

# DE JURE LAW JOURNAL

VOLUME 54 2021

---

## CONTENTS

Editorial ..... v

### Articles

- On “Dumping” and the Competition Act of South Africa:  
No “double remedy”  
Gustav Francois Brink..... 1
- Giant leaps or baby steps? A preliminary review of the development of  
children’s rights jurisprudence in Zimbabwe  
Isabel Magaya  
Rongedzayi Fambasayi..... 16
- Lessons from history predicting a possible tax revolt in South Africa  
Hanneke du Preez  
Keamogetswe Molebalwa ..... 35
- The indigenisation of customary law: Creating an indigenous legal  
pluralism within the South African dispensation: possible or not?  
Ntebo L Morudu  
Charles Maimela..... 54
- Investigating the extraterritorial application of the International  
Covenant on Civil and Political Rights as well as the International  
Covenant on Economic, Social and Cultural Rights  
Simon Mateus ..... 70
- Makeshift 1190 (Pty) Ltd v Cilliers 2020 5 SA 538 (WCC)*  
The increasing difficulty of protecting quasi-possession of  
incorporeals with the *mandament van spolie*  
EJ Marais ..... 91
- Falling through the cracks: The plight of “over-aged” children in the  
public education system  
Lorette Arendse ..... 105
- The feasibility of the victims of corruption’s claim for constitutional  
damages against corrupt public officials in South Africa  
Thembinkosi W Maseko ..... 127
- Sexual autonomy and violence against women in Nigeria: Assessing  
the impact of Covid-19 pandemic  
Tolulope R Ibitoye  
Folakemi Ajagunna..... 141
- The admissibility of criminal findings in civil matters: Re-evaluating  
the *Hollington* judgment  
Thulisile Brenda Njoko..... 160
- Disruptive technologies and the future of regulations – ICT regulatory  
structure(s) determined

Mzukisi N Njotini .....	174
Zimbabwe's natural person debt relief system: Much-needed relief for No Income No Asset (NINA) debtors or 'out with the new'?	
Shammah G. Boterere .....	194
Is discriminating against employees living with cancer in the workplace justified?	
Charles Maimela .....	205
Dewesternising the South African social security law: a leap towards an Afrocentric legal curricular	
Shelton Tapiwa Mota Makore Nombulelo Lubisi .....	232
Developing the common law crime of murder in relation to physician-assisted suicide and physician-assisted euthanasia: Revising the missteps of <i>Stransham-Ford v Minister of Justice and Correctional Services</i> 2015 (4) SA 50 (G)	
Ntokozo Mnyandu .....	249
<i>MT v Road Accident Fund; HM v Road Accident Fund</i> [2021] 1 ALL SA 285 (GJ) Adverse findings against experts and legal practitioners without evidence or a hearing	
FHH Kehrhahn .....	265
The role of clinical legal education in developing ethical legal professionals	
MA (Riette) du Plessis .....	278
Is English becoming a threat to the existence of indigenous languages in institutions of higher learning in South Africa?	
Anzanilufuno Munyai Moses Retselisitsoe Phooko .....	298
The Treaty on the Lesotho Highlands Water Project and the principle of "equitable and reasonable utilisation"	
Clive Vinti .....	329
Relative poverty in female disability grant recipients in South Africa	
Yvette Basson .....	346
Aquamation: legal nail in burial and cremation's coffin?	
Magda Slabbert Melody Labuschaigne .....	359
The Supreme Court of Appeal and the handing over of the bride in customary marriages	
Siyabonga Sibisi .....	370
An analysis of spousal competence and non-compellability in terms of section 198 of the Criminal Procedure Act	
Melissa Lazarus Dr Franaaz Khan .....	387

## CONTENTS continued

### Articles

Freedom to agreed-upon religious upbringing of the child on dissolution of a marriage: A critique of <i>Kotze v Kotze</i> Shaun de Freitas .....	533
Does the board of a pension fund in South Africa perform a public function or exercise public power when determining death claims under section 37C of the Pension Funds Act? Ntombizozuko Dyani-Mhango .....	549
The impact of COVID-19 on cyberbullying: A delictual claim for emotional harm? Dr Franaaz Khan .....	565
Comply with workplace COVID-19 protocols or face dismissal: A stark reminder from <i>Eskort Limited v Stuurman Mogotsi and Others</i> (JR1644/20) [2021] ZALCJHB 53 (28 March 2021) Bongani Khumalo .....	579