

## CHAOS IN FAMILY LAW: A MODEL FOR THE RECOGNITION OF INTIMATE RELATIONSHIPS IN SOUTH AFRICA

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### SUMMARY

The chaos theory is utilised in a metaphorical manner to describe the current state of family law and more specifically law regulating intimate relationships in South Africa. A bird's eye view of the law of intimate relationships is provided to indicate that the current system of law regulating intimate relationships is in a state of chaos. Deregulation of intimate relationships and regulation by contract as well as a singular Act regulating intimate relationships are investigated as alternatives to the current system. The paper concludes that deregulation does not pose a viable alternative model to recognise intimate relationships. The ideal will be to have a singular Act regulating all intimate relationships. The conclusion and termination of these relationships should be less formal than the current system. The parties should be free to regulate the consequences of their intimate relationship by a relationship contract. Default contracts should be contained in the Act to ensure substantive equality in intimate relationships.

**KEYWORDS:** Chaos; Legal pluralism; Intimate relationships; Civil marriage; Civil union; Religious marriage; Domestic partnerships; Relationship contracts; *Marriage Act* 25 of 1961; *Recognition of Customary Marriages Act* 120 of 1998, *Civil Union Act* 17 of 2006; *Domestic Partnership Bill*

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