


# The victimization of community members in the realm of traditional leaders at OR Tambo District Municipality, South Africa

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## ABSTRACT

*Within the largely rural OR Tambo District Municipality (ORTDM), a significant number of community members continue to experience victimization annually. Crime continues to be a persistent issue for both individuals and society at large, with no resolution or justice achieved in its wake. The prevalence of crime in society significantly impacts individuals' behavior, residential choices, and decisions regarding their social activities, including the selection of locations and timing. Typically, individuals tend to experience an increase in fear of becoming a victim of crime, rather than a decrease. This article is characterized by its qualitative approach and use non-probability sampling methodologies. The study aimed to investigate the involvement of traditional leaders in safeguarding women, children, and the elderly from being victimized within the ORTDM community, encompassing the local municipalities of KSD, Ingquza Hill, Mhlontlo, Nyandeni, and Port St. Johns. The primary objective of this discussion paper was to ascertain the specific categories of criminal activities occurring within the territories governed by traditional leaders. This study further demonstrates the significance of examining rural crime and uncovers obstacles that hinder crime prevention in the ORTDM. Fifty-eight traditional leaders were interviewed as crucial informants and custodians of the customs of different groups. Traditional leaders, research participants, and community members shared accounts of rape and murder during Imbizos. These incidents involved school-going youngsters and older individuals, including those as old as 95 years. A number of individuals in the neighborhood had paralysis, while others were deprived of their retirement benefits. Traditional leaders argue that, despite this circumstance, the criminal justice system does not give priority to the rights of the victims. The findings together indicate that traditional leaders are involved in the creation, implementation, and monitoring of crime prevention strategies. Nevertheless, the absence of financial support from the government hinders the implementation of crime prevention activities within its jurisdiction. The analysis confirms that crime prevention is an enduring objective. Investing in traditional leaders has the potential to enhance the overall societal well-being.*

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## Introduction

Crime and gender-based violence (GBV) are acknowledged as prevalent issues in the O.R. Tambo District Municipality (ORTDM), supported by anecdotal evidence found in literature and confirmed by traditional leaders (Zenzile, 2021). The villages of Xhongora, Sigubudwini, Bozwana, and Tabase have been enduring severe repercussions in the form of murder and rape. As reported by the Mail & Guardian (2007), certain families are compelled to reside in the wilderness and forsake their residences as a result of this criminal ordeal. Certain families are also driven to seek asylum with their relatives and neighbors. The ORTDM's traditional leaders have identified certain criminogenic elements that require prioritization, as outlined by Zenzile (2021). These factors include residential instability, incomplete housing, inadequate schooling, low educational attainment, truancy, school exclusion, the presence of pubs and shebeens, and ethnic diversity. As per Schneider (2015), these specified circumstances have adverse repercussions for children. Nevertheless, it is evident that the pattern and specific combination of risk factors differ across individual children. Generally, the risk factors for children and youth will differ and evolve depending on their age and/or developmental stage. According to Kelly et al. (1997, referenced in Schneider, 2015), children who consistently and gradually display problem conduct are mostly

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diagnosed with psychological or mental problems or have considerable academic underachievement. Consequently, these youngsters are vulnerable to engaging in criminal and other antisocial activities in the future, including early antisocial conduct, limited self-control or impulsiveness, inadequate problem-solving skills, learning difficulties, and so on.

Research in literature has firmly demonstrated that juvenile antisocial behavior and conduct problems have significant and long-lasting impacts on future life outcomes (Litschange et al., 2010, as quoted in Schneider, 2015). The researcher hypothesizes that the previously indicated circumstance can also serve as a fertile environment for the occurrence of crime and gender-based violence (GBV). According to Schneider (2015), it is considered typical for teenagers to sometimes participate in antisocial behaviors. Nevertheless, enduring and severe manifestations of antisocial behavior expose young individuals to heightened vulnerability to incarceration, familial disintegration, joblessness, substance addiction, and so forth. Furthermore, it has been shown that children who display antisocial behavior during their early years often maintain this problematic behavior when they transition into adolescence and persevere in engaging in criminal activities.

In addition, low self-control is a contributing component that is influenced by the most disadvantaged neighborhoods and is primarily exacerbated by reduced levels of prospective parental supervision and informal social restrictions (Loeber & Hay, 1994, as quoted in Schneider, 2015). The circumstance also leads to a decline in problem-solving abilities (Schneider, 2015), which hinders an individual's capacity to engage in a thoughtful process of critical or creative thinking to explore the most favorable course of action. According to Schneider (2015), a significant number of chronic and serious offenders exhibit reactive behavior, impulsivity, and a propensity for taking excessive risks without considering the potential consequences.

Grote and Neubacher (2016) argue that discussions on crime have primarily focused on metropolitan areas, neglecting rural areas. The issue of crime in underdeveloped nations is often overlooked and lacks sufficient research attention from experts (van Kesteren et al., 2014; van Dijk, 2008). Nevertheless, there have been advancements, such as the emergence of green criminology, which represents a notable shift in paradigm (Donnermeyer, Scott, and Barclay 2013).

During the period from April 2012 to March 2013, the South African Police Service (SAPS) documented a total of 7,822 incidents of rape in the Eastern Cape region (Zenzile, 2021). This issue prompts the inquiry of whether traditional leaders retain their authority and are successful in fostering peace and social unity within their specific regions (Mudimeli, 2018). The matter is further compounded by the revelation that despite police stations being designated as sites of "hope", it is reported that certain police personnel lack sufficient rules or policies to handle this brutal crime in a professional manner. Consequently, rape victims are at a higher risk of being retraumatized rather than receiving emotional support and debriefing (Africa Check, 2013; Mukuthu, 2013, as quoted in Zenzile, 2021, Zenzile & Mofokeng, 2022). The incidence of sexual offenses is increasing in Lusikisiki, as well as in the OR Tambo District Municipality (ORTDM) and other parts of South Africa. An instance of a woman being subjected to gang rape in Lusikisiki has been reported (eNCA, 2021), while eight females are said to be suffering from the actions of an accused rapist (Ngcukana, 2021).

The primary objective of this discussion paper is to provide a comprehensive overview of the current state of research on crime and gender-based violence (GBV), specifically focusing on the ORTDM setting. The aim is to offer potential solutions and areas for further research. The study is guided and defined by the following research questions:

- i. What is the characterization of crime patterns and instances of gender-based violence in regions governed by traditional leaders?
- ii. How do community members react to the experience of criminal activities inside the territories of traditional leaders?
- iii. What measures do traditional leaders employ to combat the crimes committed within their jurisdictions?

The study is driven by the following research objectives, which seek to:

- i. examine the patterns of crime and gender-based violence (GBV) incidents within the territories of traditional leaders.
- ii. examine the responses of community members in response to criminal incidents occurring inside the jurisdictions governed by traditional leaders.

To ascertain the methodologies adopted by conventional leaders in addressing crime and gender-based violence within their respective domains. Moreover, this discussion paper is structured in the following manner: After the introduction, the research presents a justification, followed by a literature review that includes both theoretical and empirical studies that explore the connection between theory and practice. The other component, which likewise functions as the foundation of the project, provides the background information on research and methodology. Following the analysis and findings of the study, the authors proceed to engage in conversations and explore the ramifications. Ultimately, this paper finishes by summarizing the main findings, providing recommendations, suggesting areas for future research, and acknowledging any shortcomings.

## Literature review

In literature it is postulated that crime and criminal behaviour are measured in different ways. In US the oldest measure which serves as the official sources crime is FBI's Uniform Reports (UCR) (Walsh & Hemmens, 2008; Hess, Orthmann & Cho 2018). The UCR serves as the sole national source of official law enforcement statistics. While in South Africa there are several different sources of official statistics, just to name few (Bezuidenhout, 2018):

- i. Statistics South Africa,
- ii. South African Police Services, and
- iii. Judicial Inspectorate for Correctional Services.

However, the official sources of crime statistics solely convey the annual reported crimes (Hess, *et al.* 2018). According to Bezuidenhout (2018) there are crimes which do make it to the official sources of crime statistics, as they are not reported to SAPS. Ultimately such crimes do not eventually result into prosecution and conviction which serves a measuring rod for incident to be reflected in crime statistics. Therefore, the dark figure of crime remains unknown (Hess, *et al.* 2018). It is further attested that large-scale data collection programs are not immune to possible errors (Hess, *et al.* 2018). In South Africa, Bezuidenhout (2018) posits that there are extensive criminal justice processes which need to be observed for each crime committed, summarised and depicted in Table 1.

**Table 1:** Crime incident and statistics

<b>The aftermath of crime incident</b>	<b>Source of crime statistics</b>
The incident of crime is reported to the police	Police crime statistics.
A case docket is opened, police investigate the incident and ultimately arrest the alleged offender.	
The case docket with enough evidence is presented to the prosecutor for opening a charge sheet.	Court Statistics
The alleged offender is brought before the court for a hearing. The court makes a verdict about the case.	
If the alleged offender is found guilty, the court may punish the offender by imposing either a fine or sentence to serve in a correctional centre.	Correctional Statistics

**Source:** Adapted from Bezuidenhout (2018)

Criminologists, in a South African context and other scholars to address the void in knowledge, regarding the true extent of crime statistics in the community use unofficial sources of crime statistics, which includes a) Institute for Security Studies and b) International Crime Victim Surveys (Bezuidenhout, 2018). However, there are certain pitfalls that can be identified with the unofficial sources of crime statistics as well. The following disadvantages of victim surveys can be outlined (Walsh & Hemmens, 2008; Bezuidenhout, 2018):

- i. Participants sometimes may not recall the precise details of their ordeal experience, after a while in the aftermath of crime. Which that this signifies a memory lapse and ultimately the participant may just provide answers that he/she thinks the interviewer wants to hear.
- ii. Participants at certain intervals may not be comfortable to discuss their victimisation with fieldworkers, this becomes evident during cases of rape, fraud and corruption, domestic violence/ GBV cases, etc.
- iii. Victims' surveys also do not record crimes against businesses, children and offences involving drugs accurately.
- iv. Victimless crimes are not revealed and direct victims of murder cannot be interviewed.

### In the aftermath of crime

Gopal and Daniel (2008) opine that the dearth of information provided for by SAPS about the progress of investigation and criminal justice process furthers the victimisation. It also increases the chances of under-reporting of crime to the police or any authority. To counteract or address the situation Steyn and Steyn (2008) recommend that police officers should consider undergoing a formal trauma-debriefing course. This intervention will also assist police on effectively dealing with the impact of the sexual victimisation on the victim and family members, as well as the society at large (Zenzile, 2021).

### The aftermath of sexual victimisation

In an endeavour to address the police unresponsiveness to the needs of victims, some units were established in South Africa, viz (Bougard & Booyens, 2015; Madingwane, 2008; Sebaeng, Davhana-Maselesele, & Manyedi, 2016; Department of Justice & Constitutional Development, 2013):

**Table 2:** Units in South Africa

Name of the Unit	The aim of the Unit
Sexual Offences and Community Affairs (SOCA)	To increase the conviction rates for sexual offences and reduce secondary victimisation
The Thuthuzela Care Centres (TCCs)	To reduce secondary victimization of victims of sexual offences and provide a one-stop service with professionals who specialize in the assistance and treatment of rape victims
Sexual Offences Courts (SOCs)	

## Research Methodology

For the achievement of the objectives of this discussion paper, the analysis is qualitative. This discussion paper builds on certain original thoughts in the earlier findings. The research follows a paradigm of interpretive research. In contrast with statistical methods used in the positivist study, the interpretative paradigm focuses on the meanings from a participant's viewpoint (Noon, 2018).

### The study population and sampling

In this discussion paper a purposive sampling method was used to ensure the participants identified were ideally suited to the research of traditional leaders' role on crime prevention, as well as their views regarding the role of community members in addressing the crime and GBV phenomenon. Without proper screening of individuals, data processing could be challenging and time-consuming. The key attributes evaluated were whether participants had some skills (e.g. considerable expertise in the field of work) that rendered them eligible to research or had in-depth background or expertise of crime prevention and community policing (Zenzile, 2021). The research also incorporated the techniques of snowball. The strategy of snowball is compatible with purposive sampling, where a group of individuals propose possible research participants (Buttle, Davies & Meliala, 2016; Naderifar, Goli & Ghaljaie, 2017).

This study after interviews with 58 participants achieved saturation, which signifies that the research paper went far above the common norm. As according to Creswell (2013) after 10-25 interviews saturation is commonly reached in research. To illustrate the study's objectives and what was expected of participants through interviews, participants were presented with a clear statement for their approval (Zenzile, 2021). The written consent of all participants to engage was confirmed. All interviews were written and recorded descriptively. The documents were subsequently coded to secure participants' information. The identities of the individuals concerned were not indicated in terms of privacy and confidentiality, including the towns, villages or districts in which they are situated. In addition, the positions of the participants were not stated in the study, to maintain privacy and confidentiality. The data were maintained for five years on computer records that are password-protected. After the interviews were finished, transcripts were created in order to ensure continuity. At the point of data processing, the data collected were thematically classified. The established categories were contrasted and the associations were analysed. Personal statements, suggestions or memoranda were made during this process. These notes helped to focus on the study results and address them.

### Findings

Data analysis produced five themes: (1) crime in communities of traditional leaders; (2) the common offenders in the community; (3) strategies for prevention of crime; (4) handling of the domestic violence cases; and (5) the aftermath of crime incidences. All themes are discussed below, as follows:

**Table 3:** Theme 1-Crime in communities of traditional leaders

Concept	Quote	Reference
Crime incidences	"There are predominant incidences of stock theft. Livestock are solely stolen in daylight; people are just being deprived."	Participant 3
	"There are incidences of mugging, and rape of women and children."	Participant 12
	"They are robbing foreigners' shops."	Participant 13
	"Family feuds, fighting over small issues."	Participant 14
	"In my area, there was an incident of a corpse of a person found with a head put next to it. This tragedy is allegedly committed by unknown people. In another case, a body of an unknown person was found floating in the river with stab wounds."	Participant 29
	"Some people, more especially the youngsters, are using drugs."	Participant 30
	"Crime is scattered in my community. It is predominantly alleged that youth from other communities are the perpetrators of different types of crime in my community."	Participant 57

Source: Researcher

Theme 1 shows that the community members in the areas of traditional leaders constantly experience different incidences of violent crimes. Traditional leaders also report that women are subjected to the atrocities of rape and that will influence levels of fear about crime and victimisation in the community. In situations like this, Mallicoat (2020) calls for harsh punishment to be handed down by case presiding magistrates or judges.

**Table 4:** Theme 2- The common offenders in the community

Concept	Quote	Reference
<b>Crimes with common offenders</b>	“This is born by poor justice and policing system that at most times fails to apprehend and jail perpetrators.”	Participant 1
	“Crime is highly committed by same people, which goes back to the issue of broken homes.”	Participant 2
	“There are people who are thieves and rapists.”	Participant 8
	“The most common offenders are youngsters between age of 18 and 35 years, due to high rate of unemployment.”	Participant 13
	“In my area of jurisdiction, there is a person who constantly circumcises young boys before they reach the age of maturity as stipulated by government.”	Participant 29
	“The Department of Justice is too lenient on dealing with criminals. Culprits get arrested and become released within no time and commit the same crimes in the community.”	Participant 36
	“A person in my community will commit murder and become released from prison within no time and commit another crime.”	Participant 39

**Source:** Researcher

Theme 2 shows that traditional leaders on daily basis stay with people that are well-known offenders or labelled to be common criminals. This happens despite that criminal justice contains powerful tools which can be used for combating crime, such as laws, discretion, and ethics (Mallicoat, 2020). Traditional leaders also reported that different community members predominantly count on the criminal justice system for law enforcement in society, so that those that are involved in crime can receive significant incarceration sentences. However, as postulated by Prenzler (2017), such a belief puts too much faith in the criminal justice system to ensure “certainty and swiftness” in society. Ultimately, they do not obtain protection of the livelihoods of citizens, and it can be inferred that agencies of the criminal justice system do not achieve the goals that they were established to realise. It can also be presumed that society does not derive any pleasure from the practices of the criminal justice system. The police have extremely limited capacity for crime control (Prenzler, 2017). Altogether in areas that are under the jurisdiction of traditional leaders, certain crimes are committed by common offenders in the community. It is further presumed that such offenders are protected by the law in the society.

**Table 5:** Theme 3- Strategies for prevention of crime

Concept	Quote	Reference
<b>Traditional leader’s strategies for prevention of crime &amp; GBV</b>	I am working together with all affected stakeholders, starting with traditional institution, police, schools, churches and communities mainly youth and women representatives	Participant 1
	Community police forums are established in my area. At the level of a headman/headwoman in our villages people can discuss certain incidences of criminal activities and those that cannot be resolve are channeled to Komkhulu (Great Place).	Participant 2
	People are highly encouraged to report any incidences of anti-social behavior.	Participant 3
	We promote punishment of people that are found guilty of conflicting with the law	Participant 4
	We make sure that taverns are closed in time by 20:00 and patrol each day	Participant 13
	It becomes the responsibility of every member in my community for maintaining law and order. However, in instances that are found to be overwhelming the matter becomes brought to the attention of the police for intervention.	Participant 34
	In my community I ensure people are taught about their role and responsibility when there is crime committed. As a result when there is allegation of crime committed each member becomes involved in the investigation of a culprit.	Participant 35
	I promote the importance of school, church, sport in general and traditional dances.	Participant 41
	I ensure that tournaments and concerts during holidays that are organized to keep the youth busy.	Participant 51

**Source:** Researcher

Theme 3 shows that certain traditional leaders are willing to go an extra mile for the protection of their societies. They promote the importance of working together as a community in an endeavour to curtail the incidences of crime in their areas of jurisdictions. Some of traditional leaders are well vest about the role that can be played by different government departments and other institutions in the community, such as school, church, NGOs, etc.

**Table 6:** Theme 4- Handling of domestic violence cases

Concept	Quote	Reference
<b>Description of handling of domestic violence</b>	Through mediation by summoning the perpetrator or even community engagement through a meeting for a collective decision.	Participant 1
	We would handle the matter as domestic abuse if it's between the family members or if it's outside their family we would conduct it as such and by-laws would be the remedy	Participant 2
	We discuss other cases but others are escalated to other courts	Participant 10
	I go to the scene of crime and advise the victim to go to the hospital and also get the letter from the doctor in order to open a case.	Participant 13
	Most instances of abuse I report them to the police for intervention.	Participant 30
	We try to mediate the situation and find a way of reconciling the two parties that are involved. However, if there are more elements of violence, we ask for police to intervene on sorting out the matter.	Participant 32

**Source:** Researcher

Theme 4 shows that traditional leaders in the ORTDM are capable of governing disputes between two parties that are involved in the incidences of domestic violence. However, other cases are referred to the police as the first component of the criminal justice system. This action of traditional leaders of handling certain domestic incidences means that crime statistics is artificially lowered.

**Table 7:** Theme 5- The aftermath of crime incidences

Concept	Quote	Reference
<b>Description of incidences</b>	"It's worrisome in the sense that communities are totally losing faith and interest in the entire justice system in South Africa."	Participant 1
	"People are aggrieved by the criminal justice system. A person goes to jail today and comes back the next day and if they are found guilty, they hardly spend much time in prison."	Participant 2
	"They are very happy when ex-convict come to the community with skills to give back."	Participant 10
	"In my area, people feel happy because of police positive response when a matter is brought to their attention."	Participant 19
	"The Department of Justice sends some delegates to the Great Place for explaining the criminal justice process. However, there are some segments of people that remain unsatisfied by services rendered in general."	Participant 37
	"The Department of Justice seems to be disregarding the rights of victims of crime and offer culprits more protection."	Participant 39
	"My community members are not happy with the manner that criminals are handled by the justice system."	Participant 44
	"The general feeling is that the system is too lenient with regard to the granting of bail and sentencing offenders."	Participant 48
	"People are absolutely not satisfied with the services rendered by the criminal justice system."	Participant 58

**Source:** Researcher

Theme 5 shows that at present community members lost faith in the efficiency and effectiveness of the criminal justice system. This ideology should it be given a chance to prosper in society, the socialisation process will be affected. It can also be opined that changing the paradigm which has been allowed to thrive that becomes a challenge and eventually divide the society. According to Merton (see Bezuidenhoud, 2018) a society can end up in strain and some of its members opt for illegitimate means of survival. While a normal or ideal society is divided into two structures: a) the cultural structure and b) the social structure. The first/cultural structure deals with society's goals or dreams and what members value and strive for. The second/social structure deals with the institutionalised means by which the goals are supposed to be achieved. In a well-balanced society, these two structures are integrated so that all members know and accept the goals and have the appropriate constitutional means to achieve them. However, according to Schneider (2015) strain may result when people are experiencing the contradiction between goals and what they are expected to achieve and the opportunities available to them.

## Discussion

In South Africa, communities in rural areas are placed under the custody of traditional leaders, who from day-to-day deals with the livelihood of members of the community. Subsequently, many incidences of crime and GBV are brought and dealt with by traditional leaders and therefore some incidences are never brought to the attention of the criminal justice system. Furthermore, it has been revealed that there is a dearth of explanations and solutions to the persistence of this phenomenon of gender-based-violence. The

prevalence of the phenomenon undermines sustainable development and affect social cohesiveness. The data collected from fifty-eight traditional leaders in the OR Tambo District Municipality reveals incidences of rape, murder of women and children. In the findings, the incidences of school dropout are also recorded, which that serves as a breeding ground for thwarting the development of communities and makes juvenile delinquency or crime in society to flourish. This discussion paper therefore calls for research which will help to shed light on the development of policies for traditional leaders in order to be able to prevent gender-based-violence in their areas of jurisdiction. This paper further recommends any approach to the study of gender-based-violence in the jurisdictions of traditional leaders to begin by throwing away the idea that there is social cohesion. Furthermore, in rural areas there is a dearth of common norms, which governs behaviour of members of society and therefore crime is prevalent. It is also further prudent to consider the following important points as encapsulated in Sections 211 and 212 of the Republic of South Africa Constitution, 1996 (Selepe, 2009): a) On matters affecting local communities the national legislature is deemed to have powers of providing a role of addressing the issue in question to traditional leadership as an institution at local level, b) Furthermore, the role of traditional leaders amongst other directives has to deal with matters relating to traditional leadership, customary law and the customs of communities.

## Conclusion

This discussion paper reveals most interesting findings, which amongst others it can be attested that traditional leaders are extensively contributing to the betterment of livelihood of people under their jurisdictions. They understand the importance of secondary crime prevention in their communities, whilst also advocate for tertiary crime prevention initiatives. As when there are instances of behaviour that is intolerable, they engage community members on finding a solution of the impasse. It has also been revealed that traditional leaders are conscious about their role regarding the importance of schooling. This paper also indicates a sombre picture that traditional leaders are well positioned to become another sphere of government, mostly in rural settings, for controlling crime in their jurisdictions. However, there are individuals in the jurisdictions of traditional leaders which report crimes and certain crimes are judged to be less serious nature, ultimately, they are not brought to the attention of the police. In most instances such cases include family feuds, and GBV (acquaintance rape, marital rape, etc). Thus, contributing to the increase of dark figure and preventing community members from obtaining professional treatment that can be offered at police station level.

When looked on the findings of this study there is a pattern of certain individuals that are known to be habitual/ psychopathic criminals in the community, and these incidences are reported to the police. Unfortunately, the community does not derive any joy from adhering to the criminal justice processes. Therefore, a study needs to be conducted in this area. Traditional leaders had less reported on crimes of fraud and corruption, which that may be attributed to the general perception that by their nature, such crimes are deemed to be less serious as compared to violent crimes. Yet when they are allowed to flourish in the society, they have far reached consequences.

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