

A Multi-Disciplinary Approach in Combating Criminality and Social Ills. A Case Study Based on a South African Perspective

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Abstract: This research study highlights the negative impact caused by criminality and other social ills that are taking place in our communities, and the role that civil society and active citizenry could play to ensure a safe and secure environment for all. A special attention is based on a case study that focuses on a South African context, in particular the social ills relating to illegal mining, counterfeit goods, and the abuse of intoxicating substance.

➤ *Background Overview:*

There is a global challenge of criminality and social ills, which is common in all countries. There is no country in the world that is immune from criminality and social ills. The difference is the prevalence and the efficiency in which countries deal with criminality and other social ills. Depending on the crime and the country in which a crime is committed, some countries impose death penalty as the severe punishment to crime, while other countries such as South Africa only impose life sentence as the maximum sentence to the crime. South Africa has abolished death sentence as punishment to criminality – a decision that has received mixed reactions in recent years because of the prevalence of atrocious criminalities and lawlessness that are taking place in the country.

➤ *Problem Statement:*

South Africa has a challenge of criminality and endless social ills that are eroding the future and success of the country. The South African Police Service (SAPS) and other law enforcement agencies alone cannot deal with all the social ills without the assistance of the communities. There is a narrative in South Africa that the police and other law enforcement agencies are the sole entities that are responsible to address the criminality and other social ills. This narrative, together with ignorance, perpetuate the occurrence of criminality and other social ills in the communities. Furthermore, there is a belief that the law enforcement will not be able to detect and arrest the perpetrators.

➤ *Method Overview:*

This scientific research gathers data through qualitative methods, where information is obtained by means of literature review, interviews, media broadcast, verified social media, and internet search among others. With the limited published literature on the subject matter, the identified sources of information came in handy to effectively and adequately explore the topic under research.

➤ *Key Findings:*

This research study finds that South Africa has porous borders, which serve as the fertile ground for criminality and prevalent social ills. The law enforcement agencies are struggling to control lawlessness in the country that is perpetuated by high unemployment and illegal immigration, amongst other aspects. A multi-disciplinary approach in dealing with this scourge is essential to maintain the territorial integrity and the national sovereignty of the Republic of South Africa.

➤ *Main Impact:*

This research accentuate the role of civil society and active citizenry in addressing the prevalent social ills that are ravaging the communities unabated, and further provides key research findings, and the potential practical recommendations for the identified problem. The research provides the executive authorities with a clear picture of the situation on the ground, and further provides the basis for further engagements, reflection and policy direction that is directed towards addressing social ills in South Africa. Additionally, this scientific research study makes significant contribution to the body of knowledge of scientific research in Criminal justice, and law enforcement.

➤ **Call to Action:**

This research provides the basis for the authorities to align policy directives to resolving the prevalent social ills in the societies. The civil society and active citizenry is called upon to actively participate in societal programmes that are aimed at social justice. The academics and other audiences will be encouraged by the content of this research article to take decisive actions through further research projects and appropriate actions to reduce the prevalence of social ills in the communities.

➤ **Relevance:**

The relevance of this research study cannot be over-emphasised. This scientific research study deals with the current phenomenon that is plaguing South Africa, and its relevance is that it outlines and highlight current and developing challenges, while providing possible solutions. The root causes to the challenges identified are highlighted in this research, providing the authorities and other interested parties to have the basis for proper planning and implementation of the solutions to the challenges. This research may not have all the solutions to the identified challenges, but will provide the basis for further engagement on the subject matter with a view to augment on the content and the findings of this research in addressing social ills.

➤ **Originality:**

The content of this scientific research article is the original work of the author, which is derived from the development of challenges in the communities. There is no known research on the subject matter, thus making this research output the original contribution to the body of scientific knowledge by the author.

➤ **Target Audience:**

This research study is targeted at the policy makers, law practitioners, law enforcement authorities, academics, communities and societies, executive authority, and the international communities. To the extent, this study targets to reach the audience of the entire Criminal Justice System role players and the society within the country and the global communities.

Keywords: *Criminality, Social Ills, Civil Society, Active Citizenry, Illegal Mining, Food Poisoning, Drug Abuse, Law And Order, Social Justice, Substance Abuse, Criminal Justice System, Law Enforcement, Border Management, Human Rights, Multi-Disciplinary Approach, Porous Borders, National Security.*

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I. INTRODUCTION

Civil society is an important role player in the fight against crime and other social ills that are taking place in the societies. Amongst the Criminal Justice System (CJS) role players, the communities and the societies in general expect the police to play an active and prominent role in fighting crime and other social ills. Although this expectation is justified, the fight against criminality requires collaboration between all role players in the CJS. It is an undisputed fact that the police alone cannot win the fight against crime – thus the active involvement of civil society is crucial in realising a safer environment for all.

There is a general belief and understanding by the communities that crime and social ills is the sole responsibility of the police and other law enforcement. There is much to be done to educate the communities that they have a social and moral role to play to ensure a safe and secure society for all. An awareness is lacking to efficiently and effectively educate the societies about the impact of crime and other social ills, and their role as communities in curbing the prevalence of social ills in collaboration with the police and other role players in the Criminal Justice Services.

This scientific research study endeavours to highlight the role of civil society and active citizenry in curbing social ills, and demonstrate the value and importance of collaboration between the various role players in building and shaping the societies that is conducive for all to live in. In addition, this study highlights the prevalent social ills in South African, possible root causes, and practical recommendations that could potentially reduce the prevalence of social ills in the communities.

This study discusses the role of civil society and active citizenry in addressing social ills in South Africa. Various CJS role players are outlined and the importance of the collaboration amongst all role players is in the fight against criminality and prevalent social ills are identified. The following segment of this research discusses in details the role of various role players in the CJS, and further highlight prevalent challenges in South Africa.

➤ **Problem Statement**

A high number of social ills that is taking place within the communities infests South Africa. These social ills take place where there are community members and civil organisations that claim to represent the well being of the society. Despite the presence of the civil society and individuals who participate in civil organisations, the South African communities are battling the high rate of crime and

other social ills. Criminals are individuals that come from families and households in the communities, and are known by the society. The effective role of civil society and active citizenry in addressing social ills in the communities could reduce, if not eliminate social ills perpetuated by some members of our families.

Criminality and other social ills have a negative impact on the civilisation and the development of the communities. This includes the destruction of infrastructure by those with selfish motives. In addition, criminality and social ills have severe health effects, because some people are involved in the illegal production of fake food products and medication (drugs) that are consumed by the non-suspecting community members. In other instance, these instances have led to the severe illness and death of children and adults.

Combating criminality and social ills is not only the role and the prerogative of the law enforcement authorities, but the civil society and active citizenry have an important role to play within their communities in curbing criminality and other social ills. The police and other law enforcement alone cannot win the fight against criminality and other social ills taking place in our communities. No government in the world has a police officer in every street and corner in each neighbourhood, however, every street and neighbourhood has a person who could play an important role in ensuring a safer society for all.

This scientific research study intends to highlight the importance of the role of civil society and active citizenry in addressing social ills in the communities. Additionally, the importance of societal cooperation with the police and other law enforcement in curbing lawlessness is emphasised. At the moment, the role of civil society and active citizenry is evidently not sufficient, as criminality is on the rise within communities. These criminalities take place in more than one shape or form – including turning a blind eye on criminal activities and harbouring criminals and fugitives of the law, including hard-core criminals and what is known as negligible crimes such as illegal immigration, and operating an unregistered outlet, including liquor outlets and tuckshops.

II. HISTORICAL OVERVIEW

It is a historical fact that crime and social ills are a common phenomenon in all countries globally. Although the severity may differ from one country to the other, the phenomenon of criminality and social ills is prevalent in all societies. South Africa, like all countries in the world, has its own challenges pertaining to lawlessness – including social ills. It is based on this background that all countries in the world have laws and policies that are aimed at controlling the occurrence of illegality, and to provide a suitable legal remedy in the event of criminality.

From the times of colonial era in South Africa, there were rules and laws that were put in place to curb lawlessness. To this end, South Africa still uses some of the colonial laws derived from the Roman-Dutch law, which form the basis for the South African Constitution.

The end of colonial rule in South Africa, and Africa in general, brought a sense of hope and anticipation of good governance by people. In other parts of Africa, the power struggle became a lived reality – leading to military “coup de tat” and civil unrests. Subsequently, there was an influx of people emigrating from their countries into other countries through legal and illegal means. South Africa has been relatively stable, and one of the preferred destination countries by emigrants.

As the preferred country of choice by emigrants, especially from Africa, South Africa has a challenge of voluminous immigration, which include illegal immigrants. The recent phenomenon of illegal mining and counterfeit contraband were associated and linked, in part to the foreign nationals. The SAPS and other law enforcement agencies are evidently struggling to contain the prevalence of criminality and related social ills in South Africa. This scientific research study explores the identified challenges and the effect of multi-disciplinary approach in addressing the social ills that are plaguing South Africa.

➤ *Research Aim and Objectives*

The aim of this research is in line with Khan (2008:2) who states that the aim of a research study is to seek answers to the identified problem through the application of scientific methodology, which guarantees that the information obtained is reliable and unbiased. Additionally, the scientific research aims to provide practical solutions to the existing problem through empirical findings and practical recommendations emanating from the data collected. This research study aims to elucidate the value of a multi-disciplinary approach and the role of civil society and active citizenry in addressing criminality and social ills in line with the research topic.

In order to achieve this aim, this research has developed the following research objectives that serve as a road map to for achieving the identified research aim:

- To emphasise the importance of a multi-disciplinary approach to curb societal challenges;
- To identify relevant role players in the fight against criminality and social ills;
- To examine the effectiveness of the identified role players;
- To highlight the potential gaps in the fight against crime and social ills, and
- To derive practical recommendations for a collaborative effort in ensuring a secure and safe environment for all.

The above research aim and objectives serve as the guide that provides the parameters in which the research should focus on, and to ensure that the research study does not veer off from its intended purpose.

➤ *Research Questions*

The main purpose of a research question is to elicit a response from the participants or respondents, or to direct the research to the relevant source of information that is capable of providing answers to the questions. O’Leary (2004:28) postulates that research questions give focus, set out

boundaries, and provide direction for the research process. In this study, the researcher generated the research questions based on the research topic, and the research problem. This approach was adopted with a view to direct the research trajectory to obtain relevant information required to address the identified research problem.

➤ *The Primary Research Questions Explored in this Study are as Follows:*

- What are the role players in the fight against criminality and social ill in the society?
- What should be done to effectively combat criminality and social ills, with a view to ensure a safe and secure environment for all?

III. RESEARCH METHODOLOGY

With a view to gather more information that will assist in addressing the research topic, research data was collected by means of perusing relevant literatures, including but not limited to research methodology books, legal books and journals, personal interviews, and information derived from the verifiable social media sources. The information collected was used to assist in providing answers to the research questions, which guide this research study. In addition, personal knowledge was used to augment the information acquired, and to achieve the objectives and the aim of this research.

Personal knowledge and experience could be detrimental to the trajectory and the outcome of the study if special care is not taken to be objective, ethical, and domain conscious. The researcher ensured that personal knowledge and experience in the subject matter does not overshadow and replace objective and scientific ethics. This was done by making sure that the research is based on verifiable information, and not driven by preconceived outcome – while ensuring reliability and validity. Cognisance was taken to ensure domain specific consideration in applying personal knowledge and experience.

Denscombe (2007:173) highlights that interviews are an attractive proposition for researchers. It is for this reason that this research study made use of interviews as one of the means to gather data from relevant persons with whom their contribution could assist in addressing the identified challenges, and assist in answering the research questions. Interviews are effective and efficient in yielding the highest and best responses, thus providing maximum data required to address the object of the topic under research (Leedy & Ormrod, 2005:184).

Literature review is one of the most popular means of collecting data and relevant information. There are voluminous literature available in the libraries and digital platform. However, searching for relevant literature requires one who has a well-defined research aim and objectives. Literature review is a critical skill in academia – as it takes a high level of intelligence to know what to look for, where to look and how to select the best and relevant data for a

particular research project. It is inconceivable that an academic researcher could carry out a scientific research project without making use of literature review – thus making literature review an important and critical component of any scientific research.

In the current twenty-first century, information is widely available and widely accessible in the digital platform. However, not every information on digital space is legitimate and reliable. For this research, information from the digital platform was trawled through with extreme caution not to fall prey to misleading information. Unverified information was not considered for this research and only peer reviewed and verifiable information was considered.

IV. ETHICAL CONSIDERATIONS

One of the critical aspect of the importance of ethical considerations during a scientific research study is to maintain the professional integrity of the research output. Ethics are a set of moral and professional principles that govern the person's conduct and behaviour in the execution of their official or other activities.

A scientific research must be alive to the ethical considerations that are involved in conducting a research study. In the event that the researcher conducts research within the environment in which they work, it is essential to consider domain specific ethical considerations. Subsequently, the research ethics in this study are divided into two, namely: generic ethical considerations, and domain specific ethical consideration. The following ethics were paramount in this research:

A. *Generic Ethical Considerations*

- **Mutualism:** The research study was conducted with a view to mutually benefit all parties, including the SAPS and other law enforcement agencies, and the executive authority. This study did not only take into consideration the need for the researcher to be an international published author, but considered the importance of the research findings and the recommendations to be beneficial to the law makers, and all interested and affected parties.
- **Integrity:** Special care was taken to ensure that data is collected and analysed in a fair and objective manner. No preconceived outcome were perpetuated in suppression of the truth. The principle of scientific centralism was maintained throughout the research.
- **Authenticity:** This research is the original work and product of the researcher, and was not submitted to any journal or academic institution for publication. The researcher was creative in developing the research study with a view to address the worrying phenomenon of the prevalence criminality and social ills in South Africa.
- **Quality assurance:** This research conforms to the quality standards as outlined in International Journal of Innovative Science and Research Technology (IJISRT) among other accredited and recognised journals, and the scientific research in the academic fraternity. The quality

output will contribute in the scientific body of knowledge of Criminal Justice, law, and executive authority.

- **Financial Influence:** The author received no financial support to conduct this research, and there is no influence emanating from financial support to unduly and unreasonably ignore other facts while persuading a specific funded agenda. This research is influenced by scientific principle of making a contribution to the body of knowledge.
- **Data integrity and security:** Only publicly available data was used in this research study, with special care taken to ensure security and integrity of confidential information that has the propensity to compromise the ongoing investigations, if handled carelessly.
- **Communication of results:** The research results will be communicated to all interested parties through the publication of the research journal. The results will be presented in an honest, transparent manner, and no relevant information will be unduly withheld. The language of communication of the research results is the widely used language of English, which is a common and a medium means of communication in South Africa and other parts of the world.

B. Domain specific ethical considerations

Unlike the general ethical considerations, the domain specific ethical considerations relate to ethical behaviour and conduct that a researcher had to demonstrate pertaining to a particular study based on the position held and proximity to the subject under research. At the time of conducting this research study, the researcher had over two decades of service and experience in the SAPS, and was a commissioned officer – a position of influence and authority in the management structure of the SAPS. As a result, the following domain specific ethical considerations were observed:

- **Victimisation:** The researcher ensured that there is no victimisation of participants, who opted not to participate in the research study. The researcher ensured that the position of a manager in the SAPS, held at the time of this research study was not in any way used as a coercive tool, nor to gain unfair advantage in accessing certain information.
- **Confidentiality:** A high confidentiality level was maintained whereby information received from the participants pertaining to the subject was not used prejudicial to the participants, but was treated as data for the purposes of the research study.
- **Privacy:** The researcher ensured that those who voluntarily shared information remain protected by ensuring their privacy. In addition to the ethical considerations, it is a criminal offence in South African to disclose personal information and details without their explicit consent in terms of Protection of Personal Information Act 4 of 2013.
- **Honesty:** The researcher did not use the proximity to members and information as a reason not to conduct full interviews and documents analysis. A thorough interview with participants was conducted and documents were thoroughly perused to gain more insight relating to the research study.

- **Neutrality:** Although the researcher had certain level of knowledge and information pertaining to the research topic, neutrality was key to ensure that more and new authentic information is derived from both the interviews and literature study.
- **Decolonisation:** For centuries, Africa (and South Africa in particular) was under the colonial rule, which amongst other things indoctrinated the Africans with a narrative that sought to promote colonial supremacy in the expense of African knowledge and beliefs. This includes the concerted efforts to demonise African practices and cultures, while promoting and praising Western ideology. Subsequently, the legal system in South Africa (and Africa in general) is based on the colonial influence of a legal system. The South African legal system originates from the Roman-Dutch law – a foreign colonial legal system that is intended to address African challenges. Decolonisation, in this instance, seeks to identify and isolate Euro-centric and Western superiority complex that seek to impose itself into African affairs for selfish and colonial purposes.
- **Africanisation:** This research study was conducted on the Continent of Africa. The participants in this study provided knowledge, experiences, and views based on the South African practices. Africanisation does not mean that international practices are not recognised, but the promotion of African knowledge and practices, and ensuring that African knowledge and practices get global recognition and exposure as equal partner in global scientific contribution. Africa should no longer be a consumer of scientific products, but an equal partner in scientific research innovation and contribution to the global scientific community. Afrocentrism is influenced by Africanisation, and focuses on cultures, practices, values and norms that originate from Africa for Africans.

V. RESEARCH FINDINGS

The heart of every research paper is the findings section, towards which the entire report should be based. The scientific research report should include empirical findings that will largely, lead to practical recommendations that will contribute positively to problem solving and decision-making. As a result, such report must be credible, informative, and contain findings that are valid and convincing. Above all, the findings made must be useful and feasible (More & More, 2012:167).

Dantzker and Hunter (2012:16) posit that the critical phase of any research project is the reporting of the research findings. The research findings can be presented through various means such as reports, journals, books, or computer presentations. How the findings are reported depends on the target audience and the nature of the research study. Regardless of the audience or the medium used, the findings must be coherent and understandable; otherwise, they are of no use to anyone, thus rendering the research study futile and irrelevant.

Subsequently, this scientific research study made the following empirical findings:

➤ *What are the Role Players in the Fight Against Criminality and Social Ills in the Society?*

- This research find that the multi-disciplinary approach among various role players in the CJS is the viable and plausible solution in the fight against criminality and other social ill in South Africa. The multi-disciplinary collaboration requires the involvement of the SAPS, NPA, Judiciary, Correctional Services, CSO, Active citizenry, and other law enforcement agencies. No single entity can ever succeed in the fight against criminality and social ill if they work in isolation from each other. There is a need to improve collaboration and mutual understanding among all role players in the CJS and to work towards a common goal and objective of maintaining safety and security.
- Every member of the community should be an active role player in the fight against criminality and social ill. Crime affects every person, and does not discriminate against gender, race, or social standing. It is every person's responsibility to ensure that societal ill are identified, isolated, and reported to the relevant authorities.

➤ *What should be done to effectively combat criminality and social ill, with a view to ensure a safe and secure environment for all?*

- The CSO need to be empowered to play active role in the society and provide much needed education on the roles of the CJS, in conjunction with active citizenry in the fight against crime and prevalent social ill. There is a need to review and strengthen the laws pertaining to illegal immigration. The mere arresting and deporting of illegal migrants is not an effective deterrent to prevent reoccurrence. If anything, the arrested illegal immigrants are provided free accommodation and meals, and a free transport back home for them to come back with other companions. There is no legal legislative that serve as a deterrent for illegal immigration, other than arrest, detention, and deportation.
- The South African borders are porous and easily accessible for the illegal immigrants to crossover with no or little detection. On paper, South Africa and other African countries have borders that only serve to create jurisdiction of authority. However, such borders do not serve as a barrier for illegal migration and smuggling of illicit contrabands. Subsequently, South Africa accounts for the higher number of illegal immigrants in the Continent of Africa, which has a correlation to the prevalent criminality and social ill.
- The executive authority should ensure that the South African borders are protected and secure. This could be achieved by deploying the SANDF and other law enforcement agencies to secure the territorial integrity of the country and maintain national security. National security is crucial for the development of each country because it ensure peace and stability. This will serve as a deterrent for the potential threats of attacks from foreign forces.

VI. THEORETICAL AND CONCEPTUAL FRAMEWORK

Theoretically, it is widely known that South Africa has a huge number of illegal immigrants who are, in the main, from the neighbouring countries. It is also well known that the law enforcement agencies are struggling to contain the scourge of illegal immigration and other social ill in South Africa. The high crime rate in South African is widely linked to the voluminous illegal foreign nationals that are not easy traced. Subsequently, the concept of porous borders is believed to be associated with the high number of illegal immigrants and brazen criminality in South Africa. This scientific research study focuses on theory behind the criminality and social ill and the need to put into practice, the concept of multi-disciplinary approach in dealing with the unrelenting social ill. There are a number of social ill in each countries, and South Africa is not an exception. This prompted this research study to address the theoretical and conceptual framework pertaining to the research topic, with a view to elucidate the phenomena of social ill, porous borders, and a multi-disciplinary approach in combating the scourge.

VII. DISCUSSION AND CRITICAL ANALYSIS

This segment of the research outlines various role players in the Criminal Justice System, and their roles and responsibilities, followed by the microscopic zooming of the prevalent social ill in South Africa. In addition, a thorough discussion and critical analysis of the collected data is undertaken to further enhance the understanding on the research topic.

This scientific research study discovered that the CJS has multiple role players, who collaborate to achieve a single objective of ensuring safety and security in the country. The collaboration entails each entity performing their duties within their respective jurisdictions, and where the need arise, handing over to the other entity for further activities, or collaborating to achieve the best intended outcome. This, however, is the ideal situation, which is not always the case in reality. The various entities of the CJS are not always collaborating for a common purpose – although this may not necessarily be done wittingly, but it is a lived reality and experience on the ground.

The SAPS, for example arrest the perpetrators of crime and hand them over to the judiciary – where the NPA ensures that those who are found guilty of wrong doing receive appropriate sanctions. Once convicted, the convicts are sent to the Correctional services that ensures that such convicts are incarcerated for the duration specified by the competent court of law. In this case, the active duties of the SAPS end when the perpetrators are arrested and brought before the judiciary. The subsequent processes require the involvement of other role players in the CJS.

That being said, in the general public's eyes, the SAPS is still involved in all the processes to an extend that if, for instance, the alleged perpetrators are released for one or the

other reason, the communities believe that it is the police that have released the alleged perpetrators. This assumption is because of limited knowledge and understanding from the communities regarding the separation of duties among the various role players in the CJS. Additionally, the misconception about the SAPS being the all-rounder may be informed by the fact that the SAPS are always on the ground and in the public eyes. Subsequently, the public perceive the police as the ones who are responsible for the prevention, investigation, prosecution, and incarceration – a view and understanding that is legally misguided.

This misconception is a gap that requires to be filled through community engagement by relevant stakeholders. It is at this moment that the Civil Society Organisations (CSO) should come in and fill the identified gap of knowledge. South Africa has a lot of CSO that are active in the society and their role could come in handy in playing an active role in the society by ensuring that the communities are educated and safe.

The CSO are largely community based, and it is expected that they will be well informed of what is happening in their vicinity. In an ideal situation, the prevalent criminality and social ills that are plaguing South Africa could be identified and reported to the relevant authorities at an early stage. For instance, the information revealed pertaining to the illegal mining involves large-scale illegal immigrants that are breaking the laws of the sovereign country. The active CSO should be working tirelessly to ensure that the perpetrators of criminality and other social ills are identified and isolated, and are brought before the law. This includes the active role by the traditional leadership and community structures, including the Community Policing Forum (CPF).

All the perpetrators of criminality are the members of the community, and are well known by community members. This includes hard-core criminals and the perpetrators of social ills. The illegal miners and other illegal migrants that are operating illegal businesses in South Africa stay among the community – and to an extent, enjoy the protection from the community. The out-roar by the community after an atrocity is reported is justified; however, the same community is not playing an active role to report illegal activities that are taking place under their watch. The prevalent criminality and social ills cannot be defeated by the law enforcement alone, but by a collaborative effort by CSO and other role players in the CJS.

Some CSO and community structures and individuals only become active after the effect – in that they are reactionary in their approach instead of being proactive. This was evident in the discovery of the alleged illegal mining and the food poisoning emanating from expired and contaminated food items from the tuck shops and other well-established retail outlets. Active citizenry and the CSO were seen to be active and in the forefront of advocating for human rights. To the extent, the blame was put before the police and other authorities who were accused of being complicit – in that they were not conducting inspections and necessary oversight.

It is an undisputed fact that South Africa has what is known as porous borders where illegal migrants have easy access into the country without been detected. The available borders in South Africa are not secure to say the least, and at worst, non-existent. There is no physical border that is effective to protect the boundaries of South Africa from illegal immigration, and the smuggling of contrabands. As a result, the Border Management Authority (BMA) is struggling to secure the borders and prevent illegal immigration and the smuggling of contrabands. Despite these challenges, the BMA is doing well in managing the port of entries by ensuring that those who enter the country have the necessary authority to do so.

VIII. ROLE PLAYERS IN THE CRIMINAL JUSTICE SYSTEM

The CJS in South Africa comprises of a variety of role players that each play an important part in ensuring a safer environment for all. The CJS role players includes, but not limited to the following:

- The South African Police Service (SAPS);
- The National Prosecuting Authority (NPA);
- The Judiciary;
- The Correctional Services; and
- The Civil Society Organisations (CSO).

These CJS role players work together to ensure that perpetrators of crime and other social ills are; identified, apprehended, prosecuted, isolated, and rehabilitated. No single entity can succeed in the fight against crime – but a collaboration of all role players is crucial to realise a common objective of making South Africa a safe and inhabitable place for all who live in it.

A. *The South African Police Services*

The role and functions of the SAPS are enshrined in the Constitution of the Republic of South Africa. Section 205 (3) of the Constitution of South Africa states that “the object of the police service are; to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their properties, and to uphold and enforce the law”. The SAPS is the principal law enforcement body in South Africa. There are other law enforcement agencies in South Africa, both in private and government spheres, including the Private Security industries, private investigators, Border Management Authority (BMA), Crime Prevention Wardens (CPW), provincial police, and the metro police - just to mention a few.

B. *The National Prosecuting Authority*

The NPA is a government entity that is responsible for the prosecution of the accused persons in the court of law. In other cases, the NPA collaborates with the SAPS in the investigation of crime, in what is commonly known as the prosecutorial-led investigation. In this instance, the NPA plays an active role in the process of crime investigation by providing leadership and guidance pertaining to gathering of evidence required to build a watertight case that has a high

and reasonable prospects of conviction during the court of law.

C. *The Judiciary*

In South Africa, the judicial authority is vested to the courts – that are required to interpret and apply the law in deciding on the guilt or the innocence of the accused persons in an independent and impartial manner. The courts of law must exercise their duty free from any influence, and must always act and take rational decisions without favour, fear, or prejudice. The courts of law in South Africa are only accountable to the Constitution.

D. *The Correctional Services*

The Correctional Services is responsible for incarceration of the convicted criminals for the duration specified by the court. During the incarceration, the department of correctional services engages the prisoners on various programmes aimed at correcting the unwanted behaviours that are in conflict with the rule of law, and attempt to rehabilitates the inmates. On the discretion of the correctional services, and after meeting a prescribed criterion, the qualifying inmates (prisoners) are places on parole – a release of the prisoner from prison to serve the remaining term of sentence in the community under the strict parole terms and condition, and the supervision of the correctional officers.

E. *The Civil Society Organisations*

Civil Society is a term that refers to non-government community organisations that act as a collective for the benefits of the citizens. South African has a number of Civil Society Organisations (CSO) that represent the will of the people, and are mainly based in the communities that they represent. Some of the known CSO in South Africa are; the faith-based organisations, non-profit organisations, the community leadership, the Community Policing Forums (CPF), individuals acting as active citizenry, just to mention a few.

The prevalence of crime in the communities requires a concerted effort and collaboration of all CJS role players, not only the SAPS, to play an active role in ensuring that criminals are identified and isolated – thus making it difficult for them to commit any act of criminality within the society. South Africa is known for its high crime rate, and this requires all CJS role players to change the situation around for the best.

IX. BACKGROUND TO SOUTH AFRICAN PREVALENT SOCIAL ILLS

South Africa is plagued by a variety of social ills and criminality that make it to be one of the most dangerous and violent countries in the world. Despite being one of the countries with a high rate of crime, South Africa has the high number of social ills that take place on daily basis within the communities. The most prevalent social ills are, but not limited to high unemployment, illegal immigration, illegal mining, inequality, racism, and corruption. For the purpose of this research study, social ills are defined as the societal

challenges that negatively affect the society, with the propensity to reverse the positive gains made in the country's civilisation. Although some social ills erode societal norms and values, some are purely criminal and severely punishable by law. This study endeavours to highlight prevalent social ills in South Africa and discuss their societal impact, and role of civil society and active citizenry with the multi-disciplinary approach in providing potential remedy to the ongoing challenges.

There was a wide spread of reported incidents of food poisoning in South Africa in the recent times, especially in the year 2024. These incidents have resulted in a number of child hospitalisations and even fatalities. Evidence derived from the autopsy reports and the interview with the survivors indicates that the alleged food poisoning could be emanating from the food items purchased from the spaza shop and vendors. Spaza shops, also known as tuckshops are small outlets mainly for selling food items and other necessities. The origin of the spaza shops in South Africa could be traced back to the apartheid era – where the marginalised and disadvantaged group of people, mainly Africans, where restricted from owning and operating large retail shops and supermarkets. Subsequently, some community members resorted to operating from their backyards on a small scale where only basic necessities where sold to the communities. By large, these tuck shops were not registered nor regulated. The business was mutual in that the tuck shop owner was making profit for sustenance, while the community was benefiting by getting the necessities within their neighbourhood. This came handy at a time of Group Areas Act of 1950, and restricted movement of Africans by the white apartheid regime.

The sale of alcohol also saw dominance in the townships and rural areas. Households turned their houses into alcohol outlets where the community would gather and enjoy the consumption of alcohol. The homemade alcohol made from sorghum was prevalent in the rural settlements. The sale of beers and other bottled alcohol was not popular because most places that used to sell such type of alcohol were in the urban areas – where movement was restricted. Africans were not allowed to be in the urban areas without a “valid reason” – a reason that would be considered reasonable by the apartheid police and the authorities at the time.

The end of apartheid-led government in South Africa was a relief to the majority of the marginalised and oppressed masses, mainly black Africans. With the democratic government taking charge of the administration of the country in 1994, South Africa saw a rise in movement of people from other African countries and the world – with a hope of a better life. Some came to South African as refugees of war and civil unrest taking place in their respective countries, and South Africa was seen as a place that could provide refuge and protection. These saw an increase in the influx of people, some illegally crossing the borders and some overstaying and even fraudulently acquiring documents to be residents in South Africa.

The architect of the apartheid government is South Africa had made provision for service delivery to the selected few – mainly white minority people in the expense of black African, who were, and are still in the majority. This system resulted in only limited resources and opportunities that were meant for the few at the time. The end of apartheid-led government meant that all the inhabitants of the country had to scramble for the limited provision of services and resources – thus leading to inadequacy of resources for all South Africans. The provision of electricity and clean drinking water was not enough for the transition of governance. Subsequently, South Africa remained with a situation where the few were rich, while the majority lived in abject poverty: in what is today known as the high inequality.

The inequality in South Africa is characterised by race – where the white minority are relatively rich, and they control the sources of economy, while black Africans who are in the majority are mainly poor, and have no excess or limited access to economic resources. Key to economic resources is the question of ownership of land, which is still a divisive topic in South Africa. South Africa has an abundance of mineral resources that are in the hands of the few, some of which are no longer residing in the country. One of the natural resources is land, which is commodified; in what could be characterised as a systematic exclusion of the marginalised black Africans.

It is based on this realisation that the lawmakers saw the need to amend section 25 of the Constitution of South Africa to allow for the expropriation of land without compensation – a decision that drew resistance from white minority. The resistance was based on fear mongering.

In a South African context, most social ills such as unemployment, poverty, cheap labour and exploitation, are associated with blackness – and this could be attributed to the fact that black Africans are the indigenous majority in Africa, and South Africa is not an exception. Alternatively, the association of social ills to black people could be because of the architect of apartheid system, which deliberately excluded Africans from the strategic ownership of land and economic resources.

Although the social ills that are plaguing South Africa may be deliberately engineered, they can be mitigated by active involvement of civic societies and active citizens in our communities, in collaboration with government. The legacy of apartheid in South African dates back centuries and there is no quick fix to redress, but a continuous collaboration between all parties will eventually make a difference in curbing the impact of the legacy of apartheid. As a democratic government, staying in the past and blaming apartheid for all social ills will not yield any positive outcome, but creating a conducive environment to build and create a new and positive democratic legacy that benefits all people without discrimination is crucial.

The perpetrators of crime are members of the communities, and are known by the societies. Every criminal is a child of someone, a brother or sister, uncle or aunt, and

someone knows about the ills that the other is committing. To win the fight against social ills in the communities requires all people to have one common purpose and act in unison to identify and isolate perpetrators. Active citizenry and civil society have a great role to play in this regard. The police and other law enforcement agencies together with the entire Criminal Justice System, equally have a role to play in ensuring a safe environment for all to live in peace and harmony. This means that a multi-disciplinary approach in dealing with criminality and social ills is sacrosanct.

X. PREVALENT SOCIAL ILLS

There are many prevalent social ills taking place in South Africa on daily basis. No individual or research study can highlight all the social ills that are prevalent in any society. However, a focus is in the main, placed on the prevalent social ills that are ravaging the societies at a particular point in time. For the purposes of this scientific research study, the following social ills are discussed:

A. *Illegal Mining*

In this context, illegal mining is defined as the extraction of precious mineral resources from the ground for personal gains without a permission from the relevant authorities. South Africa has many abandoned or disused mines that were previously used for mining or precious mineral resources. These abandoned mines are no longer in use commercially, and some people took the opportunity to enter the mines illegally with a purpose of extracting mineral resources for subsistence. These individuals and group of people usually do not have specialised mining equipment, and some do not have the necessary training and expertise in the mine safety – thus rendering their operations unsafe and dangerous.

In South Africa, law regulates mining of mineral resources and the law requires that a mining licence be acquired for mining. Any mining of mineral resources without a licence or a permission from the relevant authorities is considered illegal mining, which is an offence and punishable by law. Raw mineral resources are not used as a legal tender in South Africa. The illegal miners extract the mineral resources and sell them for cash, which they use to buy whatever they need. The fact that many people resort to this dangerous activity for survival means that there is a high need and market for mineral resources. More often, illegal miners are the ones that are in the forefront of extracting precious mineral resources. The so-called kingpins are operating behind the scenes and they usually do not extract mineral resources themselves, but buy from the illegal miners and sell to others. There is a perception that there are big businesses and individuals that operate as syndicates in the illegal mining industry. The manner in which the illegal mining is prevalent provide credence to the perception of a syndicate, which the police are yet to uncover.

Abandoned mines are not secured, and it is extremely dangerous to extract mineral resources in such environment. The government of South Africa rescued some illegal miners from the abandoned mines in the provinces of North West and Mpumalanga. Unfortunately, there were bodies of illegal

immigrants that were retrieved from the mineshaft, who perished in the process of illegal mining. The majority of the illegal miners that were rescued from the abandoned mines are illegal immigrants in South Africa. Illegal immigrants refers to individuals who do not have necessary permits and legal authority to be within the borders of a country.

There is a correlation between illegal mining and illegal immigration in South Africa. The phenomenon of porous borders is rife in South Africa, and there are many illegal migrants who are roaming the streets on daily basis. One of the reasons for porous borders is the civil instability in the Continent of Africa. South Africa is considered by many as the better place to be and a place to seek refuge. Due to the proximity of some countries to South Africa and the unavailability of physical borders, some people simply walk from their countries into South Africa without necessary documentations. Some of these people resort to criminality and social ills for survival.

South Africa has no physical borders – in that there is no effective physical barrier between South Africa and its neighbouring countries. The existing borders are imaginary and ideological. Nothing stops illegal migrant from entering and exiting South Africa. Those who choose to transit through the official ports of entries do so wittingly and to the extent, as law-abiding citizens. The imaginary borders in South Africa perpetuate the movement of illegal migrants into and out of the country without detection. With all these said, there are people in the communities who are aware of the illegal immigration, and some stay with such migrants in their houses and neighbourhood.

It is an undisputed fact, and a global phenomenon that the police and other law enforcement agencies are overwhelmed by the criminalities taking place in their jurisdictions. This void requires the active participation and involvement of civil society and law-abiding citizens. The majority of the illegal miners arrested after resurfacing from the abandoned mines in South Africa were identified as illegal migrants, mainly from countries such as Lesotho, Mozambique, Zimbabwe, just to mention a few.

Further revelations from the illegal miners indicates that there are some in the illegal mining industry who act as mine bosses. These bosses tend to compel other illegal miners to work for them using force and intimidation. Some illegal miners highlighted that they were held hostage inside the mineshaft, and refused the right to resurface. This revelation indicates that the illegal mining (also referred to as “zama-zamas” in South Africa) is characterised by brazen criminality. The evidence further indicates that some criminality in the mineshafts results in fatalities. There are reported fatalities from the illegal mines, and some recovered bodies had already rotten. Some illegal miners stay underground for months without surfacing, and they receive food and other necessities from members of the community.

Some community members play a role in perpetuating illegal mining in South Africa by not exposing the social ills that take place. Instead of playing a role in fighting the rot in

the society, some do assist the perpetrators by harbouring them and providing shelter and food to them. Although the illegal miners are arrested, there has not been a significant breakthrough in the identification and arresting of the kingpins in the zama-zamas business. This is one area that the authorities needs to intensify their efforts if the scourge of illegal mining is to be addressed.

Among those who surfaced and arrested for illegal mining were minors with the age of fourteen. These minors were identified as illegal migrants – an indication that there is another element of criminality that is brewing in the illegal mining sector; the human trafficking. These children are trafficked from the neighbouring countries into South Africa and exploited in various forms, including child labour. This clearly highlight the inefficiency of the law enforcement to manage the countries’ borders. Not only is this an indictment on South African border management, but the law enforcement of the countries of origin of these children. This calls for concerted efforts for cooperation among the neighbouring countries to curb human trafficking and illegal migration between countries.

One of the enabling factors of illegal migration in South Africa is the soft-handedness in dealing with illegal migrants that are arrested. The arrested illegal migrants in South Africa are only arrested and deported back to their countries – with no other punitive action taken for the crimes committed. This action does not seem to be effective as illegal immigration is continuing with less or ineffective corrective actions taken against the perpetrators. The authorities should consider alternative preventative actions that will serve as deterrent to illegal immigration, including incarceration with hard labour for a specified period before deportation. The proposed hard labour should be aimed at deterrent, and should benefit the state and cover the cost of deportation and other related expenses.

Illegal mining goes hand in gloves with illegal migration. A high number of illegal migrants arrested in illegal mining informs this phenomenon. The instability in the neighbouring countries has a direct bearing on the illegal immigration of people who seek shelter and refuge. The protests that took place in Mozambique following the election results has the potential to impact on South Africa’s immigration challenge. Following the protests in Mozambique in November and December 2024, there were reports of a large-scale prison break and escape of prisoners. If this information is true, there will be an influx of such prisoners from Mozambique to South Africa. Because these prisoners would be fugitives of the law in their countries, they will not use the port of entry to migrate from Mozambique to South Africa and other neighbouring countries. They are more likely to illegally cross the border fence and as such, they will be illegal in the country of arrival.

Subsequently, these illegal migrants and fugitive of the law will resort to criminality for survival, including robbery and illegal mining. It is for this reason that the civil society and active citizenry are called upon to actively play a role in collaboration with the law enforcement to identify and isolate

criminality, and criminals who perpetuate social ills. All criminals and social ills perpetrators are staying within the communities and are well known by society. The SAPS and other law enforcement cannot deal with criminality alone, but requires public participation and assistance in securing the inhabitants of the country and its properties – as outlined by the Constitution of South Africa.

The recent illegal mining syndicates has highlighted a potential additional criminality that may be taking place within the borders of South Africa. Among the retrieved illegal mining at a gold mine in Stilfontein, there were minors who were as young as 14 years. The possibility exists that these 14-year-old boys arrived in South Africa prior to them turning 14 years. This development provides strong indication for the potential human trafficking and child labour – as it was discovered that the minors where illegal immigrants. One of the enabling factors for human trafficking, and illegal mining is what is known as the porous borders in South Africa.

These minors did not just leave their country of origin into the mineshaft: they first arrived in a society and stayed with people who possibly saw them and knew that they were illegal migrants. The police were probably not informed about the potential human trafficking and the subsequent child labour in the illegal mining syndicate. This is where the role of civil society and active citizenry should have been activated to report and collaborate with the relevant law enforcement agencies to combat criminality and illicit activities.

B. Counterfeit Goods

Counterfeit goods are prevalent in South Africa, including edibles, clothing, electronics, cigarettes, alcohol, and other commodities that are widely used by the society on daily basis. This scientific research study focuses on the counterfeiting of edibles that are causing illness and fatalities to the citizens in South Africa. Among the prevalent social ills that ravaged South Africa in the year 2024 was the phenomenon that was widely reported and known as food poisoning. Most victims of food poisoning were children who were alleged to have consumed food items from vendors and tuckshops. The social media has widely posted food items suspected to be counterfeit, ranging from snacks, cool drinks, canned food, and other edibles. Because of deaths and hospitalisation emanating from the alleged food poisoning, South African society and the authorities were drawn to this phenomenon of counterfeit good, resulting in a societal uproar that led to active citizenry. Individuals and authorities started to pay special attention to vendors and tuckshops, and some large well-known and reputable retail shops.

In some arears, the scourge of counterfeit goods sparked vigilantism by group of people who were taking the matters in their own hands – by visiting tuckshops and inspecting food stuffs, while removing that which they identified to have expired and suspected to be counterfeit. In the main, tuckshops were targeted – an exercise that was seen by some as xenophobic because most tuckshops in South Africa are owned and operated by foreign national.

For the purposes of this study, food poisoning is defined as edibles that are contaminated by viruses, toxins, parasites, bacteria, or infectious substances. Some of the infectious substances develop because of food staffs that have expired or overstayed their prescribed shelf life. In South Africa, food staffs that were consumed prior to fatalities and hospitalisation were tested, and some tested positive for hazardous pesticide known as terbufos. Terbufos is a chemical compound used in pesticides and nematicides to control pests that infest corn, beets, and sorghum (google search).

The South African government, through the state President, His Excellency President Ramaphosa announced that all tuckshops in South Africa must be registered. This call came at the time where children were reported to have consumed food items purchased from the tuckshops and vendors, resulting in fatalities and hospital admissions. The call by the President was (in part) to ensure that all tuckshops are registered, regulated, and complies with the applicable national food safety protocols. In addition, the announcement was aimed at discouraging lawlessness and vigilantism by angry community members, resulting from the alleged food poisoning.

Following the rush to meet the set deadline to register the tuckshops, there were reported allegations that some South African citizens where in the forefront of registering tuckshops on behalf of illegal migrants and other people who did not have requisite documentation to register by themselves. These citizens' actions were aimed at circumventing the law – in that they were registering tuckshops that they are not operating nor selling from, but such tuckshops were operated by illegal migrants. Although this act in its own is illegal, some citizens did not seem to be faced by the potential consequences. Illegal migrants pay rent to South African citizens to operate the tuckshops, which are owned by South Africans.

It is the role of civil society and active citizenry to address societal ills and criminalities that are taking place in the communities. This include reporting wrongdoing and criminality to the authorities and law enforcement. The social ills that are taking place in the communities may have temporal benefits to some individuals, but have severe consequences in the future. The death and hospital admission of children resulting from the alleged food poisoning affects all without segregation. It should be the entire societal responsibility to ensure that the food items and other commodities sold from the tuckshops are suitable for consumption and fit for intended purpose.

The government does not have enough officials to monitor and regulate tuckshops compliance to applicable legislations, and requires the active involvement of all citizens to act in one common purpose of legal compliance by all outlets. It is a fact that the tuckshops in South Africa hardly ever get regular and frequent inspection to ensure compliance. If any of these activities are conducted, they are conducted emanating from incidents of national interests that

are in the public domain – which is reactionary as opposed to proactive approach.

The traditional leadership in the communities and the civil society have a critical role to play in curbing social ills. The communities that have active and effective civil societies and other structures that assist to ensure safety and security are safer than those that do not have any active structures. The traditional leadership in the communities and the Community Policing Forums (CPF) are important role players in the fight against social ills and other criminalities that take place in their respective jurisdictions. In some societies, individuals are active in the fight against crime and other social ills. These individuals are the activists that are seized with ensuring that law and order prevails.

The fight against societal ills require collaboration from all role players, and not just the law enforcement. The law enforcement officers cannot be in every street and corners of each community, and for the communities to be safe and secure, it requires all role players to play active role of identifying and isolating perpetrators of criminalities and social ills. Illegal mining and counterfeit goods are not the only prevalent social ills in South Africa; the scourge of drug abuse is one of many social ills that are ravaging societies.

Among the illegal goods widely accessible in South Africa includes drugs and alcohol that are sold to the communities. The police have made numerous burst of illegal drug manufacturing laboratories and illegal drugs that do not meet the prescribed standard.

C. *Intoxicating substance*

Intoxicating substance have the potential to temporarily temper a person's mental and physical functioning when ingested or injected. There is a wide range of intoxicating substance that are used on daily basis, including but not limited to alcohol, marijuana, cocaine. In a South African context, there is a drug or an intoxicating substance that is known as nyaope or whoonga, which is a mixture of various ingredients. This concoction is not a legal drug in South Africa, but is a homemade drug by people for their personal use, including intoxication. For the purposes of this research, drug and alcohol abuse are discussed as the problematic social ills that are plaguing the South African society.

➤ *Drug Abuse*

South Africa is infested by brazen abuse of intoxicating substances such as drugs. Drugs abuse is one of the major social ills that is destroying the lives of South African youths. Drugs and alcohol are linked to the majority of crimes such as murder, assault with intent to cause bodily grievous harm, housebreaking and theft, reckless and negligent driving, rape, just to mention a few. With this background in place, it is evident that by addressing the abuse of drugs and alcohol, crime in general would decrease and South Africa could be a better place than it is. This particular social ill is also a major contributing factor to the overcrowding in hospitals and trauma centres.

Illegal drugs are manufactured and distributed to the communities for consumption. Some people manufacture their own drugs by mixing variety of medications that are either ingested or injected into their bodies for intoxication. One of the well-known homemade drug in South Africa is referred to as “nyaope”. Nyaope is a homemade drug commonly found in South Africa that is comprised of multiple ingredients, such as heroin, cannabis, antiretroviral, and other over the counter medication.

There is a number of other commercial drugs that are widely available in the streets of South Africa, which are being abused. These include cocaine, mandrax, heroin, cannabis (marijuana). Some of the drugs found and abused in South Africa find their way in the country though illegal means. The South African authorities have made a number of arrests pertaining to illegal drug trafficking from other countries into South Africa. Although there are successes in this regard, there is a sizeable number of drug trafficking into South Africa that go undetected. Majority of these drugs are destined to the streets in townships and suburbs – where they are sold to the people in the communities. Over the years, the SAPS have uncovered a number of illegal laboratories that produce illegal drugs that eventually find their way to the streets of South Africa.

➤ *Alcohol Abuse*

Alcohol abuse is one of the major social ills in South Africa. Although alcohol consumption is not a crime in South Africa, there is a legal age restriction of eighteen years old in alcohol consumption. By law, children under the age of eighteen are not allowed to purchase and consume alcohol. The sale of alcohol is also regulated in South Africa – where all alcohol outlets are required by law to be registered and to comply with the condition of their licence registration. Despite the rules and the laws that regulates the sale of alcohol, there are countless illegal liquor outlets in the communities. Especially in the townships and rural areas. These illegal liquor outlets are the source and enablers of alcohol abuse in the societies because they are not regulated and sell alcohol to every person, including children. The illegal liquor outlets usually operate all the time without restrictions.

The homemade alcohol is also widely accessible in the townships and rural areas. This includes the seasonal amarula alcohol, and umqomboti, which is made from sorghum, maize, maize malt, yeast, and water. Umqomboti is a traditional South African beer, which is widely used and associated with black African culture. Umqomboti is intoxicating and its alcohol level is not measured. Amarula beer and umqomboti are equally contributing to societal ills in the communities. It is a generally acceptable knowledge that people that are intoxicated tend to have a diminished level of responsibility and unacceptable behaviour.

XI. GOVERNMENT'S RESPONSE TO THE SOCIAL ILLS

The police's response to the prevalent social ills in South Africa, in particular the illegal mining, was met with mixed reactions from various groups of the society. The country was literally divided in their views and opinions pertaining to the conduct of the law enforcement, and the government in general. On the one side, some criticised the government and the police in particular for been complicit in the demise of the illegal miners inside the disused mineshaft of Buffelfontein Gold Mine in the area of Stilfontein, North West Province, Republic of South Africa. Others, however, have commended the police's response to the illegal mining for ensuring that the rule of law takes place.

The government's position on the illegal mining was that illegal mining is a crime and that the illegal miners are criminals and should be treated as such. Subsequently, the illegal miner that were retrieved from the mineshafts were placed under arrest by the police and placed under police custody. Those who required medical attention were referred to various medical facilities under police custody. It is a standard practice in South Africa that the arrested persons who require medical attention are provided medical treatment while in the custody of the police. This practice is in line with the Constitution of South Africa – where section 11, in chapter two of the Constitution states that everyone has the right to life and (section 27) provides that everyone has (a) the right to health care services, (b) sufficient food and water.

The contention in the illegal mining incident, however, was whether the right to healthcare, food and water was applicable to those who are in the process of committing the act of criminality in the form of illegal mining, and who is responsible to ensure that such right is provided. While others argued that the government should provide necessary assistance to the illegal miners underground, which was considered a crime scene at the time, the government was adamant that it is responsible for the provision of the right to healthcare, food and water to the law abiding citizens and the arrested people in lawful custody.

It was further considered as encouraging criminality if food and water were to be delivered to those who were in a crime scene as perpetrators of criminality. This follows the government statement through the Minister in the Presidency (Ms Khumbudzo Ntshavheni) who said, *"....we are not sending help to the criminals, we are going to smoke them out, they will come out... We did not send them there, and they did not go down there for the good benefit or good intentions for the republic, so we cannot help them. Those who want to help them; they must go and take food down there..."*

This statement was met with mixed reactions where others hailed it as a tough stance by the government of South Africa and the determination to deal with criminality and other social ills that are plaguing the society. Whereas, other people considered the statement as insensitive and inconsiderate for the human rights – suggesting that government should provide assistance to the illegal miners

underground, in the process of committing the act of criminality. To this end, for the deaths of illegal miners who perished underground, some people blamed the government, and some went to the extent of labelling it a genocide.

This study finds that the South African government and the SAPS in particular have acted in accordance with the law in responding to the illegal mining. The insinuation that the government may have committed genocide are not substantiated and will be a mammoth task to prove – taking into account that the death of the illegal miners underground had nothing to do with the government. If anything, the government intervened to provide assistance where possibly necessary while enforcing law and order. The necessary assistance by government include the provision of health care to the retrieved illegal miners and allowing access to volunteers who opted to deliver food and water underground to sustain the illegal miners while awaiting retrieval.

XII. THE ROLE OF CIVIL SOCIETY AND ACTIVE CITIZENRY

Civil society and active citizenry were seen to be active in the illegal mining debacle, whereby some civil society organisations were rendering assistance to retrieve the illegal miners underground in the mineshafts, and providing food and water. Some individuals risked their health and safety by availing themselves to go underground in the mineshaft to deliver food and other necessities, and to retrieve illegal miners and the bodies of those who perished in the process. The civil society and active citizenry played a crucial role to ensure that the necessary assistance was provided to the needy illegal miners and to relay important information to the authorities on the situation and condition underground. Some civil society organisation played a role of been the advocates for the illegal miners by negotiating for their assistance and putting pressure on government to expedite the retrieval of the illegal miners.

However, it should be noted that the civil society organisations and active citizenry were reactionary in their approach – in that they were not loud enough in condemning the act of criminality by illegal miners before the catastrophic discovery of the dire situation in the disused mines. There was no similar energy and vigour to be proactive in curbing the identified illegality: that could have potentially prevented the massive loss of lives in the magnitude that it happened. Instead, the blame was put squarely to the police and the government in that they did not do enough to secure the disused mines.

Although law enforcement is the duty and the responsibility of the police, the civil society and active citizenry have a pivotal role to play in collaboration with the police to ensure a safe and secure environment for all. The police alone cannot succeed in the fight against criminality and social ills, but a collaborative efforts between the police and all role players, including civil society and active citizenry is required to achieve a crime free South Africa.

It is a global phenomenon that the police cannot be in every street and corner of each neighbourhood, and requires the assistance of the society to report illegality for the police to act accordingly.

Some civil society encounter resistance from the communities in performing their civil duties in the society. The Community Policing Forum (CPF), for example, phase resistance from some members of the community in that they are perceived to lack legitimacy. Community Police Forums are comprised of volunteers who are the members of the community with a common goal and purpose of fighting social ills. The fact that these structures are not officially formalised and do not have the legal powers as compared to other law enforcement agencies, they are undermined and often encounter resistance. Additionally, the community police forums in other communities have a financial backing challenge – resulting in them seeking donations from members of the society.

Additionally, the Community Police Forums and other civil society organisations do not have a legal standing to execute search and seizure, arrest and detention, and other powers that are associated with a legal law enforcement statute. Furthermore, lack of basic resources is a major challenge in the effective and efficient execution of their duties.

XIII. HUMAN RIGHTS AND THE RULE OF LAW

The government (and the police in particular) needs to balance human rights and the rule of law in line with the boundaries of the law as enshrined in the Constitution. Chapter two of the Constitution of South Africa provides the Bill of rights that applies to all, and which is binding to the legislature, the executive, the judiciary, and all organ of states. The SAPS, as an organ of the state, is obliged to ensure that the human rights are protected in line with the Constitution. This is a balancing act - which the police need to manoeuvre in the execution of their duties of enforcing the rule of law.

The Constitution of South Africa provides for the Non-derogable rights, including section 10 (human dignity), and section 11 (right to life), which are considered to be protected entirely. Section 11 follows the abolishment of death sentence as a penalty by the Judiciary, and replaced by a life sentence. Although section 36 of the Constitution provides for the limitation of rights, no law may limit any rights in the Bill of rights except in the event that such limitation is reasonable and justifiable in an open and democratic society. South Africa is a constitutional democracy, and the human rights and the rule of law form the basis for the constitutional state.

The same Constitution that provides for the human rights in the Bill of rights also provides for the law enforcement, in particular the police (SAPS), the mandate to uphold and enforce the law. Section 205 (3) of the Constitution of South Africa indicates: *“the objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the*

inhabitants of the Republic and their property, and to uphold and enforce the law”.

As a Constitutional democracy, South African’s supreme law further ensures the human rights while in the execution of law and order. In section 35 of chapter two of the South African Constitution, the rights of arrested, detained, and accused persons are outlined, which includes among others the right to fair trial. This is another display of the commitment by the South African authority to protect human rights while upholding and enforcing the law.

A. Research Limitations

Research limitations are aspects and circumstances that pose restrictions and challenges to the proper research process, thus creating an impediment in data collection, interpretation, publication, and reporting of some information because of their sensitivity or ongoing legal processes. In the matter at hand, the following noticeable limitations were identified:

- There was a limitation in interviewing the arrested persons involved in illegal mining due to the ongoing criminal investigation. A deliberate and ethical decision was taken to allow the investigation to proceed unhindered. As a results, those who where identified as the subjects of an ongoing criminal investigation where not interviewed in this research study – thus limiting access to more information.
- Because the matter under research was a developing phenomenon in South Africa, the researcher ensured that certain information that could jeopardise the investigation process were not disclosed, and care was taken to maintain confidentiality and integrity of information. This was done to avoid possible legal litigation, and interfering with the course and administration of justice.

Taking into considerations the identified research limitations, the integrity and the validity of this research study was not compromised. The research findings made were based on the available data included in this research study, which remains credible and empirically verifiable. Notwithstanding the limitations mentioned above, the content of this research study meet the high standard of ethical scientific research on an international arena.

This research study was investigating and addressing the ongoing issues that are under police investigations. As a result, there were limitations to probe the victims and other role players in the matters that are before the law enforcement and the judiciary; as such could have the potential to interfere in the administration of justice. The research study was conducted during the ongoing efforts by the authorities to retrieve the illegal miners that were still in the mineshafts, where some people were in police custody. The investigation was underway to locate other role players in the illegal mining. The limitations were extended to the victims and survivors of food poisoning emanating from the counterfeit food items.

A deliberate decision was taken to allow the law enforcement to conduct their investigations without potentially hindering the administration of justice by reaching out to the victims and survivors of these social ills – thus resulting in the limitations to the research study. The identified research limitations had no negative impact on the research study and the findings made because information was available through the media and other reputable platforms.

B. Practical Recommendations

One of the significance of a scientific research study is its ability to gather empirical data and critically analyse the available data to reach objective findings, and to present practical recommendations to address the identified ideological and procedural deficits. Subsequently, this research study makes practical recommendations that emanates from the findings made. This research makes the following practical recommendations:

- With a view to combat illegal migration and elicit contrabands, the South African executive authority should consider deploying the services of the South African National Defence Force (SANDF) in line with their constitutional mandate and objectives. These includes, amongst others, to defend South Africa against external military aggression, safeguard South Africa and its people, and to protect the national sovereignty and the territorial integrity of the country. Deploy the SANDF to safeguard the borders and the territorial integrity of the Republic of South Africa.
- Derive legislative framework to blacklist repeat offenders for illegal immigration and manufacturing of counterfeit goods, by barring them from entering South Africa and declaring such individuals as undesirable within the borders of the country.
- Improve the intensity to regulate and conduct regular inspections and law enforcement on businesses to ensure that they are rendering services that which they are licenced to render, and comply with other laws of the country; including the employment of South African and legal foreign nationals with valid work permits.
- Provide support and empower civil society organisations that are working with law enforcement to identify, isolate, and report the perpetrators of criminality and other social ills in the communities.
- Consider the policy change to legalise small-scale mining to bolster the employment of some unemployed youths in the country and to promote economic activities – thus reducing the high rate of unemployment and criminality in South Africa.
- Intensify the SAPS role of conducting policing duties within the borders of South Africa by combatting, prevention, and investigating the occurrence of criminal activities. This include enforcing law and order, and ensuring that those within the borders of South Africa are safe and secure, and identify and bring perpetrators to justice.

C. Recommendations for further study

Recommendations for further study are made in instances where the existing research project could not sufficiently explore all the available avenues and dimensions pertaining to the research scope. This could be emanating from a number of aspects such as time constraints, budget shortage, research limitations, legal boundaries, and other limiting factors. This research study is no exception to such limitations, hence the recommendations for further study is made. The following recommendations for further study are presented:

- The executive authority should consider conducting a further study in consultation with all affected role players to determine the legality of implementing hard labour as a form of a deterrent for illegal immigration in South Africa.
- A further study and investigation should be undertaken to identify the illegal mining kingpins and intercepts and dismantle the value chain that is used to illegally exploit South African mineral resources for their personal gain.
- The prevalence of elicit contrabands, and counterfeit goods and edible items is rive in South Africa. It is undeniable nor disputed that a need to conduct a targeted study to identify the source and origin of these items is urgent and critical.
- South Africa spends millions of rands in arresting, detention and deporting illegal immigrants – the money that is much needed to provide basic service delivery to the citizens of the country. A study and efforts should be undertaken to bill the countries from which the illegal immigrants are from. Illegal immigrants are depleting the limited resources available for the South African citizens, resulting in service delivery protests by the communities emanating from poor and limited service delivery.

D. Research Value

The value of this scientific research study cannot be understated. Primarily, this research project makes original contribution in the scientific body of knowledge in the field of Criminal Justice and Law Enforcement. The content of this research article are well known and most talked about in the society, but are not widely written about in the manner that they are structured for the audience of the executive authority and other relevant audience. Furthermore, this research study elucidate the prevalence of criminality and social ills and the importance of a multi-disciplinary approach in tackling these unwarranted phenomena.

Ultimately, the research study gathered empirical data to make objective findings followed by the practical recommendations that are aimed at addressing the identified shortfalls. Most importantly, this research ignite the need for continuous reflection and debate on the challenges that are facing South Africa and the need to accept that there is an existing challenge that requires deliberate and intentional policy review and decision making in curbing and eliminating criminality and other social ills in the societies.

XIV. CONCLUSION

The research aimed to elucidate the value of a multi-disciplinary approach in combating criminality and other social ills in South Africa. A qualitative research approach was utilised – whereby interviews and literature review were used to gather relevant data. The search questions were adequately answered, and the research findings were drawn from the data interpreted and analysed. The practical recommendations were made to address the identified research problem. This research made an invaluable contribution to the body of scientific knowledge and the academic arena, and provided more insight on the subject matter – thus promoting access to information and nation building.

This research article laid bare the social injustice perpetuated by the unrelenting social ills that are taking place in the communities. The role of civil society in collaboration with the law enforcement agency was emphasised.

South Africa has porous borders and the law enforcement agencies are struggling to control and to deter the illegal immigration into the country. A multi-disciplinary approach is essential in addressing criminality and social ills plaguing the communities. Subsequently, the limited resources that the country has are shared with people who do not deserve such services, with a high rate of unemployment amongst the youths, and criminality perpetuated largely by illegal immigrants.

This research study makes significant practical contributions to the scientific body of knowledge, and further presents practical recommendations to address the adverse findings made. The executive authorities are urged to review and revise the current legislative framework, and empower the law enforcement agencies to effectively deal with criminality and social ills in South Africa.

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