

ISSN 0976-6634

JOURNAL OF

SOCIOLOGY AND SOCIAL ANTHROPOLOGY

© Kamla-Raj 2016
PRINT: ISSN 0976-6634 ONLINE: ISSN 2456-6764

J Sociology Soc Anth, 7(4): 267-272 (2016)
DOI: 10.31901/24566764.2016/07.04.233

From the African Customary Marriages Law to the Recognition of Customary Marriages Act (Act 120 of 1998) (RCMA): A Descriptive Analysis

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KEYWORDS Apartheid. Democracy. Legal. Order. Practices. Society

ABSTRACT Marriage is the approved social pattern whereby two or more persons establish a family. In South Africa within the last two decades, there has been a crumbling of an oppressive legal order (apartheid), which was replaced by a new democratic order. This new order does not seem to have affected only the apartheid legacy, but it has also affected other spheres of life, marriage being one of them. Concerning customary marriages, an Act of Parliament known as the *Recognition of Customary Marriages Act (Act 120 of 1998)* (RCMA) was enacted to give effect to the new legal order, that is, in particular, to address the inequality that had been midwifed by customary practices. The study made use of the qualitative research approach to collect data from secondary resources. This paper seeks to describe, compare and analyze the transition from customary marriages law practices to the RCMA practices in South Africa.