om aan te neem dat iets waar is totdat daar 'n oorwig getuienis is.

Verkwister

'n Persoon wat nie vertrou kan word om na sy/haar eie eiendom om te sien nie.

Verbode grade van verwantskap

Verbode grade van bloedverwantskap.

Puberteit

Die ouderdom van 14 by seuns en 12 by dogters, wanneer hulle formeel as geskik vir huweliksluiting beskou word.

English

Putative marriage

A marriage that is actually null, but has been contracted in good faith by both parties, or by one of the parties.

Real rights

Rights pertaining to a thing rather than a person, including ownership, habitation, pledge, real mortgage.

Real/actual damages

Those losses that can readily be proven to have been sustained, and for which the injured party should be compensated as a matter of right.

Rebuttable presumption

An ordinary presumption that must, as a matter of law, be made once certain facts have been proved, and which is thus said to establish a certain conclusion *prima facie* once those facts have been adduced, unless explicitly proved untrue.

Recourse

The legal right to demand compensation or payment.

Redistribution

The act or process of distributing something again or anew (e.g. redistribution of wealth).

Repudiation

Denial of the existence of a contract and/or refusal to pay.

Rescission

The cancellation of a contract and the return of the parties to the positions they would have occupied had the contract not been entered into.

Satisfaction

Receiving payment or performance of what is due.

isiXhosa

Usinga-mtshato

Umtshato onginguwo owenene, kodwa babe abatshati bezicingela ukuba batshate ngokwenene.

Amalungelo ento

Amalungelo anxulumene nezinto kunabantu, aquka ubunini, ukuhlala, izibambiso nezivumelwano zezibambiso zokwenene.

Umonakalo onokubuyekezelwa

Zezo lahleko sekukho ubungqina bokuba zithwelwe, ekunokuthi ngazo kubuyekezwe umntu owenzakeleyo ngokwelungelo.

Ubungqina obuphikisekayo

Ummiselo wasemthethweni ovumela ukuba inkundla ithabathe amanqaku njengayinyaniso, kodwa loo manqaku *a-prima facie* xa kuvela ubungqina.

Ibango-mbuyekezo

Ilungelo elisemthethweni lokubanga imbuyekezo okanye intlawulo.

Ulwabiwo ngokutsha

Izenzo okanye inkqubo yokwabiwa kwento kwakhona ngendlela engenzeleliyo okanye ngokutsha (umz. ukwabiwa kobutyebi ngokutsha ukuze kungabikho udlelwa indlala).

Ukhanyelo-sivumelwano

Ukuphikwa/ukukhanyelwa kobukho besivumelwano kunye nokwala ukuhlawula.

Urhoxiso-sivumelwano

Ukurhoxiswa kwesivumelwano kwanokubuyela kwamaqela kwizikhundla angel' ezibambile ukuba besingenziwanga isivumelwano.

Ukwenza ngokulindelekileyo

Ukwamkela intlawulo okanye ukwenza njengoko kulindelekile (kokukweletwayo).

Afrikaans

Putatiewe huwelik

'n Huwelik wat in werklikheid ongeldig is, maar te goeder trou tussen twee partye of deur een van die partye aangegaan is.

Saaklike regte

Regte wat verband hou met 'n ding eerder as 'n persoon, insluitend eienaarskap, bewoning, pandgewing en saaklike verband.

Werklike skade

Die verliese wat met redelike sekerheid bewys kan word en waarvoor die benadeelde party na regte vergoed moet word.

Weerlegbare vermoede

'n Gewone vermoede wat regtens kan ontstaan sodra sekere feite bewys word, en wat 'n sekere gevolgtrekking *prima facie* sou bevestig sodra daardie feite voorgelê word, tensy die vermoede uitdruklik as onwaar bewys word.

Regres

Die wettige reg om op vergoeding of betaling aan te dring.

Herverdeling

Die handeling of proses ingevolge waarvan iets weer of van nuuts af verdeel word (bv. die herverdeling van rykdom).

Repudiasie

Ontkenning dat 'n kontrak bestaan en/of weiering om te betaal.

Terugtrede

Kansellatie van 'n kontrak en die terugkeer van die partye na die posisies wat hulle sou bekleed indien die kontrak nooit aangegaan is nie.

Genoegdoening

Ontvangs van betaling of uitvoering van wat verskuldig is.

English

Seduction

Use of charm, promises or gifts to induce another person to have sexual intercourse outside marriage, without any use of force/intimidation.

Sequesterate

The act of seizing / taking possession of the property (or goods) belonging to another, and holding it until the profits have paid the demand for which it was taken.

Set off

A claim by a defendant in a lawsuit that the plaintiff owes the defendant money, which could be subtracted from the amount of damages claimed by a plaintiff.

Solacium

Compensation, especially damages, allowed for hurt feelings or grief, as opposed to damages for physical injury.

Squander

To waste in a reckless or foolish manner.

Stante matrimonio

During the subsistence of the marriage / while it continues.

Statute law

State-written law enacted by state legislature.

Stuprum

Immorality/unchastity on the part of the wife. Where a woman prior to her marriage has had illicit intercourse with another man, and as a result has fallen pregnant, her husband (if he married her in ignorance of this, and after discovery cannot condone it) has the right to declare the marriage null and void.

isiXhosa

Ukuwexula

Ukusetyenziswa kwekhubalo, izithembiso, iziphiso ngumntu othile ngenjongo yokumcenga ukuba abe nesondo naye ngokungaphandle komtshato, kungakhange kusetyenziswe hlobo lonyanzelo/loloyikiso.

Ukuthimba

Isenzo sokohlutha / sokuthabatha ibango leempahla zomnye umntu, zigcinwe de ibe inzala ilihlawulele ibango ebithatyathelwe lona. Ibango elenziwa ngummangalelwa kwisimangalo sokuba utyalwa ngummangali imali, enokuthatyathwa kwimali yeendleko ebangwa ngummangali.

Ibango lesikweleti

Ibango elenziwa ngummangalelwa kwisimangalo sokuba utyalwa ngummangali imali, enokuthatyathwa kwimali yeendleko ebangwa ngummangali.

Imbuyekezo-ntuthuzelo

Imbuyekezo, umz. umonakalo ovunyelwa ngenxa yeentlungu zomphefumlo okanye ezokufelwa, ngokwahlukileyo kumonakalo wokwenzakala ngokwenyama.

Ukudyakraza

Ukudyakraza ngendlela engenankathalo nebhanxekileyo.

Stante matrimonio

Ngelixa umtshato uqhubayo.

Umthetho welizwe obhaliweyo

Umthetho obhaliweyo welizwe, nomiselwe yindlu yowiso-mthetho.

Stuprum

Ukungabikho sikweni nokungabikho nyulu kwicala lenkosikazi. Apho umfazi athi phambi komtshato abelane ngesondo nenyende indoda ngokungekho sikweni, isiphumo sibe kukukhulelwa umyeni wakhe (ukuba umtshate engabazi ubunyaniso boku, kwaye emva kokubufumanisa akabuxolela) uya kuba nelungelo lokuwuphelisa umtshato njengotshitshisiweyo.

Afrikaans

Seduksie

Gebruik van sjarme, beloftes of geskenke om 'n ander persoon te oorreed om seksuele omgang buite die huwelik te hê sonder die gebruik van dwang of intimidasie.

Sekwestreer

Beslaglegging op / inbesitneming van 'n ander se eiendom (of goedere), en die terughouding daarvan totdat die wins die behoefte waarvoor dit geneem is, vervul het.

Skuldverrekening

'n Verweerder se bewering in 'n hofgeding dat die eiser die verweerder geld skuld wat afgetrek kan word van die skadevergoeding waarop die eiser aandring.

Solacium/vergoeding

Vergoeding, spesifiek skadevergoeding, vir gekrenkte gevoelens of hartseer, in teenstelling met skadevergoeding vir liggaamlike beserings.

Verkwis

Om op 'n roekelose of dwase manier te verspil.

Stante matrimonio

Tydens die bestaan van die huwelik / terwyl dit voortduur.

Wetreg

Staatsgeskrewe reg wat deur staatswetgewing verorden word.

Stuprum

Immoraliteit/onkuisheid deur die vrou. Waar 'n vrou vóór haar huwelik ongeoorloofde omgang met 'n ander man gehad het en as gevolg daarvan swanger geraak het, is haar man (indien hy sonder hierdie wete met haar getroud is en dit ná ontdekking daarvan nie goedkeur nie) daarop geregtig om die huwelik as ongeldig te verklaar.

English

Sui generic

The only one of its kind / peculiar.

Tacit agreement

Understood without being stated; acceptance without discussion.

Testator

The one who makes a will.

Third party

A person who is not specified in a contract or transaction, but is involved.

Trust

A right of property, real or personal, held by one party for the benefit of another. Also applies to any relationship in which one acts as a guardian or fiduciary in relation to another's property.

Undue influence

Amount of pressure that one uses to force someone to execute a will leaving assets in a particular way, to make a direct gift while alive / to sign a contract.

Unjustified enrichment

A benefit by chance, mistake or another misfortune for which the one enriched has not paid/worked and morally and ethically should not keep.

Void

When there is a legally valid reason why a marriage or an engagement cannot be regarded as being lawful, and the normal consequence does not follow.

Voidable

Capable of being made void, e.g. a contract entered into by a minor is voidable upon his/her reaching majority.

isiXhosa

Sui generic

Ekuphela kwayo kuhlobo lwayo / ekudidi lwayo yodwa.

Isivumelwano esithe tu

Isivumelwano esinokuqondwa nokuba asixelwanga.

Umyoleli

Ubani owenza umyolelo.

Umntu wesithathu

Umntu ongenanto yakwenza nesivumelwano/kurhwebelwano, kodwa enenxaxheba ethile.

Itrasti

Ilungelo lelifa eligcinwe ngomnye umntu ukuze lixhanyulwe ngomnye. Ikwabhekiselele, kubo nabuphi na ubudlelwane apho ubani athi asebenze njengomgcini welifa okanye imali yomnye ngokwasemthethweni.

Umyolelo onyanzelweyo

Uxinzelelo athi ubani alusebenzise ekunyanzeleni omnye ukuba enze umyolelo apho ashiya izinto zakhe kuye ngendlela ethile, enze isipho ngokuthe ngelixa asaphilayo / atyikitye isivumelwano.

Uxhamlo ngokungafanelekanga

Ukufumana ngebhaqo okanye ngesehlo esingatshongokhona ngento ubani angayisebenzelanga kwaye nekungamelanga ukuba ayincine.

Ihamte

Kuxa kukho isizathu esisemthethweni sokuba umtshato okanye ingeji ayinakwamkelwa njengokusemthethweni kwaye izinto eziqhelekileyo zingenakwenzeka.

Ukuhamteka

Sinako ukwenziwa sibe lihamte, umz, isivumelwano ekungenwe kuso ngumntwana silihamte akufikelela ebudaleni.

Afrikaans

Sui generic

Eiesoortig, enig in sy soort of buitengewoon.

Stilswyende ooreenkoms

Word begryp sonder dat dit uitdruklik uitgespreek is; aanvaarding sonder bespreking.

Erflater/testateur

Die persoon wat 'n testament opstel.

Derde party

'n Persoon wat nie in 'n kontrak of 'n transaksie gespesifiseer word nie, maar wel betrokke is.

Trust

'n Eiendomsreg, saaklik of persoonlik, wat deur een party tot voordeel van 'n ander gehou word. Is ook van toepassing op enige verhouding waarin 'n persoon as 'n voog of fiduciarius met betrekking tot 'n ander se eiendom optree.

Onbehoorlike beïnvloeding

Hoeveelheid druk wat iemand gebruik om 'n ander te dwing om 'n testament te verly om bates op 'n bepaalde manier te bemaak, om 'n direkte skenking te maak terwyl hy/sy leef of om 'n kontrak te teken.

Onregverdige verryking

'n Voordeel per toeval, dwaling of ander ongeluk waarvoor die persoon wat verryk is nie betaal/gewerk het nie en wat hy/sy volgens sedelike en etiese beginsels nie mag hou nie.

Nietig

Wanneer daar 'n wettige geldige rede is waarom 'n huwelik of 'n verlowing nie as wettig beskou kan word nie en die normale gevolge nie daarop volg nie.

Vernietigbaar

Kan nietig verklaar word. 'n Kontrak wat deur 'n minderjarige gesluit is, kan bv. nietig verklaar word wanneer hy/sy mondig word.

English**Waive**

When one renounces or disclaims a benefit. He/she is said to waive a tort / injury when he/she abandons the concomitant remedy provided for by law.

Wrongful conduct

An act that unjustly infringes on another's rights.

isiXhosa**Ukuncama / ukuhlamba**

Xa ubani engasibangi isibonelelo, kuthiwa uncamile xa ayeka uncedo alunikwa ngumthetho.

Impatho yokwaphul' amalungelo

Isenzo esiphazamisana namalungelo abanye abantu ngokungenabulungisa.

Afrikaans**Afstand doen**

Wanneer iemand van 'n voorreg afsien of dit van die hand wys. Daar word gesê dat iemand van 'n delik / onregmatige daad afstand doen wanneer hy/sy die gepaardgaande regs middel waarvoor die reg voorsiening maak, laat vaar.

Onregmatige gedrag

'n Handeling wat onregmatig inbreuk maak op iemand anders se regte.

Customary law
uMthetho wamaSiko
Gewoontereg

English

Adultery

Voluntary sexual intercourse between a married woman and a person other than her spouse. Indigenous law does not afford the wife cause for complaint if her husband commits adultery.

Assault

A violent physical or verbal attack or threat against a person.

Co-liability of family head

This is based on a group liability, e.g. payment of cattle. The family head is liable because he controls the family property.

Communal property

Property that belongs to the community, and on which the people of that community have limited real rights, i.e. rights to grazing land or water.

Consensus

General agreement. It is reached when all parties agree on the terms of the contract that they enter into.

Contractual liability

Where parties to a contract are held liable to perform in terms of the contract they have entered into.

Customary law

The customs and usages traditionally observed among the indigenous African people, and which form part of their culture.

Customary marriage

A marriage concluded in accordance with customary law.

isiXhosa

Ukrexezo

Kumthetho wesiNtu, kuqala lunokwenzwa nenkosikazi, hayi umyeni womtshato wesiNtu. Ukulalana ngokwesondo ngokuzithandela okuphakathi komntu otshatileyo nomnye umntu ongasinguye lo atshate naye.

Uhlaselo

Uhlaselo olukhulu ngezandla okanye ngamazwi okanye ugrogriso olujoliswe emntwini.

Imvumo-tyala yentloko yosapho

Oku kusekwe kubutyala beqela, umz. ukuhlawulwa kweenkomo. Intloko yosapho ifunyanwa inobutyala kuba iyiyi elawula izinto zekhaya.

Impahla yezima-mhlaba

Impahla eyeyezima-mhlaba apho abantu basekuhlaleni banamalungelo okwenene aqingqiweyo, umz. amalungelo okutyisa impahla edlelweni okanye ukusebenzisa amanz ngokuthandai.

Imvumelwano

Isivumelwano sikawonke-wonke. Kufikelelwa kuso xa amaqela evumelana ngamazwi esivumelwano angena kuso.

Ubutyala besivumelwano

Apho amaqela akwisivumelwano afunyanwa enobutyala bokwenza ngokuphathelele kwisivumelwano ekungenwe kuso.

Umthetho wesiNtu

Amasiko nosetyenziso lwezithethe eziginwe phakathi kwabantu abamnyama, nezithi zenze inxalenye yenkcubeko yabo bantu.

Umtshato wesiNtu

Umtshato ogqitywe ngokwendlela yomthetho wesiNtu.

Afrikaans

Owerspel

Willekeurige seksuele omgang tussen 'n getroude vrou en 'n persoon wat nie haar gade is nie. Inheemse reg bied nie die vrou enige gronde tot klagte indien haar man owerspel pleeg nie.

Aanranding

'n Gewelddadige fisiese of verbale aanval of dreigement teenoor 'n persoon.

Mede-aanspreeklikheid van familiehoof

Dit is gegrond op groeptaanspreeklikheid, bv. betaling van beeste. Die familiehoof is aanspreeklik omdat hy die familie-eiendom beheer.

Gemeenskaplike eiendom

Eiendom wat aan die gemeenskap behoort, waarop die mense van die gemeenskap beperkte saaklike regte het, d.w.s. regte op weiveld of water.

Wilsooreenstemming, konsensus

Algemene ooreenkoms. Dit word bereik wanneer alle partye op die voorwaardes van die kontrak wat hulle sluit, ooreenkom.

Kontraktuele aanspreeklikheid

Waar partye tot 'n kontrak aanspreeklik is om ingevolge die voorwaardes van die kontrak wat gesluit is, op te tree.

Inheemse reg

Die gewoontes en gebruike wat tradisioneel onder die inheemse Afrika-bevolkings beoefen word, en wat deel uitmaak van hul kultuur.

Gewoonteregtelike huwelik

'n Huwelik wat ingevolge gewoontereg gesluit word.

English

Damage to property

Intentional or negligent injury to someone else's property. This injury gives rise to a delictual liability, e.g. breaking the leg of Farmer A's sheep.

Deep legal pluralism

Comprises the observance of various official and non-official legal systems in the national legal order.

Defamation

A variety of allegations and accusations against another person that give rise to delictual liability.

Defloration

Sexual intercourse with an unmarried girl that could lead to delictual liability in some tribes.

Exchange

A bilateral agreement in terms of which the parties thereto undertake to deliver property to each other with the purpose of transferring ownership of that property.

Family property

Property that has not been allotted to any house, or does not accrue automatically to a house. It is controlled by the head of the family.

Farming out

Owner places some of his animals, usually cattle, in the care and control of another for an indefinite period. The aim is to help the other person.

Gift

A unilateral agreement, because only one party undertakes the duty to perform. It stems from various motives, e.g. friendship ties, respect or gratitude.

House property

Property that accrues to a specific house consisting of a married woman and her children, and has to be used for the benefit of that house.

isiXhosa

Ukwenzakaliswa kwempahla

Ukwenzakaliswa ngabom okanye ngokungenankathalo kwempahla yomnye umntu. Olu lwenzakalo luphumela kubutyala bokutyeshela umthetho, umz; ukwaphula umlenze wegusha yomfama ongu-A.

Ubugxina obunzulu bomthetho

Buquka ukugcinwa kweenkqubo ezahlukeneyo zomthetho ngendlela ecwangcisiweyo yomthetho.

Ulwenyeliso

Izityholo nezimangalo ezahlukeneyo ezichasene nomnye umntu nezithi ziphumele kubutyala bokutyeshela umthetho.

Ukonakaliswa kobuntombi

Ukulala nentombazana engatshatanga kungakhokelela kubutyala bokutyeshela umthetho kwizizwe ezithile.

Unaniselwano

Isivumelwano esimacala-mabini ngokubhekiselele ekubeni ngawaphi na amaqela agqiba ukuba agqithiselane nge(zi)nto ngenjongo yokudlulisela ubunini bempahla ekunaniselenwe ngayo.

Impahla yosapho

Impahla engabelwanga kuyo nayiphi na indlu okanye iqokelelane ukuze ibe llibango lendlu ethile . Ilawulwa yintloko yosapho.

Ukunqoma

Umnini-mpahla ugcina ezinye zezilwanyana zakhe, idla ngokuba ziinkomo, kuhoyo nakulawulo lomnye umntu kangangexesha elingaqingqwanga. Injongo yoko ikukunceda loo mntu.

Isipho

Sisigqibo esenziwa ngokwentando yomntu kuba nguyeyo umenzi . Sisukela kwiiinjongo ezahlukeneyo, amakhonkco obuhlobo, ukunika imbeko okanye ukubonisa umbulelo.

Impahla yendlu

Impahla eyongezeleka kwindlu ethile equka inkosikazi nabantwana bayo, nekufuneka isetyenziselwe ukunceda loo ndlu.

Afrikaans

Saakbeskadiging

Opsetlike of nalatige beskadiging van iemand anders se eiendom. Hierdie skade gee aanleiding tot 'n deliktuele aanspreeklikheid, bv. wanneer A se skaap se been opsetlik gebreek word.

Diep regspluralisme

Behels die beoefening van verskeie amptelike en nie-amptelike regstelsels in die nasionale regsorde.

Laster

Verskeie bewerings en aanklagte teen 'n ander persoon wat tot deliktuele aanspreeklikheid aanleiding gee.

Ontmaagding

Seksuele omgang met 'n ongetroude meisie wat in sommige stamme tot deliktuele aanspreeklikheid kan lei.

Ruilkontrak

'n Bilaterale kontrak ingevolge waarvan die partye ooreenkom om wedersyds sake aan mekaar te lewer, met die doel om eienaarskap van die geruilde eiendom oor te dra.

Familie-eiendom

Eiendom wat nie aan enige huis toegeken is of nie outomaties aan 'n huis toeval nie. Dit word deur die hoof van die familie beheer.

Uitpasing

Wanneer die eienaar sommige van sy diere, gewoonlik beeste, vir 'n onbepaalde tydperk in die sorg en beheer van 'n ander persoon plaas. Die doel is om die ander persoon te help.

Skenkingskontrak

'n Eensydige kontrak, aangesien slegs een party onderneem om iets aan die ander party te lewer. Dit spruit uit verskeie redes, bv. vriendskapsbande, respek of dankbaarheid.

Huiseiendom

Eiendom wat aan 'n spesifieke huis, bestaande uit 'n vrou en haar kinders, toeval, en tot voordeel van daardie hele huishouding aangewend moet word.

English

Inheritance

Mainly concerns the division of assets of the deceased among his/her heirs.

Intestate law of succession

Governs the estate of the deceased where there was no valid will or no will at all.

Isondlo

Maintenance or provision of means to support life. The family head must maintain the family.

Law of succession

A part of private law that generally includes those rules that determine what must be done with the deceased's property or estate after his/her death.

Legal pluralism

The co-existence of various officially recognised legal systems within one state.

Limited real rights

When someone may use certain land or property, e.g. for grazing or livestock, without that property belonging to him/her. Hence these rights are limited.

Loan agreement

Divided into "loan for use" and "loan for consumption". The former entails a contract in terms of which one party hands over something to another gratuitously for the borrower to use but eventually return.

Lobolo

Involves an agreement to transfer goods from the prospective husband represented by his family head, to the family head of the prospective wife.

Monogamy

State of being married to one person at a time.

isiXhosa

Ilifa

Lichaphazela ikakhulu ukwahlulwa kwezinto anazo umntu ongasekhoyo phakathi kwabo batyunjelwe ukuxhamla ilifa.

Umthetho welifa longasekhoyo

Ulawula ilifa lomntu ongasekhoyo apho bekungekho myolelo usemthethweni okanye kungekho myolelo konke-konke.

Isondlo

Ukondla okanye ukwenza izibonelelo zendlela yokuxhasa ubomi. Intloko yosapho inyanzelekile ukuba yondle usapho.

Umthetho wamafa gabalala

Useka inxalenye yomthetho wabucala, uquka imithetho emisela emakwenziwe ngempahla okanye ilifa lomntu ongasekhoyo.

Ubugxina obuninzi bomthetho

Ukubakho ngaxeshanye kweenkqubo ezahlukeneyo zomthetho kulawulo lwesizwe.

Amalungelo okwenene anyiniweyo

Ilungelo analo umntu kumhlaba okanye kwimpahla edityanelweyo. Liqingqiwe kuba akukho mntu ungumnini, okt ilungelo lokusebenzisa idlelo kunye namanz okuba izilwanyana zisele asilolakhe lelabantu.

Isivumelwano semboleko-mali

Sahlulwe sayimbolekiso yosetyenziso nokusetyenziselwa ukuba iphele. Imbolekiso yokusetyenziswa iquka isivumelwano esijonge ekubeni umbolekisi anikezele into komnye ngesisa ukuze umbolekisi ayisebenzise, kodwa kufuneka eyibuyisile.

Ilobola

Iquka isivumelwano sokugqithiswa kwempahla yindoda efilithshayo, imelwe yintloko yosapho, iyidlulisela kwintloko yosapho lwentombi efilishwayo.

Umtshato weqabane elinye

Ubume bokutshatela kumntu omnye ngexesha.

Afrikaans

Erfreg

Handel hoofsaaklik oor die verdeling van die bates van die oorledene onder sy/haar erfgename.

Intestate erfreg

Reguleer 'n bestorwe boedel waar daar geen (geldige) testament is nie.

Isondlo

Onderhoud, of voorsiening van lewensonderhoudende middele. Die familiehoof moet die familie onderhou.

Opvolgingsreg

Deel van privaatreë wat gewoonlik daardie reëls insluit wat bepaal wat met die oorledene se eiendom of boedel ná sy/haar dood gedoen moet word.

Regspluralisme

Die saambestaan van verskeie amptelik erkende regstelsels binne een staat.

Beperkte saaklike regte

Wanneer iemand sekere grond of eiendom mag gebruik, bv. vir weiding of vee, sonder dat daardie eiendom aan hom/haar behoort. Daarom is hierdie regte beperk.

Leenkontrak

Word in "bruikleen" en "verbruikleen" verdeel. Eersgenoemde behels 'n kontrak ingevolge waarvan een party vrywilliglik 'n saak aan 'n ander oorhandig om te gebruik, maar later terug te gee.

Bruidskat

Behels 'n ooreenkoms om goedere van die voornemende bruidegom, verteenwoordig deur sy familiehoof, na die familiehoof van die voornemende bruid oor te dra.

Monogamie

Om met slegs een persoon op 'n slag getroud te wees.

English

Permission to occupy

Written permission granted in the prescribed form to any person to occupy a specified area of trust land for a specific purpose.

Personal property

Property that belongs to a person who has acquired it, although it may be under the control of the family head.

Polyandry

When a woman has more than one husband simultaneously.

Polygamy

State of being married to more than one person at the same time.

Polygyny

When a man has more than one wife simultaneously.

Primogeniture

A principle that implies that the eldest surviving male relative of the deceased succeeds to the status of the deceased, and inherits all of his property.

Property law

Includes the division of private law that determines a person's rights, duties and obligations towards property. It indicates under which circumstances a person may acquire a right to property, and how such property may be used and transferred.

Quasi contract

Refers to a phenomenon of law that does not satisfy all the requirements of a contract. Liability arises from performance without agreement, based on enrichment.

Sexual delicts

Those criminal acts that impair a girl's integrity, i.e. defloration and seduction, and reduce her chances of getting married.

isiXhosa

Imvume yokuhlala

Imvume ebhalwe phantsi kwifomu enikezelwa kuye nawuphi na umntu ohlala kwingingqi yomhlaba ekhethekileyo ngesizathu esithile.

Impahla yomntu

Impahla azifumanele yona umntu, nangona ingaba phantsi kolawulo lwentloko yosapho.

Ipoliyandri

Isithembu apho umfazi anomyeni ongaphezu kwesinye ngexesha elinye.

Isithembu

Ubume bokutshata nabafazi / nabayeni abaninzi ngaxesha-nye.

Ipolijini

Isithembu apho indoda inabafazi ongaphezu kwesinye.

Ubuzibulo (bobudoda)

Lo mthetho-siseko uthetha ukuba izibulo eliyindoda lomntu ongasekhoyo lilo elilandelayo kwisikhundla somfi libuye lidle ilifa kuyo yonke impahla yakhe.

Umthetho wempahla

Uquka isahlulelo somthetho wabucala omisela amalungelo, iimfanelo nezibophelelo zomntu ngakwimpahla. Walatha ukuba zeziphi na iimeko angathi umntu afumane ilungelo lokuba nempahla, nokuba loo mpahla ingasetyenziswa ibuye idluliselwe njani na.

Usosivumelwano

Sibhekiselele kwimo yomthetho ongazanelisi zonke iimfanelo zesivumelwano. Ubutyala bususela ekwenzeni, ngaphandle kwesivumelwano, okusekwe ekuzityebiseni.

Utyeshelo-mthetho ngokwesondo

Olu lonakalisa ubunyulu bentombi, ukonakalisa ubuntombi nokuyiwexula. Konke oku kunciphisa amathuba okuba intombi itshatwe.

Afrikaans

Vergunning tot okkupasie

Skriftelike toestemming wat in die voorgeskrewe formaat aan 'n persoon verleen word om 'n bepaalde oppervlakte trustgrond vir spesifieke doeleindes te okkupeer.

Persoonlike eiendom

Eiendom wat aan 'n persoon behoort wat dit verkry/aangekoop het, hoewel dit onder die beheer van die familiehoof kan wees.

Poliandrie/veelmannery

Wanneer 'n vrou gelyktydig met meer as een man getroud is.

Poligamie

Om gelyktydig met meer as een mens getroud te wees.

Poliginie

Wanneer 'n man gelyktydig meer as een vrou het.

Eersgeboortereg

'n Beginsel wat impliseer dat die oudste oorlewende manlike bloedverwant van die oorledene hom in status opvolg, en ook al die eiendom van die oorledene erf.

Eiendomsreg

Sluit daardie afdeling van die privaatreë in wat 'n persoon se regte en verpligtinge ten aansien van eiendom bepaal. Dit dui aan onder watter omstandighede 'n persoon 'n reg op die eiendom kan verkry, en hoe sodanige eiendom gebruik en oorgedra mag word.

Quasi-kontrakte

Verwys na die regsverskynsel waar daar nie aan al die vereistes van 'n kontrak voldoen word nie. Aanspreeklikheid ontstaan uit uitvoering/lewering sonder ooreenkoms, en word op verryking gegrond.

Geslagsdelikte

Daardie misdrywe wat 'n meisie se integriteit benadeel, d.w.s. ontmaagding en seduksie, en wat haar kans om in die huwelik te tree, belemmer.

English

State law pluralism

Where a state incorporates non-state normative orders into a country's official and unified legal system.

Termination of a contract

Contractual obligations are terminated by rendering performance. Once the debtor has performed properly in terms of the agreement, he/she has fulfilled his/her obligation.

Tort

Breach of duty, other than under a contract, leading to liability for damages.

isiXhosa

Umthetho ophezulu welizwe

Ukufaka imiba engenaso isiseko somthetho phantsi kwenkqubo zolawulo lukarhulumente ngendlela ehlanganisiweyo.

Ukuqhawulwa kwesivumelwano

Izibophelelo zesivumelwano ziqhawulwa ngokwenza okulindelekileyo. Akuba umntu okweletwayo enze ngokufanelekileyo ngokuphathelele kwisivumelwano, usizalisekisile isibophelelo sakhe.

Ubutyala

Ukophulwa kwemfanelo, ingasiyiyo ephantsi kwesivumelwano, okuthi kukhokelele kubutyala bomonakalo.

Afrikaans

Staatsregpluralisme

Waar 'n staat niestaat- normatiewe ordes by 'n land se amptelike en verenigde regstelsel insluit.

Beëindiging van 'n kontrak

Kontraktuele verpligtinge word beëindig deur daaraan uitvoering te gee. Wanneer die skuldenaar behoorlik aan die ooreenkoms uitvoering gee, is die verpligting nagekom.

Deliktereg

Pligsbreuk wat nie onder kontrak plaasvind nie, wat tot aanspreeklikheid vir skadevergoeding lei.

Criminal law

uMthetho woLwaphulo-Mthetho

Strafreg

English

Absolute force

Where one person forces another, through superior strength, to assault or cause damage to someone else or someone else's property.

Accessory (after the fact)

One who assists a felon knowing that he/she has committed a felony or is sought in connection with the commission of such felony.

Accomplice

An individual who voluntarily engages with another or a group to commit or attempt to commit a crime.

Accused person

A person against whom criminal proceedings are initiated. The one who is legally held for an offence at any stage of the proceedings, or against whom a complaint is made lawfully, charging him/her with an offence.

Actio libera in causa

When a person voluntarily gets drunk or drugged in order to gain enough courage to commit a crime. He/she is therefore liable for whatever crime he/she commits.

Antecedent liability

Voluntary act of person in a self-inflicted involuntary state that culminates in harmful and unlawful results.

Appeal

To argue for the setting aside of a judgement.

Arson

Setting fire to an immovable structure with intent to damage such property.

Attack

When one or more people hit or try to hurt and defeat another or others by means of force.

isiXhosa

Amandla apheleleyo

Apho ubani athi onzakalise okanye ahlasela ngamandlakazi okanye enze umonakalo kwimpahla yomnye umntu.

Umtheleli (emva kwesenzo)

Lowo ufumana ancedise isihange esazi ukuba senze ubuhange okanye sifunwa ngokunxulumene nokwenziwa kobuhange.

Umncedisi ekoneni

Umntu othi ngokuzithandela azibandakanye nomnye umntu okanye neqela ekwenzeni okanye ekuzameni ukwenza ulwaphulo-mthetho.

Ummangalelwa

Umntu othathelwa amanyathelo asemthethweni. Ngulowo othi ngokomthetho abe noxanduva lokuphendula ubutyala ngalo naliphi na ithuba lokuqhutywa kwetyala okanye lowo utyholwa ngesenzo solwaphulo mthetho.

Actio libera in causa

Xa ubani eqwebela isibindi esaneleyo sokwaphula umthetho ngokusela utywala okanye asebenzise iziyobisi, uye athathelwe amanyathelo asemthethweni nangasiphina isenzo solwaphulo mthetho athi asenze.

Isandulelo

Isenzo esizenzekelayo nesenziwa ngumntu ingezonjongo zakhe, nesithi siphelele kwiziphumo ezinobungozi nezingekho mthethweni.

Ukubhena

Ukuxoxela ukuba isigwebo sibekelwe bucala.

Ukutshisa

Ukutshiswa ngomlilo kwesakhiwo esimileyo ngenjongo yokudala umonakalo kwimpahla yomnye umntu.

Uhlaselolo

Xa umntu omnye okanye nangaphezulu athi abethe okanye azame ukwenzakalisa oyise omnye umntu ngokusebenzisa amandla.

Afrikaans

Absolute dwang

Waar een persoon 'n ander deur meerdere krag dwing om iemand anders of iemand anders se eiendom aan te val of skade te berokken.

Medepligtige (na die feit)

Iemand wat 'n misdadiger help terwyl hy/sy weet dat daardie persoon 'n misdaad gepleeg het of gesoek word in verband met die pleging van so 'n misdaad.

Medepligtige / handlanger

'n Individu wat vrywillig met iemand of 'n groep betrokke is in die pleging of gepoogde pleging van 'n misdaad.

Beskuldigde

'n Persoon teen wie strafregtelike prosedure aanhangig gemaak is. Die persoon wat in enige stadium van die verrigtinge regtelik vir 'n oortreding aangehou of teen wie 'n klag wettiglik ingedien word om hom/haar van 'n oortreding aan te kla.

Actio libera in causa

Wanneer 'n persoon opsetlik dronk of bedwelm word om daardeur genoeg moet bymekaar te skraap om 'n misdaad te pleeg. Hy/sy is daarom aanspreeklik vir watter misdaad hy/sy ook al pleeg.

Antesedente aanspreeklikheid

Willekeurige handeling van 'n persoon wat in 'n selfopgelegde onwillekeurige toestand verkeer wat tot skadelike en wederregtelike resultate lei.

Appèl

Poging om 'n beslissing ter syde gestel te kry.

Brandstigting

Om 'n onroerende struktuur aan die brand te steek met die opset om die eiendom te beskadig.

Aanval

Wanneer een of meer persone ('n) ander slaan of probeer seermaak en verslaan deur die gebruik van geweld.

English

Automatism

Conduct that occurs during sleep, blackout, dissociation, hypnosis, intoxication or provocation. It is thus involuntary.

Burden of proof

The one who alleges has the duty to prove his/her allegation, either on balance of probabilities, or beyond reasonable doubt.

Capable in law

To have criminal capacity; a person's capacity for insight and self-control.

Cognitive capacity

Person's capacity to appreciate the wrongfulness of his/her conduct; one's capacity for insight and knowledge.

Commencement of consummation

The last series of acts towards an attempted offence that would constitute a continuous operation, unbroken by intervals of time, which might give an opportunity for reconsideration; used to prove attempt; also called "a substantial step towards the commission of a crime".

Common-law crime

Any crime prescribed under common law.

Completed attempt

Wrongdoer has done everything that he/she set out to do, but fails through lack of skill or due to some unexpected obstacle, e.g. B shoots at Z but misses him/her.

Conative capacity

Person's capacity to act with due appreciation of his/her unlawful conduct; a person's capacity for self-control.

isiXhosa

Ukungabikho zingqondweni

Iintshukumo zomzimba ezizilawulayo ngexesha usebuthongweni, ufe isiqaqqa, kwihipnosisi, ekuyotyweni okanye ekucatshukisweni.

Umgomo wobungqina

Luxanduva lomngali ukuba eze nobungqina bezityholo azibeka ummangalelwa, okanye aveze imeko eyenza ukuba abenobutyala, okanye Ubungqina obungathandabuzisiyo.

Ukuba sengqiqweni ngokomthetho

Ukuba nengqondo evuthwe ngokwaneleyo kangangokuba ungathathelwa amanyathelo ngokusemthethweni.

Ingqiqo yomntu

Ingqiqo yokwahlula phakathi kokubi nokulungileyo nokusidanela isono osenzileyo.

Ukulandelelana kwezehlo

Zonke izehlo ezithi zenzeke zingakhange zaphazanyiswa lixesha, apho umntu angathi afumane ithuba lokutshintsha ingqondo.

Ulwaphulo-mthetho ngokwezithethe namasiko

Naluphi na ulwaphulo-mthetho olumiselwe phantsi komthetho ongabhalwanga phantsi.

Umzamo ofezekileyo

Umenzi wobubi wenze konke okusemandleni akhe ukuba enze oko aqonde ukukwenza, kodwa wasilela ngenxa yokungabikho kobuchule okanye ngenxa yobukho bomqobo ongalindelekanga oxabe endleleni yakhe, umz. uB udubula uZ, kodwa amphose.

Amandla okwenza ngokuzithandela

Ukuzibandakanya nesenzo esingalunganga usazi kodwa wohlulwe kukuzikhwebula nokuzeyisa.

Afrikaans

Outomatisme

Gedrag wat tydens slaap, beswyming, dissosiasie, hipnose, dronkenskap of provokasie geskied. Dit is dus onwillekeurig.

Bewyslas

Die plig van die beweerder om sy/haar bewering óf volgens oorwig van waarskynlikheid óf bo redelike twyfel te bewys.

Toerekeningsvatbaarheid

Om strafregtelik bevoeg te wees; 'n persoon se vermoë tot insig en selfbeheersing.

Kognitiewe bevoegdheid

Persoon se bevoegdheid om die wederregtelikheid/onregmatigheid van sy/haar gedrag/handeling te besef; vermoë tot insig en kennis.

Aanvang van vervulling/volvoering

Die laaste reeks handelingte in aanloop tot 'n gepoogde oortreding wat op 'n voortdurende bedrywigheid, ononderbroke deur tydsverloop, sou neerkom waarin daar tyd vir heroorweging kon wees; gebruik om poging te bewys; staan ook bekend as "beduidende stap tot die pleging van 'n misdaad".

Gemeenregtelike misdaad

Enige misdaad wat onder gemene reg bepaal word.

Voltooide poging

'n Oortreder het alles gedoen wat hy/sy voorgeneem het om te doen, maar misluk weens gebrek aan vaardigheid of een of ander onverwagte hindernis, byvoorbeeld B skiet vir Z, maar mis hom/haar.

Konatiwewebewoegdheid

Persoon se bevoegdheid om met die nodige besef van sy/haar wederregtelike gedrag te handel; 'n persoon se vermoë tot selfbeheersing.

English

Confession

An admission of guilt, or other incriminating statement made by an accused person, without any promise of worldly advantage held to him/her as obtainable by the confession, or any harm threatened to him/her if he/she refuses to confess, the promise or threat being made by a person in authority.

Consent

To agree to or be in accord with something. Consent is given only after full notice is given as to that which is being consented to.

Conspiracy

Two or more persons who commit a criminal or unlawful act, or commit a lawful act by unlawful or criminal means.

Constitution

A body of fundamental principles by which a state is governed.

Contempt of court

An act or omission tending to obstruct or interfere with the orderly administration of justice, and to impair the dignity of the court or respect for its authority. There are two kinds: direct contempt and constructive contempt. The former is done openly and in the presence of the court. The latter results from matters such as failure to comply with orders.

Crime

Any act that the sovereign state has deemed contrary to the public good; a wrong that the government has determined injurious to the public and hence prosecutable in a criminal proceeding. Crime includes felonies and misdemeanours.

Criminal defamation

Unlawful and intentional publication of matter that tends to injure another person's reputation.

isiXhosa

Ukuvuma ityala

Ukuvuma ubutyala okanye iingxelo eziqamangelayo ezenziwa ngumntu omangalelweyo, ngaphandle kwesithembiso esenziwe ngomlomo ukuba uya kuzuzisa ngokuvuma kwakhe okanye ukugrogriswa ukuba uyala ukuvuma, isithembiso okanye ugrogriso olo lube lusenziwa ngumntu osemagunyeni.

Imvume

Ukuvumelana / ukungqinelana. Imvume enikezela kuphela emva kokuba isaziso esizeleyo ngoko kuvunyelenwe ngako sinikiwe.

Iyelenqe

Indibano yabantu ababini nangaphezulu ukuba benze ulwaphulomthetho okanye isenzo esingekho mthethweni okanye benze isenzo esisemthethweni ngendlela engekho mthethweni okanye ngendlela yolwaphulo-mthetho.

Umgqaqo-siseko

Ngumqulu wemimiselo engundoqo nelithi ilizwe lilawulwe ngayo.

Ukudela inkundla

Izenzo okanye ukungenzi okujonge ukuthintela okanye ukuphazamisana nolawulo olucwangcileyo lobulungisa, ukonakalisa isidima senkundla okanye intlonipho yegunya layo. Zimbini iindidi: isidelo esithe ngqo nesicetyiweyo. Esokuqala, senziwa ngokuphandle ngaphakathi enkundleni. Esesibini, siphuma kwimiba enjengokusilela ukuthobela imiyalelo.

Ulwaphulo-mthetho

Nasiphi na isenzo esithi isizwe esilawulayo sisibone sichasene nobulungisa boluntu, ububi athi urhulumente abuqinisekise njengobenzakalisa uluntu nobuthi butshutshiseke kwizimangalo zolwaphulo-mthetho. Ulwaphulomthetho luquka izenzo zobuhange nezo zibandakanya ukuziphatha kakubi.

Unyeliso

Upapasho lwento olungekho mthethweni nolujonge ukwenzakalisa undiliseko lomnye umntu.

Afrikaans

Bekentenis

Erkenning van skuld of ander beswarende stelling wat deur 'n aangeklaagde gemaak is, sonder dat 'n persoon met gesag enige belofte van wêreldse gewin in ruil vir die bekentenis, of enige dreigement van geweld teen hom/haar maak indien die aangeklaagde sou weier om te beken.

Toestemming

Om tot iets in te stem of daarmee akkoord te gaan. Toestemming word slegs gegee nadat ten volle verduidelik is waartoe toestemming verleen word.

Sameswering

Twee of meer persone wat 'n misdaad of wederregtelike daad pleeg, of 'n regmatige daad op 'n wederregtelike of misdadige manier pleeg.

Grondwet

Die grondliggende beginsels waarvolgens 'n staat regeer word.

Minagting van die hof

'n Handeling of versuim wat daartoe geneig is om in ordelike regspraak in te meng, en om die waardigheid van die hof of respek vir sy gesag aan te tas. Daar is twee soorte: direkte en konstruktiewe minagting. Eersgenoemde vind openlik in die teenwoordigheid van die hof plaas. Laasgenoemde volg op sake soos versuim om bevele te gehoorsaam.

Misdaad

Enige handeling wat die soewereine staat as strydig met openbare belang beskou; 'n onreg wat deur die regering as nadelig vir die publiek geag word en daarom vervolgbaar is in 'n strafsaaik. Misdaad sluit misdrywe en oortredinge in.

Strafregtelike laster

Wederregtelike en opsetlike publiserings van beweringe wat daartoe geneig is om 'n ander persoon se reputasie ernstig te skend.

English

Criminal liability

To be responsible and liable for the criminal acts that one commits.

Culpability

Disregard for the consequence that may ensue from an act, and indifference to the rights of others.

Culpable homicide

Unlawful, negligent killing of another human being.

De minimis non curat lex

A rule that means the law does not concern itself with trifles.

Emotional stress

Disturbance that causes an inability to appreciate the unlawfulness of one's actions.

Entrapment

Enticing a person into committing a crime in order to prosecute him/her.

Extortion

Taking patrimonial advantage from another by intentionally and unlawfully subjecting him/her to pressure, which induces him/her to submit to the taking, i.e. blackmail.

Felony

A crime sufficiently serious to be punished or punishable by death.

Fine

A sum of money ordered to be paid by an offender as punishment for an offence.

Formal crime

Certain type of conduct (commission or omission) that is prohibited, irrespective of the result of such conduct.

isiXhosa

Ukuba nobutyala ngolwaphulo-mthetho

Ukuba nobutyala komntu ngezenzo zolwaphulo-mthetho athi azenze.

Ubutyala ngokungakhathali

Isenzo sokungasihoyi isiphumo esinokuvela kwisenzo kwanokungabonisi mdla kumalungelo abanye.

Ityala lokubulala ngokungenankathalo

Isenzo sokubulala omnye umntu ngaphandle kwenjongo nesinesohlwayo phantsi komthetho.

De minimis non curat lex

Ummiselo othetha ukuba umthetho awuzidubi ngemfintshimfintshi.

Uxinzelelo loluvo

Uphazamiseko lwasemoyeni olweza ubani angabinakuqonda ukuba izenzo zakhe ziphazamisana nomthetho.

Ukugcayisela

Ukulukuhla umntu ukuba enze ulwaphulo-mthetho, khon' ukuze umtshutshise.

Ukuphanga

Ukunyanzelisa umntu ukuba azibandakanye nesenzo esingekho mthethweni ngokumgrogrisa de avume. Umzekelo isenzo esiza kumbeka ibala lokuba angathembeki naphantsi kwayiphi na imeko.

Ubuhange

Ulwaphulo-mthetho olunzima ngokwaneleyo ukuba lohlwayelwe okanye lohlwaywe ngokufa.

Isohlwayo

Isixa-mali ekuyalelwa ukuba sihlawulwe ngumaphuli-mthetho njengesohlwayo sobutyala.

Ulwaphulo-mthetho olumiselweyo

Uhlobo oluthile lwendlela yokuziphatha (ngendlela ecwangcisiweyo okanye okanye engacwangcisiwanga), kungakhathaliseki nokuba sithini na isiphumo salo ndlela yokuziphatha.

Afrikaans

Strafregtelike aanspreeklikheid

Om verantwoordelik en aanspreeklik te wees vir die misdrywe wat 'n mens pleeg.

Skuldigheid

Minagting vir die gevolge wat uit 'n handeling kan spruit, en onverskilligheid teenoor die regte van ander.

Strafbare manslag

Die wederregtelike, nalatige doodmaak van 'n ander mens.

De minimis non curat lex

'n Reël waarvolgens die reg hom nie aan onbenullighede of nietighede steur nie.

Emosionele stres

Stoornis wat daartoe lei dat 'n mens nie daartoe in staat is om die wederregtelikheid van jou handeling te besef nie.

Verstrikking

Uitlokking van 'n persoon om 'n misdaad te pleeg ten einde hom/haar strafregtelik te vervolg.

Afdreiging

Om vermoënsvoordeel van 'n ander te neem deur hom/haar opsetlik en wederregtelik aan druk te onderwerp wat hom/haar oorhaal om toe te gee aan toeëiening, byvoorbeeld afpersing.

Ernstige misdaad

'n Misdaad wat ernstig genoeg is om met die dood te straf/strafbaar te wees.

Boete

'n Bedrag geld wat betaalbaar is deur 'n oortreder as straf vir 'n oortreding.

Formele misdaad

Sekere soort gedrag (handeling of versuim) wat verbied word, ongeag die resultaat van sodanige gedrag.

English

Formal law

Comprises rules setting out the procedure or method by which substantive law is enforced.

Fraud

Intentional deception resulting in injury to another. Includes material misrepresentation made by one who either knows it is false, or who is ignorant of its truth.

General deterrence

Achieved when an offender is punished in such a way that he/she never commits crime again.

Glossators

Professors who wrote notes (glosses) in margins or between lines of the text in the *Corpus Iuris* explaining the text and offering a solution to contradictory texts.

Homicide

The killing of a human being. It is regarded as one of the most serious acts of criminal behaviour.

Impossibility

When through no fault of the accused, it is physically impossible for him/her to act in order to prevent a certain consequence, though he/she is under legal duty to do so.

Imprisonment

When a criminal is convicted, he/she is either sentenced to pay a fine or to serve time in prison (imprisonment).

Inchoate crimes

Where an accused has not completed the commission of a specific crime. Conspiracy, attempt and incitement are said to be incomplete or inchoate crimes.

isiXhosa

Umthetho obhaliweyo

Uquka imithetho ebeka inkqubo okanye indlela othi unyanzelwe ngayo umthetho ozimeleyo.

Ubuqhophololo

Inkohliso esithi isiphumo sayo senzakalise omnye umntu. Amasolotyabo ngala: ubuxoki nokugqwethwa kwento eyenziwe ngomnye, ngaxalimbi oko kusenziwa ngumntu owaziyo ukuba bubuxoki okanye ongabaziyo ubunyaniso bayo.

Ukoyikisa ngokuthe gabalala

Kufikelelwa xa umaphuli-mthetho ohlwaywa ngendlela eyenza ukuba abubone ubutyhakala bentliziyo asidanele isono sakhe angaze aphinde enze eso senzo kwakhona.

Abaniki-nkcazelo

Oonjingalwazi ababhala iinkcazelo eziphakathi kweemajini zamaphepha okanye kwimigca yeziqendwana ezikwi-*Corpus Iuris*, ezichaza isiqendwana zinike nesisombululo kwiziqendwana ezichaseneyo.

Ukubulala umntu

Ukubulala omnye umntu. Kuthathwa njengesona senzo sibi solwaphulo mthetho.

Ukungenzeki ngokwasemthethweni

Apho athi umtyholwa onyanzeliswa ngumthetho ukuba anqande isehlo esithile singenzeki, angabinakho ukusinqanda kodwa ibe ingeyompazamo yakhe.

Ukufakwa entolongweni

Xa umaphuli-mthetho athe wafunyaniswa enetyala. Isigwebo singaba yintlawulo okanye ukuvallelwa (iminyaka) entolongweni.

Ulwaphulo-mthetho olungagqibekanga

Apho ummangalelwa angekagqibi ukwenza ulwaphulo-mthetho. Iyelenqe, ukuzama ukwenza ulwaphulo-mthetho okanye ukuthelekisa – konke kuthiwa lulwaphulo-mthetho olungagqibekanga.

Afrikaans

Formele reg

Behels reëls wat die prosedure of metode waarvolgens materiële reg toegepas word uiteensit.

Bedrog

Opsetlike misleiding wat skade aan 'n ander berokken. Sluit materiële wanvoorstelling in deur iemand wat hetsy weet dat dit vals is, of wat onkundig is oor die waarheid.

Algemene afskrikking

Word bereik wanneer 'n oortreder op so 'n wyse gestraf word dat hy/sy nooit weer misdaad pleeg nie.

Glosseskrywers

Regsgeleerdes wat notas (algemene kommentare) in die kantlyn of tussen reëls van die teks in die *Corpus Iuris* geskryf het om die teks te verduidelik en 'n oplossing te bied vir strydige tekste.

Manslag

Die doodmaak van 'n mens. Dit word as een van die ernstigste misdade beskou.

Onmoontlikheid

Wanneer dit sonder die toedoen van die aangeklaagde, vir hom/haar fisies onmoontlik is om te handel om 'n bepaalde gevolg te verhoed, hoewel hy/sy onder regsverpligting is om dit te doen.

Gevangeneming

Wanneer 'n misdadiger skuldig bevind word, word hy hetsy 'n boete of gevangenisstraf (gevangeneming) opgelê.

Onvoltooide misdade

Waar 'n aangeklaagde nie die pleging van 'n bepaalde misdaad voltooi het nie. Sameswering, poging of uitlokking word as onvoltooide of onontwikkelde misdaad beskou.

English

Incitement

Communication by words or conduct to convince another person to commit a crime.

Incomplete attempt

Wrongdoer has not completed all that he/she sets out to do because the completion of his/her unlawful conduct has been prevented by the intervention of some outside agency.

Intention

A state of mind in which a person knows and desires the consequences of his/her act. For purposes of criminal liability, this state of mind must exist at the time the offence is committed.

Intoxication

Results from the consumption of alcohol or intake of drugs. An intoxicated person does not have the capacity to appreciate the wrongfulness of his/her conduct, or to act in accordance with that appreciation.

Just deserts

The idea that since a crime is an antisocial act that disturbs the moral order of society, a punishment that restores that order is needed.

Law of criminal procedure

Regulates the duties and powers of criminal courts and prosecutorial authority, duties and powers of the police in the course of investigating crime, and the rights of the accused; the procedure followed at the prosecution of crime.

Legal causation

If according to human experience in the normal course of events, an act has a tendency to bring about a certain consequence / situation.

isiXhosa

Ukuthelokisa

Uqhagamshelwano ngamazwi okanye ngendlela yokuziphatha komnye umntu ekumoyiseleni ukuba enze ulwaphulomthetho.

Umzamo ongafezekanga

Umenzi wobubi akakufezekisanga konke okusemandleni akhe ukuba akwenze kuba ukufezeka kwendlela yakhe yokuziphatha okungekho mthethweni kuthintelwe lungenelelo lwe-arhente ethile yangaphandle.

Injongo

Ubume bengqondo apho umntu aziyo nanqwenela iziphumo zesenzo sakhe ezithi, ngenxa yenjongo yobutyala bolwaphulo-mthetho, zibekho ngexesha lokwenziwa kolwaphulomthetho.

Ukuyotywa

Iziphumo zokusetyenziswa kotywala okanye ukuthatyathwa kweziyobisi, kwaye umntu oyotiyweyo akanayo ingqondo yokuhluzwa ububi bendlela yokuziphatha kwakhe okanye akakwazi ukwenza ngoko kuhluza.

Ukubuyiswa kocwangco ngobulungisa

Umbono kukuba, ngenxa yokuba ulwaphulo-mthetho lusisenzo esichasene nentlalo, oko kuphazamisana nocwangco lwendlela yokuziphatha ekuhlaleni kufuneka isohlwayo esibuyisa olo cwangco.

Inkqubo yotshutshiso lolwaphulo-mthetho

Ilawula imisebenzi namandla eenkundla zolwaphulo-mthetho nezegunya lotshutshiso, eyobupolisa ngexesha lokuphanda ulwaphulomthetho kunye namalungelo ommangalelwa. Ukutsho oko, yinkqubo elandelwa xa kutshutshiswa ulwaphulomthetho.

Unobangela womthetho

Iimeko zokuphila ziyayenza into yokuba isenzo esigwenxa sikhokelele kwisiqalo sobulungisa, isenzo sinotyekelo lokuzisa uhlobo olunjalo lwemeko.

Afrikaans

Uitlokking

Kommunikasie deur woorde of gedrag om 'n ander persoon oor te haal om 'n misdaad te pleeg.

Onvoltooide poging

Oortreder het nie alles gedoen wat hy/sy beplan het nie aangesien die voltooiing van sy/haar wederregtelike gedrag deur die tussenkoms van 'n buiteagentskap verhoed is.

Opset

'n Gemoedstoestand waarin die persoon die gevolge van sy/haar handeling besef en verlang. Vir die doel van strafregtelike aanspreeklikheid, moet hierdie gemoedstoestand ten tyde van die misdaad bestaan.

Dronkenskap (drank)/bedwelming (dwelms)

Resultaat van die inname van alkohol of dwelmmiddels. 'n Bedwelmd persoon het nie die bevoegdheid om die wederrigtheid van sy/haar gedrag te verstaan nie, of in ooreenstemming met daardie besef te handel nie.

Verdiende loon

Die idee dat aangesien misdaad 'n antisosiale handeling is wat die morele orde van die samelewing versteur, dit 'n straf noodsaak wat daardie orde sal herstel.

Strafprosedure

Reguleer die pligte en magte van strafhore en die vervolgingsgesag, - pligte en -bevoegdhede van die polisie in die loop van misdaadondersoek, en die regte van aangeklaagdes; die proses wat tydens die vervolging van misdaad gevolg word.

Juridiese veroorsaking

Wanneer 'n handeling in ooreenstemming met menslike ervaring in die normale verloop van gebeure die geneigdheid het om 'n bepaalde gevolg / situasie teweeg te bring.

English

Legal duty

Where there is an obligation on one to act, and where an omission will be unlawful.

Misdemeanour

Indictable offence, though less serious than a felony.

Motive

It is what induces a person to act in a certain manner.

Murder

Unlawful and intentional killing of another person.

Obstructing or defeating the course of justice

Unlawfully performing an act that is intended to, and does defeat or obstruct, the administration of justice.

Perpetrator

The person who commits the crime.

Positive act

An act that leads to criminal prosecution.

Principle of legality

According to this principle, punishment may only be inflicted when a crime has been committed, and rules must have been enforced by law before they were broken. Punishment can only be inflicted in relation to crimes created by the contravention of laws, which had existed prior to the crime.

Private defence

Also called self-defence. When a person resorts to force to repel an unlawful attack and use of force by another against himself, another person, property or recognised legal interest. Harm or damage inflicted to the offender in the course of such defence is not unlawful.

Prohibition

Legal ban or an order that forbids.

isiXhosa

Imfanelo esemthethweni

Apho kukho imfanelo yokuba ubani athathe inyathelo nalapho ukungathathi nyathelo kuchasana nomthetho.

Ukuziphatha okubi

Ubutyala obunokumangalelwa nobungaphantsi nganeno kubuhange ngobunzima.

Isizathu

Yiloo nto iqhuba umntu ukuba enze ngendlela ethile.

Ukubulala

Ukubulawa ngabom komnye umntu okungekho mthethweni.

Ukuphazamisana nokusebenza komthetho

Ukwenza isenzo ngokungekho mthethweni esilungiselelwe ukoyisa okanye ukuthintela nesithi ngenene siphazamise ulawulo lobulungisa.

Umenzi wobubi

Umntu owaphula umthetho.

Isenzo sotshutshiso

Isenzo esikhokelela kutshutshiso lolwaphulo-mthetho.

Ummiselo wokusemthethweni

Uvakalisa ukuba isohlwayo singawiswa kuphela xa ulwaphulo-mthetho lwenzekile kwanokuba loo mithetho makube ibinyanzelisiwe phambi kokuba yaphulwa. Isohlwayo singawiswa kuphela ngokunxulumene nolwaphulomthetho oludalwe yimithetho eyenziwe kwaphambi kokukreqwa kwayo nethi ifunelwe isohlwayo.

Ukuzikhusela

Xa umntu ehlaselwa ngomnye umntu ngokungekho mthethweni uthi agqibe ekubeni asebenzise amandla ukuthintela olo hlaselo. Ubungozi obuthi behlele umaphuli-mthetho ngexesha loko kuzikhusela abuchasananga nomthetho.

Isithintelo

Ukuthintela okusemthethweni okanye umyalelo othintelayo.

Afrikaans

Regsplig

Waar iemand regtens verplig is om op te tree, en waar die versuim om dit te doen wederregtelik sal wees.

Misdryf

Geregte vervolgbare oortreding, hoewel minder ernstig as 'n ernstige misdaad.

Motief

Wat 'n persoon oorhaal om op 'n sekere manier te handel.

Moord

Wederregtelike en opsetlike doodmaak van 'n ander persoon.

Dwarsboming van die gereg/regsverdeling

Die wederregtelike uitvoer van 'n handeling wat bedoel is en daarin slaag om regspraak te veredel of te dwarsboom.

Dader

Die persoon wat misdaad pleeg.

Positiewe handeling

'n Handeling wat tot strafregtelike vervolging lei.

Legaliteitsbeginsel

Volgens hierdie beginsel mag straf slegs toegeken word indien 'n misdaad gepleeg is, en moes reëls toegepas gewees het voordat dit gebreek is. Straf kan slegs opgelê word ten opsigte van misdaad wat ontstaan deur die oortreding van wette wat vóór die misdaad reeds bestaan het.

Afweerhandeling/noodweer

Staan ook as selfverdediging bekend. Wanneer 'n persoon hom tot geweld wend om 'n wederregtelike aanval en gebruik van geweld teen hom-/haarself, 'n ander persoon, eiendom of erkende regsbelang te keer. Skade of beskadiging aan die oortreder in die verloop van sodanige afweerhandeling is nie wederregtelik nie.

Verbod

Geregte verbod of 'n bevel wat verbied.

English

Prosecution

Institution and continuation of legal proceedings.

Protective relationship

Relationship in which one is expected by law to look after and protect the other, e.g. mother and child.

Public indecency

Unlawfully, intentionally and publicly committing an act that tends to deprave the morals of others, or outrage the public sense of decency and propriety.

Punishment

Official sanctions calculated to interfere with the life, liberty or property of the offender; they are therefore an authoritative infliction of suffering for an offence.

Putative ground of justification

When one *bona fide* believes that the unlawful act he/she committed can be justified by law as private defence.

Rape

Unlawful sexual intercourse with a woman or man or child without his/her consent.

Reformation

The idea that an offender could become a better person by expiating his/her crime.

Revenge

Punishment is inflicted in order to satisfy the indignation of the wronged person; one of the theories of punishment.

Right to silence

A right to remain silent is a right not to answer questions in court or to say something that is self-incriminating.

Robbery

Theft of property whilst intentionally using violence or threats of violence to induce submission.

isiXhosa

Utshutshiso

Ukuqalisa nokuqhubeka nenkqubo yokuxoxwa kwetyala enkundleni.

Ubudlelwane bokukhusela

Ubudlelwane apho ubani alindeleke ngokomthetho ukuba agcine, akhusele omnye, umz. umama nomntwana.

Amanyala

Ukwenza ngabom esidlangalaleni isenzo esingekho mthethweni nesijonge ukohlutha izidima zabanye okanye esihlaza indlela yentlonipho nomfaneleko woluntu.

Isohlwayo

Isohlwayo saseburhulumenteni esinjongo ikukuphazamisana nobomi, inkululeko okanye impahla yomaphulimthetho, kungoko sisohlwayo sogunyaziso ngenxa yolwaphulomthetho.

Umhlaba ocingelwa ukuba ngowobulungisa

Xa ubani oyi-*bona fide* akholelwa ekubeni unokugwetyelwa ngesenzo asenzileyo esingekho mthethweni ngesizathu sokuba ebezikhusela.

Ukudlwengula

Ukulala umfazi, indoda okanye umntwana ngenkani.

Ulungiso-simo

Inginga yokuba umaphuli-mthetho angahlambuluka ezonweni zakhe ngokunyusa idini.

Impindezelo

Isohlwayo esiwiswa ngenjongo yokuxolisa ingqumbo yomntu owoniweyo, kwaye yenye yeethiyori zesohlwayo.

Ilungelo lokuthi cwaka

Ilungelo lokuthula uthi cwaka lilungelo lokungawuphenduli umbuzo enkundleni okanye ukungathethi nto inokukudiyobha.

Ukuphanga

Ubusela bempahla kusetyenziswa ububhovu-bhovu okanye izoyikiso zobubhovu-bhovu ukudala unikezelo.

Afrikaans

Vervolging

Instelling en voortsetting van geregtelike stappe.

Beskermende verhouding

Verhouding waarin daar regtens van iemand verwag word om 'n ander te versorg en te beskerm, byvoorbeeld 'n moeder en kind.

Openbare onsedelikheid

Wederregtelike, opsetlike en openbare handeling(e) wat daartoe geneig is om die morele waardes van ander aan te tas of die openbare sin vir fatsoenlikheid en welvoeglikheid krenk.

Straf

Amptelike sanksies wat bereken is om in die lewe, vryheid of eiendom van die oortreder in te meng; dit is daarom 'n gesaghebbende oplegging van lyding vir 'n misdad.

Putatiewe regverdigingsgronde

Wanneer iemand *bona fide* glo dat die wederregtelike handeling wat hy/sy gepleeg het regtens as selfverdediging geregverdig kan word.

Verkragting

Wederregtelike seksuele omgang met 'n man, vrou of kind sonder sy/haar toestemming.

Hervorming

Die idee dat 'n oortreder 'n beter persoon kan word deur boete te doen vir sy/haar misdad.

Wraak

Straf word toegedien om die verontwaardiging van die benadeelde persoon te bevredig; een van die teorieë van straf.

Reg om stil te bly

Die reg om stil te bly is die reg om nie vrae in die hof te beantwoord of iets selfbeswarends te sê nie.

Roof

Diefstal van eiendom met opsetlike gebruik van geweld of dreigemente van geweld om onderwerping af te dwing.

English

Sedition

Unlawful gathering of people with an intention of impairing the authority of the state by defying or subverting the authority of its government, but without the intention of overthrowing the government.

Sentence

A decision of a court of law, especially the punishment allotted to a convicted criminal.

Statutory crime

Any crime or act that is prohibited by statutes or legislation, and in which punishment of omission is therefore prescribed.

Strict liability

An accused is only liable if he/she acted with mens rea ("a guilty mind" / the intention or knowledge of wrongdoing that constitutes part of a crime).

Superior order

Defence used to escape criminal liability, e.g. where a soldier committed an unlawful act due to his/her obedience of superior order (i.e. he was ordered to do so).

Suspended sentence

Judicial sentence left unenforced due or subject to good behaviour during a specific period.

Theft

Unlawful taking of something that does not belong to you.

Treason

Any overt act unlawfully committed by a person owing allegiance (loyalty) to the state with intent to overthrow, impair or violate and endanger the existence, independence or security of the state, or to overthrow the government or change the constitutional structure of the state.

isiXhosa

Ukuqhwaya udushe

Indibano yabantu engekho mthethweni enjongo ikukonakalisa igunya lesizwe ngokudela okanye ngokujongela phantsi igunya lolawulo lwaso, kodwa kungekho njongo yakubhukuqa urhulumente.

Isigwebo

Isigqibo senkundla yomthetho, ingakumbi isohlwayo esiwiselwa umntu obanjelwe ulwaphulo-mthetho.

Ulwaphulo-mthetho olumiswe ngokusemthethweni

Naluphi na ulwaphulo-mthetho okanye isenzo esinqandwa luwiso-mthetho, nalapho isohlwayo sokungenzi ngokulindelekileyo sithi simiselwe khona.

Ubutyala ngenjongo

Ummangalelwa unobutyala kuphela xa kukho i-mens rea (ukwenza ngenjongo okanye ulwazi lokuba ukwenza gwenxa kunendawo okuyithathayo kulwaphulomthetho).

Umyalelo ongentla

Ukhuselo olusetyenziselwa ukubaleka ubutyala bolwaphulo-mthetho, apho ijoni lithi lenze isenzo esingekho mthethweni ngenxa yokuthobela kwalo umyalelo weziphatha-mandla (ngokuyalelwa ukuba lenze njalo).

Isigwebo esixhonyiweyo

Isigwebo senkundla esishiywa singanyanzeliswanga ngenxa yokuziphatha okuhle ngexesha lethuba eliqingqiweyo.

Ubusela

Ukuthabatha into engeyoyakho ngokungekho mthethweni.

Ukungcatsha umbuso

Nasiphi na isenzo esingekho mthethweni esenziwa ngokuphandle, sisenziwa ngumntu ngenjongo yokubhukuqa, ukwenzakalisa okanye ukungcolisa nokungoza ubukho, inkululeko okanye ukhuseleko lwelizwe okanye ukubhukuqa urhulumente okanye ukuguqula ubume bomgaqo-siseko welizwe.

Afrikaans

Sedisie/oproer

Die wederregtelike byeenkoms van mense met die opset om die gesag van die staat te belemmer deur die gesag van sy regering uit te daag of te ondergrawe, maar sonder die voorneme om die regering tot 'n val te bring.

Vonnis

'n Besluit deur 'n gereghof, veral die straf toegeken aan 'n veroordeelde misdadiger.

Statutêre misdaad

Enige misdaad of handeling wat deur wette of wetgewing verbied en waarin straf van versuim daarom voorgeskryf word.

Streng aanspreeklikheid

Die aangeklaagde is slegs aanspreeklik indien hy/sy met mens rea ("n skuldige gemoed" / die opset of kennis van verkeerde handeling wat deel uitmaak van 'n misdaad) opgetree het.

Handeling op bevel

'n Verweer wat gebruik word om strafregtelike aanspreeklikheid vry te spring, byvoorbeeld waar 'n soldaat 'n wederregtelike handeling gepleeg het in gehoorsaamheid aan 'n bevel (d.w.s. hy/sy is beveel om dit te doen).

Opgehefde/opgeskorte vonnis

Geregtelike vonnis wat nie afgedwing word nie weens of onderhewig aan goeie gedrag gedurende 'n bepaalde tydperk.

Diefstal

Wederregtelike neem van iets wat nie aan jou behoort nie.

Hoogverraad

Enige openlike handeling wat wederregtelik deur 'n persoon gepleeg word wat trou (lojaliteit) aan die staat verskuldig is, met die opset om die bestaan, onafhanklikheid of sekuriteit van die staat tot 'n val te bring, te belemmer of te bedreig, of die regering tot 'n val te bring, of die grondwetlike struktuur van die staat te verander.

English**Trial**

Judicial examination and determination of issues between parties by a presiding officer.

Tribunal

A board appointed to adjudicate upon certain matters or sit as a bench of judges.

Vicarious liability

When one person becomes liable for a delict committed by his/her employee, provided that such delict was committed during working hours or as a result of the job prescribed to the employee.

Voluntary conduct

Conduct is voluntary if it is subject to the accused's or person's conscious will.

Withdrawal from common purpose

When a member of a group that was to commit a certain crime runs away or dissociates himself/herself from it before the crime is committed.

isiXhosa**Ukuxoxwa kwetyala**

Uvavanyo lwenkundla nengqinisekiso yemiba ephakathi kwamaqela ngumchopheli-tyala.

Iqumrhu logwebo

Iqumrhu elonyulelwe ukugweba kwimicimbi ethile okanye ukuchopha njengenkundla yabagwebi.

Ubutyala obenzelelayo

Kuxa umntu othile athi abe netyala ngenxa yomqeshwa wakhe otyeshele umthetho, ukuba nje oko kwenzeke ngexesha lomsebenzi okanye ngenxa yomsebenzi amiselwe wona umqeshwa.

Impatho yokuzithandela

Indlela yokuziphatha iyeyokuzithandela ukuba ixhomekeke kwintando yengqiqo yommangalelwa okanye yomntu.

Ukwehla nomcinga

Kwenzeka xa ilungu leqela ebeliza kwenza ulwaphulo-mthetho lithi libaleke okanye liziguzule phambi kokuqatyeliswa kolwaphulo-mthetho.

Afrikaans**Verhoor**

Geregtelike ondersoek en bepaling van kwessies tussen partye deur 'n voorsittende beamppte.

Tribunaal/ beslissingsraad

'n Raad wat in die lewe geroep word om oor sekere aangeleenthede te beslis of dit as 'n regbank aan te hoor.

Middellike aanspreeklikheid

Wanneer een persoon aanspreeklik gehou word vir 'n delik wat deur sy/haar werknemer gepleeg word, mits sodanige delik in werkstyd of as gevolg van die werknemer se voorgeskrewe werk gepleeg is.

Willekeurige gedrag

Gedrag is willekeurig indien dit onderhewig is aan die aangeklaagde of persoon se bewustelike wilsbeskikking.

Onttrekking aan gesamentlike doel

Wanneer 'n lid van 'n groep wat 'n sekere misdaad sou pleeg, weghardloop of hom-/haarself daarvan distansieer voordat die misdaad gepleeg word.

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