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The intersection of Criminology and Law: An interdisciplinary analysis of Gender-Based Violence in South Africa, bridging Criminal Justice and Legal frameworks for enhanced victim protection

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ABSTRACT

This interdisciplinary study examines gender-based violence (GBV) in South Africa through the complementary lenses of criminology and law. Drawing on criminological theories of victimization and legal analysis of statutory frameworks, the article evaluates the efficacy of recent anti-GBV legislation in addressing violence against women and children. The study employs qualitative content analysis of legal instruments, case law, and criminological literature to assess whether the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act, and the Domestic Violence Amendment Act effectively protect victims and expedite justice. Findings reveal that while legislative reforms represent significant progress, implementation gaps persist due to systemic challenges within the criminal justice system. The article argues that an integrated criminology-law approach combining victim-centered criminological insights with robust legal frameworks offers the most promising pathway for addressing GBV. Recommendations emphasize interdepartmental coordination, specialized court expansion, and community-based prevention strategies. This study contributes to interdisciplinary scholarship on GBV in the Global South and provides evidence-based guidance for policymakers and practitioners.

Keywords: Gender-based violence, criminology, law, interdisciplinary research, victim protection, criminal justice system, South Africa, anti-GBV laws.

INTRODUCTION

Gender-based violence (GBV) represents one of the most pressing human rights challenges in contemporary South Africa. The country recorded 10,516 rape cases, 1,514 attempted murders, and 14,401 assaults against female victims in just three months of 2023–2024, alongside 881 women murdered during the same period.[1]These statistics position South Africa as one of the most dangerous

[1] South African Government, "Quarter Four Crime Statistics 2023/24," www.gov.za (accessed 15 February 2025).

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countries for women globally, with violence levels comparable to conflict zones.[2]The persistence of GBV despite constitutional guarantees of equality and dignity demands urgent interdisciplinary attention from criminologists and legal scholars alike.

This article adopts an integrated criminology-law framework to evaluate South Africa's response to GBV. Criminology offers critical insights into victimization patterns, offender behavior, and systemic failures within the criminal justice system, while legal analysis provides the normative foundation for assessing statutory compliance with constitutional and international human rights standards.[3] The convergence of these disciplines enables a comprehensive understanding of GBV that transcends singular methodological approaches.

The study focuses specifically on three "anti-GBV laws" enacted in 2022: the Criminal Law (Sexual Offences and Related Matters) Amendment Act,[4] the Criminal and Related Matters Amendment Act,[5] and the Domestic Violence Amendment Act.[6] These statutes emerged from the 2018 National Presidential Summit on GBV and the subsequent National Strategic Plan on Gender-Based Violence and Femicide 2020–2030.[7] Through interdisciplinary analysis, the article assesses whether these legislative instruments effectively protect victims, expedite legal processes, and restore public confidence in the criminal justice system.

The central research question guiding this inquiry asks: How can criminological and legal perspectives be integrated to enhance the efficacy of anti-GBV legislation in South Africa? This overarching question is addressed through three subsidiary inquiries: (1) What criminological factors contribute to the persistence of GBV despite legal prohibitions? (2) How do recent legislative amendments align with constitutional and international standards? (3) What implementation gaps emerge at the intersection of criminal justice practice and legal reform?

THEORETICAL FRAMEWORK

Integrating Criminology and Law

Criminological Perspectives on GBV

Criminology contributes essential theoretical frameworks for understanding GBV victimization and offender behavior. Routine activities theory posits that violence occurs when motivated offenders encounter suitable targets in the absence of capable guardians.[8] In South Africa, socioeconomic inequalities, urbanization patterns, and weakened community structures create environments conducive to GBV.[9] Feminist criminology further illuminates how patriarchal norms and gendered power relations normalize violence against women, rendering it socially acceptable in certain contexts.[10]

Victimology, a subfield of criminology, emphasizes the importance of understanding survivors' experiences within the criminal justice system. Secondary victimization, wherein survivors experience additional trauma through insensitive police responses, lengthy court proceedings, and denied, captures how systemic failures retraumatize survivors and perpetuate impunity.[11] Research indicates that most victims do not trust the criminal justice system, given the high incidence of secondary victimization and harassment when reporting cases.[12]

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[2] World Bank, "Gender-Based Violence," 2019, https://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls.

[3] World Bank, "Gender-Based Violence."

[4] South African Government, "Minister General Bheki Cele: Quarter Four Crime Statistics 2023/24," www.gov.za (accessed 15 February 2025).

[5] World Bank, "Gender-Based Violence (Violence Against Women and Girls)," 2019, https://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls.

[6] Tatsiana Ziniakova, "Gender-Based Violence in International Human Rights Law: Evolution towards a Binding Post-Binary Framework," *Wm. & Mary J. Race Gender & Soc. Just.* 27 (2020): 709.

[7] Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.

[8] Human Sciences Research Council, "The First South African National Gender-Based Violence Study ," 2022, https://hsrc.ac.za/media-pack-first-south-african-national-gender-based-violence-study-2022/.

[9] Denise Buiten and Kammila Naidoo, "Media Representations of Violence Against Women in South Africa," *Feminist Media Studies* 16, no. 2 (2016): 245-260.

[10] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report," 2023.

[11] Constitution of the Republic of South Africa, 1996, ss. 9, 10, 12.

[12] Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

The intersection of gender, race, class, and historical oppression creates what Kimberlé Crenshaw terms "intersectional vulnerabilities."[13] In South Africa, apartheid reinforced not only a patriarchal system but also a racial and gendered hierarchy that further excluded Black women, who were doubly disadvantaged on the basis of both their race and gender.[14] This intersectional analysis is essential for understanding how gender intersects with factors like race, class, ethnicity, culture, economic status, and education to oppress men and women alike.[15]

Legal Frameworks and Human Rights Standards

From a legal perspective, GBV constitutes a violation of fundamental human rights protected under the Constitution of the Republic of South Africa, 1996. Section 9 guarantees equality and prohibits discrimination, while Section 10 protects dignity, and Section 12 safeguards freedom and security of the person.[16] International instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women[2] and the Declaration on the Elimination of Violence Against Women,[17] impose binding obligations on South Africa to prevent, investigate, and punish GBV.

The interdisciplinary integration of criminology and law reveals that effective GBV response requires both robust legal frameworks and criminologically-informed implementation strategies.[18] Legal prohibitions alone cannot transform social norms or ensure victim-centered justice; criminological insights must inform policing practices, court procedures, and rehabilitation programs.[19]

Ubuntu Philosophy and Restorative Justice

The African philosophy of Ubuntu, which emphasizes interconnectedness, community responsibility, and respect for human dignity, offers a culturally resonant framework for addressing GBV.[20] Ubuntu's values of forgiveness, love, and communal healing align with restorative justice principles that encourage accountability, multi-stakeholder involvement, and social and emotional support.[21]Restorative justice interventions, such as victim-offender mediation, have been found effective for GBV cases in both international and national research.[22]

However, the application of restorative justice to GBV remains contested. Critics argue that power imbalances between perpetrators and victims may compromise the voluntariness essential to restorative processes.[23] Proponents counter that properly facilitated victim-offender mediation can empower survivors by giving them voice and promoting healing, provided that rigorous preparation and safety protocols are observed.[24]

METHODOLOGY

This study adopts an interdisciplinary qualitative research design that combines doctrinal legal analysis with qualitative content analysis to examine the effectiveness of South Africa's legislative response to gender-based violence (GBV). While these approaches are complementary, they serve distinct analytical purposes. Doctrinal legal analysis was employed to identify, interpret, and evaluate the applicable constitutional, legislative, and judicial frameworks governing GBV, whereas qualitative content analysis was used to systematically analyse and interpret recurring themes emerging from legal texts, judicial decisions, policy documents, criminological literature, and official reports. Integrating these methods

[13] Declaration on the Elimination of Violence Against Women, UN General Assembly Resolution 48/104, 20 December 1993.
[14] Mongiwa Pamela Ncube, "Protection Orders in South Africa: The Effectiveness of Implementation and Enforcement for Victims of Gender-Based Violence," 2021.
[15] Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.
[16] Constitution of the Republic of South Africa sec 9,10 and 12
[17] Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women
[18] P. S. Masume and P. Nonganga, "The Efficacy of 'Anti-Gender-Based Violence Laws' in Addressing the Scourge of Gender-Based Violence in South Africa," *Law and World* 11, no. 2 (June 30, 2025): 75–83, https://doi.org/10.36475/11.2.7.
[19] Criminal and Related Matters Amendment Act 12 of 2021.
[20] Criminal and Related Matters Amendment Act 12 of 2021. s59.
[21]Ncube, "Protection Orders in South Africa," 78.
[22] Criminal and Related Matters Amendment Act 12 of 2021, ss. 60–61.
[23] Domestic Violence Amendment Act 14 of 2021.
[24] Restorative Justice Centre, "Restorative or Risky: Victims and Offenders of GBV Voice Their Experiences of VOM," 2022.

enabled the study to examine both the normative legal framework and the criminological factors influencing the implementation and effectiveness of anti-GBV legislation.

The doctrinal component involved a systematic review of primary legal sources, including the Constitution of the Republic of South Africa, 1996; the Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021; the Criminal and Related Matters Amendment Act 12 of 2021; the Domestic Violence Amendment Act 14 of 2021; and judicial decisions from the Constitutional Court, Supreme Court of Appeal, and High Courts that interpret or apply these legislative provisions. Cases were identified through searches of recognised South African legal databases, including SAFLII, Juta Law, and LexisNexis South Africa, using keywords such as *gender-based violence*, *domestic violence*, *sexual offences*, *victim protection*, *protection orders*, and *gender equality*. Priority was given to precedent-setting judgments that addressed the interpretation, application, or enforcement of the anti-GBV legislative framework.

The study also relied on secondary sources, including peer-reviewed journal articles, academic books, government reports, parliamentary documents, official crime statistics published by the South African Police Service (SAPS), publications of the Department of Justice and Constitutional Development, reports from reputable civil society organisations such as the Centre for the Study of Violence and Reconciliation, and relevant international and regional human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). These materials provided the criminological and policy context necessary to evaluate legislative implementation.

The selection of documentary sources followed clearly defined inclusion and exclusion criteria. Materials were included if they (i) addressed gender-based violence or victim protection in South Africa, (ii) analysed the anti-GBV legislative reforms enacted between 2021 and 2022, (iii) examined the implementation or enforcement of these laws, (iv) originated from authoritative legal, governmental, academic, or recognised institutional sources, and (v) were published in English. Sources focusing exclusively on jurisdictions outside South Africa without comparative relevance, unpublished opinion pieces lacking scholarly or institutional credibility, duplicate publications, and materials unrelated to the implementation of anti-GBV legislation were excluded from the analysis.

The qualitative content analysis followed a structured thematic coding process. Initially, all documentary sources were read repeatedly to achieve familiarity with the data. Open coding was then undertaken to identify recurring concepts relating to legislative protection, victim rights, criminal justice responses, implementation challenges, institutional accountability, access to justice, prevention strategies, and interdisciplinary approaches to GBV. Similar codes were subsequently grouped into broader analytical themes that reflected both criminological and legal dimensions of the study. These themes were continually refined through constant comparison across the different documentary sources to ensure conceptual consistency and analytical coherence.

To enhance analytical rigour, the study employed methodological triangulation by comparing findings derived from legislation, judicial decisions, criminological scholarship, government reports, and official statistical data.[25] This process enabled the verification of recurring patterns across multiple data sources and strengthened the credibility of the findings. The analytical process also involved interpreting legislative provisions purposively and contextually, consistent with sections 39(2) and 233 of the Constitution of the Republic of South Africa, 1996, which require legislation to be interpreted in a manner that promotes the spirit, purport, and objects of the Bill of Rights and is consistent with international law where appropriate.

Although the study is qualitative in nature, it does not involve empirical data collection through interviews, questionnaires, or observations. Instead, it is a desktop-based doctrinal investigation supported by qualitative content analysis of documentary evidence. Consequently, the findings are limited to the interpretation of existing legal and documentary sources and do not purport to measure the lived experiences of survivors or practitioners directly. Nevertheless, the integration of doctrinal

[25] Rebecca Campbell et al., "Assessing Triangulation across Methodologies, Methods, and Stakeholder Groups: The Joys, Woes, and Politics of Interpreting Convergent and Divergent Data," *American Journal of Evaluation* 41, no. 1 (2020): 125–44.

legal analysis with qualitative content analysis provides a comprehensive interdisciplinary framework for evaluating both the legal adequacy of South Africa's anti-GBV legislation and the criminological factors affecting its practical implementation.

LEGISLATIVE FRAMEWORK: THE ANTI-GBV LAWS OF 2022

The Criminal Law (Sexual Offences and Related Matters) Amendment Act

The Criminal Law (Sexual Offences and Related Matters) Amendment Act[26] introduces several significant provisions. The Act establishes sexual intimidation as a new offence, criminalizing threats that create reasonable apprehension of impending sexual harm.[27]This addresses a gap in prior legislation that failed to capture the psychological terror experienced by survivors of threatened violence. The Act also expands the National Register for Sex Offenders and imposes mandatory reporting duties on persons aware of sexual offences against children.[28]

From a criminological perspective, these provisions align with deterrence theory by increasing the certainty and severity of punishment for sexual offences. However, the effectiveness of deterrence depends on consistent enforcement, a challenge in South Africa's overburdened criminal justice system.[29] Research indicates that despite legislative advances, societal norms, economic disparities, and high levels of alcohol consumption continue to influence the prevalence of GBV.[30]

The Criminal and Related Matters Amendment Act

The Criminal and Related Matters Amendment Act[31] modifies multiple statutes to enhance victim protection. The Act sanctions the use of intermediaries for vulnerable witnesses, including children, elderly persons, and those with physical or mental disabilities, allowing testimony from informal settings outside the courtroom.[32]This provision addresses criminological research demonstrating that courtroom environments often intimidate survivors and compromise evidence quality.[33]

The Act also imposes stricter bail criteria for domestic violence offences, criminalizes breaches of protective orders, and mandates minimum sentences for murder, attempted murder, and rape involving vulnerable victims.[34]These measures reflect an interdisciplinary approach that combines legal prescription with criminological understanding of offender risk and victim vulnerability.

The Domestic Violence Amendment Act

The Domestic Violence Amendment Act [35]expands the definition of domestic violence to include controlling and bullying behavior, and extends protection to persons in engagements, dating relationships, and customary unions.[36] This broader definition aligns with criminological research documenting how coercive control constitutes a distinct and severe form of intimate partner violence.[37]

The Act streamlines protection order procedures and enhances accountability for police and court personnel assisting survivors.[38]These administrative reforms respond to criminological findings that institutional barriers, rather than legal absence, often prevent survivors from accessing justice.[39]

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[26] Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.
[27] Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.sec 1.
[28] Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.secs 42–45.
[29] Zamokuhle Mbandlwa, "Women's Day, Women's Month for Who? For South African Women or South African Government and Politicians?," *Journal of Pharmaceutical Negative Results*, 2022.
[30] Centre for the Study of Violence and Reconciliation, *Justice Denied*.
[31] Criminal and Related Matters Amendment Act 12 of 2021.
[32] Criminal and Related Matters Amendment Act 12 of 2021.s. 59.
[33] Ncube, "Protection Orders in South Africa," 78.
[34] Criminal and Related Matters Amendment Act 12 of 2021, ss. 60–61.
[35] Domestic Violence Amendment Act 14 of 2021.
[36]Domestic Violence Amendment Act 14 of 2021, s. 1.
[37] Thenjiwe Meyiwa et al., "A Twenty-Year Review of Policy Landscape for Gender-Based Violence in South Africa," *Gender and Behaviour* 15, no. 2 (2017): 8607–17.
[38] Domestic Violence Amendment Act 14 of 2021, s. 9.
[39] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report."

CRIMINOLOGICAL AND LEGAL ANALYSIS OF IMPLEMENTATION CHALLENGES

Systemic Barriers in the Criminal Justice System

Despite legislative advances, criminological research reveals persistent implementation challenges. The South African Police Service (SAPS) Family Violence, Child Protection and Sexual Offences (FCS) units, while specialized, remain under-resourced and unevenly distributed across the country's 176 police station areas.[40] Survivors frequently encounter secondary victimization at the reporting stage, including insensitive questioning, disbelief, and pressure to withdraw complaints.[41]

Police officers themselves face significant challenges in responding to domestic violence. Research involving twenty-eight police officers in the Western Cape Province revealed that intervention in domestic violence is a very complex and controversial process, as the many potential needs of the victim may be beyond the scope of typical law enforcement tasks.[42] This consequently necessitates multiple intervention approaches and strategies by police officers and external support networks, such as social workers.[43]

Legal analysis of case law demonstrates judicial recognition of these systemic failures. In *AK v Minister of Police*, the Constitutional Court affirmed the state's duty to protect women against GBV through reasonable and appropriate measures, emphasizing that SAPS and courts must send "a clear message to perpetrators" that gender-based violence will not be tolerated.[44]

The Tension Between Punitive and Preventive Approaches

An interdisciplinary tension emerges between criminological emphasis on prevention and legal focus on punishment. Criminological research demonstrates that GBV prevention requires addressing root causes: patriarchal socialization, substance abuse, economic inequality, and exposure to violence in childhood.[45]The anti-GBV laws, however, predominantly adopt punitive approaches through expanded criminalization and mandatory sentencing.

Analysis of NGO interventions reveals that most organizations offer secondary and tertiary GBV strategies, but none implement primary prevention strategies.[46] Interviewees explained that these interventions were aimed at empowering women to remove themselves from adverse situations or to help them recover from acts of GBV and to mitigate its detrimental long-term consequences.[47] While the focus remains on reactive services, several practitioners mentioned the untapped potential of primary prevention.[48]

This tension is not irreconcilable. The Domestic Violence Amendment Act's inclusion of behavioral controls and expanded relationship definitions represents movement toward preventive legal frameworks.[49] However, effective prevention requires investment in community-based programs, school interventions, and economic empowerment in areas where legislative and budgetary commitment remains inadequate.[50]

Victim Participation and Rights Protection

The integration of criminological victimology with legal procedure reveals both progress and gaps. The Criminal and Related Matters Amendment Act's intermediary provisions and the Domestic Violence Amendment Act's streamlined protection orders enhance victim participation.[51]However, survivors

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[40] South African Police Service, "Annual Report 2023/24," 2024.
[41] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report."
[42] Rita Retief and Sulina Green, "Some Challenges in Policing Domestic Violence," *Social Work/Maatskaplike Werk* 51, no. 1 (2015): 135–47.
[43] Retief and Green, "Some Challenges in Policing Domestic Violence."
[44] *AK v Minister of Police*, 2022 ZACC 14, para. 3.
[45] Asafika Mpako and Stephen Ndoma, "South Africans See Gender-Based Violence as Most Important Women's-Rights Issue to Address.," 2023.
[46] Centre for the Study of Violence and Reconciliation, "Lived Realities and SGBV Responses—Synthesis Report," 2023, https://www.csvr.org.za/csv-lived-realities-and-sgbv-responses-synthesis-report/.
[47] Centre for the Study of Violence and Reconciliation, "Lived Realities and SGBV Responses—Synthesis Report,"
[48] Centre for the Study of Violence and Reconciliation, "Lived Realities and SGBV Responses—Synthesis Report,"
[49] Domestic Violence Amendment Act 14 of 2021, s. 1.
[50] Youth and Persons with Disabilities Department of Women, "National Strategic Plan on Gender-Based Violence & Femicide," 2020.
[51] Criminal and Related Matters Amendment Act 12 of 2021, s. 59; Domestic Violence Amendment Act 14 of 2021, s. 9.

continue to face lengthy legal processes, limited legal aid availability, and inadequate feedback on case progress.[52]

Long backlogs at the Legal Aid Board make justice for most women victims seem elusive and unattainable.[53] Women also face corruption that often leads to missing dockets and other court documents, limited knowledge of applicable processes and procedures, and a lack of feedback on their cases.[54] The National Strategic Plan on GBV identifies access to justice as a critical pillar, yet implementation depends on coordination across multiple departments Justice, Police, Social Development, and Health that often operate in silos.[55]

Victim support services face their own challenges. Civil society organizations provide psycho-social counseling, legal aid services, and advocacy work, yet these services are fragmented and under-resourced.[56]Research indicates that victim supporters or volunteers often end up providing psychosocial support services to survivors in Victim Friendly Rooms, which creates role confusion and overlap with professional social workers.[57] This creates ethical dilemmas and reliance on ill-equipped lay counsellors to manage emotional severity and psychosocial needs presented by survivors.[58]

Social Cohesion and Community Dynamics

The socio-economic drivers of GBV are intimately connected to community dynamics and social cohesion. Research exploring community dynamics in rural Limpopo Province reveals that societal norms, economic disparities, and high levels of alcohol consumption, among other factors, influence the prevalence of GBV.[59] South Africa is noted for its high levels of alcohol consumption, which have been linked to increased incidents of domestic violence.[60]

The COVID-19 pandemic highlighted the pervasiveness of GBV in the private realm and the everyday challenges that victim-survivors face. Lockdowns led to a significant rise in cases of domestic violence, particularly intimate partner violence.[61] Reports indicate that at the start of the first lockdown in March 2020, there were 87,000 cases of GBV and interpersonal violence reported, which is a notable increase from pre-COVID-19 levels.[62]

Despite the reported increase, the number of cases reported to SAPS during the initial months of the lockdown fell. This decline has been attributed to underreporting, as many victims faced barriers such as fear of retribution from their aggressors, lack of privacy to report incidents, and limited access to support services due to lockdown restrictions.[63]

CASE LAW AND JUDICIAL INTERPRETATION

Judicial decisions provide essential guidance on the intersection of criminological evidence and legal standards. In *S v Tshabalala*, the court observed that "hardly a day passes without any incident of gender-based violence being reported," acknowledging the epidemic scale of the problem.[64] In *S v Makatu*, the

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[52] Ncube, "Protection Orders in South Africa: The Effectiveness of Implementation and Enforcement for Victims of Gender-Based Violence."
[53] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report."
[54] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report."
[55] Department of Women, "National Strategic Plan on Gender-Based Violence & Femicide."
[56] Centre for the Study of Violence and Reconciliation (CSVR), "Lived Realities and SGBV Responses—Synthesis Report."
[57] Matshemo Joyce Moganedi and Nkuke Evans Mohlatlole, "Victim Supporters Providing Psycho-Social Support Services to Survivors of Gender-Based Violence in Victim Friendly Rooms," *OIDA International Journal of Sustainable Development* 16, no. 12 (2023): 177–84.
[58] Moganedi and Mohlatlole, "Victim Supporters Providing Psycho-Social Support Services to Survivors of Gender-Based Violence in Victim Friendly Rooms."
[59] Matolwandile Mtotywa et al., "A Conceptual Framework of Gender-Based Violence and Femicide Drivers in South Africa," *International Journal of Research in Business and Social Science (2147- 4478)* 12, no. 5 (July 28, 2023): 315–30, https://doi.org/10.20525/ijrbs.v12i5.2633.
[60] Mtotywa et al., "A Conceptual Framework of Gender-Based Violence and Femicide Drivers in South Africa."
[61] Sithembiso Ndlovu et al., "COVID-19 Impact on Gender-Based Violence among Women in South Africa during Lockdown: A Narrative Review.," *African Journal of Reproductive Health* 26, no. 7 (2022): 59.
[62] Ndlovu et al., "COVID-19 Impact on Gender-Based Violence among Women in South Africa during Lockdown: A Narrative Review."
[63] Ndlovu et al., "COVID-19 Impact on Gender-Based Violence among Women in South Africa during Lockdown: A Narrative Review."
[64] *S v Tshabalala*, 2022 ZAGPJHC 881.

Supreme Court of Appeal emphasized the gravity of sexual violence and the need for sentences reflecting societal condemnation.[65]

The Constitutional Court's jurisprudence has progressively strengthened victim rights. *Tshabalala v S* affirmed that courts must prioritize victim protection over technical procedural considerations.[66]*Maila v The State* clarified sentencing principles for sexual offences, requiring courts to consider the impact on survivors and the broader community.[67]

These decisions demonstrate judicial willingness to integrate criminological understanding of GBV harm with legal principles of proportionality and deterrence. However, judicial pronouncements cannot compensate for systemic resource constraints and institutional cultures that undermine victim-centered justice.[68]

RECOMMENDATIONS

Based on the integrated criminology-law analysis, this article offers recommendations organized across three dimensions:

Institutional Reforms

First, SAPS FCS units require substantial resource augmentation and specialized training informed by criminological research on trauma-informed policing. Second, the expansion of Sexual Offences Courts which currently operate in all nine provinces but with uneven overstood prioritize underserved rural areas where GBV prevalence is often highest. Third, interdepartmental coordination mechanisms must be strengthened through the National Council on Gender-Based Violence and Femicide established under the 2024 Act.

Legal and Procedural Enhancements

The anti-GBV laws should be supplemented by regulations mandating survivor feedback protocols, ensuring that complainants receive case progress updates. Legal aid expansion is essential for indigent survivors, particularly in rural areas. The use of intermediaries and alternative testimony methods should be standardized rather than discretionary, reducing variability in victim protection.

Prevention and Community Engagement

Criminological research emphasizes that sustainable GBV reduction requires prevention investment. The National Strategic Plan's prevention pillar should receive proportionate funding relative to criminal justice responses. Community-based programs engaging men and boys, addressing toxic masculinity and promoting gender-equitable norms, should be scaled and evaluated.

Research suggests that there is noticeable community interest in primary prevention initiatives targeting men and boys, yet there is limited implementation of such programs. This comes from a legacy of making sure that women are taken care of and empowered, yet it would be beneficial to start talking to perpetrators and getting girls and boys involved in prevention efforts.

CONCLUSION

This interdisciplinary analysis demonstrates that addressing GBV in South Africa requires the integrated application of criminological and legal expertise. The 2022 anti-GBV laws represent significant legislative progress, incorporating expanded offences, enhanced victim protections, and streamlined procedures. However, implementation gaps rooted in resource constraints, institutional cultures, and insufficient prevention investment limit their efficacy.

The criminology-law intersection reveals that legal prohibition without criminological understanding of victimization patterns, offender behavior, and systemic barriers cannot achieve

[65] *S v Makatu*, 2014 (2) SACR 431 (SCA).
[66] *Tshabalala v S*, 2020 (5) SA 1 (CC).
[67] *Maila v The State*, 2023 ZASCA 3.
[68] Nomthandazo Ntlama, "Gender-Based Violence Ignites the Re-Emergence of Public Opinion on the Exercise of Judicial Authority," *De Jure Law Journal* 53, no. 1 (2020): 286–306.

transformative change. Conversely, criminological insights without robust legal frameworks lack enforceable mechanisms for victim protection and offender accountability.

Future research should prioritize empirical evaluation of anti-GBV law implementation, examining survivor experiences, case outcomes, and deterrence effects. Interdisciplinary collaboration between criminologists, legal scholars, practitioners, and policymakers offers the most promising pathway for realizing the constitutional vision of a South Africa free from gender-based violence.

The study contributes to higher education scholarship by contextualizing GBV response within South Africa's socio-historical realities. It demonstrates how criminological and legal frameworks converge to explain patterns of violence and justice system responses. Specifically, it shows that barriers are rarely unidimensional: psychological reluctance interacts with structural limitations and socio-cultural expectations, creating compounded deterrents for survivors. Consequently, interventions must be multidimensional, simultaneously addressing relational, cognitive, and systemic needs.

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