



SKILLS COURSE FOR LAW STUDENTS

REVISION EXAM



1ST SEMESTER 2016

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STUDY UNIT 1

The concept of law

What do you understand by the term LAW?

There are various approaches or views towards the definition

What is Law

The Law is the system of legal rules recognised and enforced by the government to control human behaviour.

WHAT ARE THE CHARACTERISTICS OF THE LAW

1. System of rules
2. Intended to control human behaviour
3. Should be recognised by the state
4. Enforced by the state

It has to be noted that the LAW CREATES DUTIES (OBLIGATIONS) AND RIGHTS between individuals, state and individuals.

FUNCTION OF LAW

1. The Law protects rights from being tampered with thus preserves harmony in the social order by maintaining the equilibrium between the individual's interests and those of the government.

2. The Constitution ensures that the human rights of individuals will be safeguarded from random intrusions by the state, other individuals, groups and other dominant organisations. (Refer to Section 7 of the Constitution)

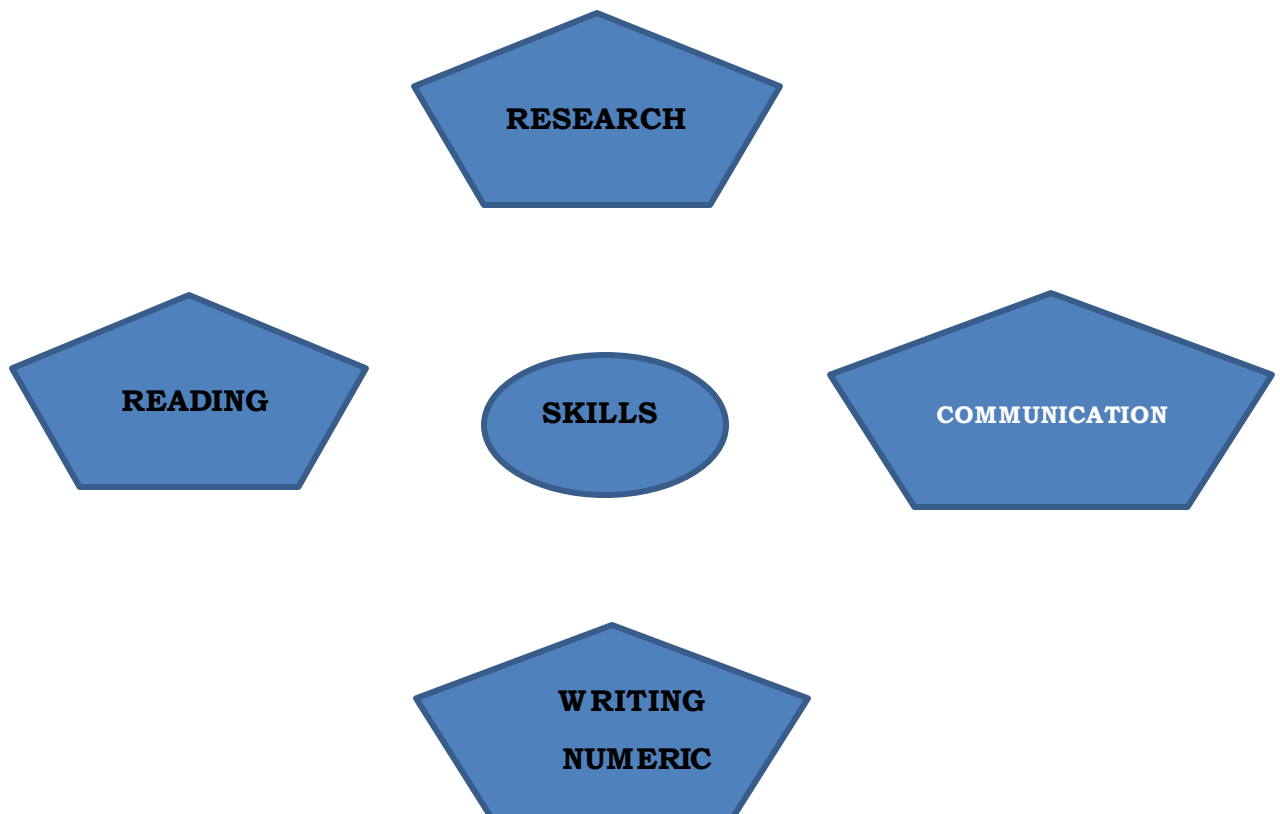
Several laws (besides the Constitution) protect the interests of members of society in specific spheres that are subject to these laws. (Subject to the underlying principles of the Constitution and the Bill of Rights) (E.g. Indigenous law, law of delict, criminal law etc.



3. The circumstances, the type of misconduct/offence and the persons involved will determine the kind of protection provided.
4. Criminal law will be applied to an individual whose misconduct has resulted in a crime that has upset society's peace and balance. The state (on behalf of society) will institute legal proceedings through the criminal courts, against the offender. A criminal sanction /punishment according to the law will be applied against that person, if found guilty.

IMPORTANCE OF SKILLS

Why is it important to develop various skills as a lawyer or law student?



Lawyers should be able to access the law that is finding and using it effectively in practical situations.



Application forms the bases of a legal career thus a lawyer is expected to apply knowledge in practical situations for instance when interviewing clients, in a trial and drafting documents etc.

Lawyers should be able to construct, sustain sound arguments and apply the legal rules.

Skills are crucial to law students in the sense that students need the ability to study effectively thus to access the knowledge of the law and apply it in scenarios.

Freire speaks of notion of praxis. Define this concept.

This concept provides that in every aspect of thinking it should be accompanied by action and application. It can be defined as the action reflection of persons upon the world. Active reflection and reflective action is required.

STUDY UNIT 2

STUDY SKILLS

The Learning and Studying Concept

In your own words define the learning process.

Learning is an active process which involves a lot of activities and the student participate actively in the process as a subjective being.

Define Bank Education.

Bank education refers to the mere adsorption of information in the sense that as a pupil you knew nothing and brain was empty and the teacher was expected to fill it with information which must stuck in the brain until examination time when it



should be regurgitated on the examination answer sheet . In other words facts are deposited into the pupil's brain until they are withdrawn at the right time for a certain purpose.

NB KNOW THE DEFINITION OF MEMORASATION AND TO EXPLAIN THE CONCEPT OF A LEANER AS A SUBJECTIVE BEING.

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