SA Divorce Lawyers Try to Arbitrate for Reason and Fairness by Tracy Narvaez

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The term 'SA divorce lawyers', when searched online could lead one to South America or South Australia. The continent and the province would provide would each provide distinctly different legal provisions for divorce. However, this article is about the situation in South Africa.

This article will be about South African lawyers. They work in an extremely well developed system that has evolved from the Roman and Dutch systems. In the colonial era it was laid over a largely unwritten legal system of tribal law. Since then it has evolved into a blanket with many holes and patches.

South Africa is a country in which two worlds exist, cheek by jowl. A partially literate and very wealthy section of the population enjoy all the advantages of the First World and a desperately poor, largely illiterate section of the population is sunk in poverty and unemployment. They have access to first world facilities but are in may cases unable to take advantage of them.

Persons wishing to divorce in South Africa would need help from a person with knowledge of the Divorce Act of 1979, as amended several times since then. In addition it would be necessary to understand the family law of the country. This itself has several branches such as the law of engagement, matrimonial law and matrimonial property law.

South African family law is distinctively complex, according to at least one expert. The population embraces many tribes, eleven official languages and minority groups such as Jews, Indians, mixed and Asian communities. In the past efforts were made to allow separate communities to develop distinctively but in the wake of the Second World War these efforts were abortive. Even drafters of the new constitution introduced after 1994 describe current family law as 'complex'.

Other countries that veered violently towards multi-culturalism after the Second World War tended to adopt the American melting pot policy in dealing with cultural diversity. Immigrants are required to learn English and try to understand why England keeps a Queen. In South Africa family law is complicated by attempts to accommodate genuine diversity.

As in most parts of the twenty-first century world there is a very large discrepancy between the haves and the have-nots in this country. At one extreme divorce can be almost a do-it-yourself affair if both parties agree not to contend. Complications arise when money and children are involved. Custody battles and settlement issues can enrich lawyers and impoverish spouses who decide to contest their legal rights.

In a recent court case education authorities in a South African province was ordered to provide teachers and educational facilities in their own schools. This absurd ruling is nothing more than a cynical joke since it is obvious that the objects of the legal ruling are administratively incapable of carrying out their duties.

Despite the sort of imperfections that mark most human affairs, world class SA divorce lawyers are available for those who can foot the bill. The extent of costs will depend upon the complexity of affairs and on the ability of parties to meet costs. If the courts are chaotic they can resort to arbitration, agreeing to abide by expert interpretation of the law.

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