

HAS THE BALANCE BEEN STRUCK? THE DECISION IN *JOHNCOM MEDIA INVESTMENTS LIMITED v M* 2009 4 SA 7 (CC)

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SUMMARY

The case of *Johncom Media Investments Limited v M* 2009 4 SA 7 (CC) required of the Constitutional Court to strike a balance between the rights to privacy and the right to freedom of expression as a consequence of section 12 of the Divorce Act 70 of 1979. According to the Court, it felt that the "remedy" it provided was the best under the circumstances. However, there are certain concerns regarding the Court's judgment which require clarification, possibly through legislative intervention.

KEYWORDS

Section 12 of the Divorce Act, right to freedom of expression, right to privacy, Law Reform Commission Report

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