



Vigilante Justice in Modern South Africa: A Post-Democracy Analysis

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Abstract

Despite the establishment of democracy in South Africa, mob justice remains a pervasive and troubling issue. This study investigates the socio-economic and cultural factors that sustain this form of extrajudicial punishment, tracing its origins to historical injustices and contemporary dissatisfaction with the formal justice system. Through qualitative analysis of case studies and interviews, the research reveals that communities, often feeling neglected and insecure, resort to mob justice as a means of immediate retribution and deterrence. The findings highlight the urgent need for comprehensive reforms in law enforcement, community engagement, and social services to address the underlying causes of mob justice and restore confidence in the democratic legal framework. This paper advocates for a multi-faceted approach to eradicate this practice, emphasizing the importance of education, economic development, and robust legal protections to ensure justice and human rights for all citizens.

Keywords: Mob justice, South Africa, Democracy, Extrajudicial punishment, Socio-economic factors, Cultural factors.

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Introduction

Mob justice, a form of extrajudicial punishment where a group of individuals take the law into their own hands, remains a significant issue in South Africa even after the establishment of democracy (Michie & Padayachee, 2019); (Masipa, 2018). This practice, often resulting in violence and fatalities, reflects deep-seated frustrations and a lack of trust in the formal justice system. Despite the progress made in building a democratic society, many communities still feel marginalized and unsafe, leading them to resort to mob justice as a means of immediate retribution

and deterrence (Mendis et al., 2023). The persistence of mob justice in South Africa can be traced back to historical injustices and the socio-economic challenges that continue to plague the nation. High levels of poverty, unemployment, and inequality contribute to a sense of desperation and helplessness among citizens (Sugiharti et al., 2023). The slow and often ineffective response of law enforcement agencies exacerbates the situation, leaving communities feeling vulnerable and compelled to take matters into their own hands (Singh, 2022).

This study aims to delve into the underlying causes of mob justice in South Africa, examining the socio-economic and cultural factors that perpetuate this practice. By analysing case studies and conducting interviews with affected communities, the research seeks to shed light on the motivations behind mob justice and its impact on society. Furthermore, the article will explore potential solutions and reforms needed to address this issue, emphasizing the importance of restoring faith in the democratic legal framework and ensuring justice and human rights for all citizens. Through a comprehensive understanding of the complexities surrounding mob justice, this study hopes to contribute to the ongoing efforts to eradicate this practice and promote a more just and equitable society in South Africa. Mob justice, also referred to as vigilante justice, involves a group of individuals taking the law into their own hands to punish alleged wrongdoers without legal authority or due process. In South Africa, this phenomenon has deep historical roots and continues to be a significant issue in numerous communities (Francis & Webster, 2019a). The persistence of this practice can be attributed to a combination of factors, including:

During the apartheid era in South Africa, systemic racial segregation and discriminatory policies marginalised non-white communities, severely limiting their access to formal justice systems (Larrabee Sonderlund et al., 2022). The apartheid government, which lasted from 1948 to 1994, enforced laws that disenfranchised the majority of the population, particularly Black South Africans, and restricted their legal rights and protections. Under apartheid, the legal and judicial systems were designed to uphold the interests of the white minority, often at the expense of the non-white majority. Black South Africans, along with other marginalized groups, faced numerous barriers to accessing formal justice, including geographical barriers, economic barriers, discriminatory laws, and police brutality (Islam et al., 2024). In response to the lack of access to formal justice, many marginalised communities developed informal justice mechanisms to address disputes and maintain social order. These community-based systems were often rooted in traditional practices and local customs, providing a sense of immediate and culturally relevant justice. Key characteristics of these informal mechanisms included community involvement, restorative justice, and accessibility.

Methodology

Preferred Reporting Items for Systematic Reviews (PRISMA) is the reporting technique used in this study. The study was conducted methodically during the required research stages. The information provided is comprehensive and unbiased and aims to combine relevant research results. The steps of a systematic literature review include developing a research question, searching the literature, screening and selecting relevant articles, screening and selecting the best research results, analyzing, synthesizing qualitative results, and preparing a research report. Writing the background and objectives of the study, collecting research questions, searching the literature, selecting articles, extracting articles, assessing the quality of basic studies, and summarizing the material are the steps in the systematic literature review research process.

Results

Socio-Economic Challenges

High levels of poverty, unemployment, and inequality are significant socio-economic challenges that continue to affect many communities in South Africa. These issues contribute to a pervasive sense of frustration and helplessness, which can drive individuals and groups to resort to mob justice as a means of immediate retribution when formal justice systems are perceived as slow or ineffective. Poverty remains a critical issue in South Africa, with a substantial portion of the population living below the poverty line (Francis & Webster, 2019b). The lack of basic necessities, such as adequate housing, healthcare, and education, exacerbates feelings of desperation and vulnerability (Hock et al., 2024). In impoverished communities, the formal justice system is often seen as inaccessible or unresponsive to their needs. This perception can lead to a reliance on mob justice as a more immediate and tangible form of addressing grievances and maintaining order. Unemployment rates in South Africa are among the highest in the world, particularly affecting young people and marginalized groups. The lack of job opportunities and economic stability contributes to social unrest and a sense of hopelessness. Unemployed individuals may feel that they have little to lose and may be more likely to participate in or support acts of mob justice as a way to assert control and seek justice in the absence of formal employment and economic security (Mago, 2019); (Sempijja & Mongale, 2022)

South Africa is one of the most unequal societies globally, with significant disparities in income, wealth, and access to resources. This inequality is often along racial and geographic lines, with historically marginalized communities continuing to face systemic disadvantages. The stark contrast between the living conditions of the wealthy and the poor can fuel resentment and anger, leading to a breakdown in social cohesion (McKeever, 2024). In such an environment, mob justice can emerge as a response to perceived injustices and inequalities that are not adequately addressed by the formal justice system. The formal justice system in South Africa is often perceived as slow, inefficient, and corrupt. Lengthy legal processes, case backlogs, and a lack of resources can result in delayed or denied justice for many individuals. The instances of police corruption and brutality further erode trust in law enforcement and judicial institutions (Melkamu & Teshome, 2023). When communities feel that the formal justice system fails to protect them or deliver timely justice, they may turn to mob justice as an alternative means of achieving immediate retribution and deterrence. Mob justice provides a sense of immediate retribution that the formal justice system may not offer. The swift and visible punishment of alleged wrongdoers can create a temporary sense of justice and deterrence within the community. However, this form of justice is often arbitrary and violent, leading to further social instability and undermining the rule of law.

Distrust in Law Enforcement

In many parts of South Africa, there is a profound lack of trust in the police and judicial systems (Randall et al., 2025). This distrust significantly contributes to the prevalence of mob justice, as communities often feel compelled to take matters into their own hands when they perceive the formal justice system as corrupt, inefficient, or unresponsive. Corruption within law enforcement agencies is a pervasive issue that undermines public confidence in the justice system. Instances of bribery, extortion, and the misuse of power by police officers create a perception that justice can be bought and that the law is not applied equally to all citizens. This perception is particularly damaging in marginalized communities, where residents may feel that the police are more interested in serving their own interests or those of the wealthy and powerful, rather than protecting and serving the public. The inefficiency of the formal justice system is another critical factor contributing to the reliance on mob justice.

Many communities experience significant delays in the investigation and prosecution of crimes, leading to a backlog of cases and prolonged periods of uncertainty for victims and their families. This inefficiency can be attributed to various factors, including inadequate resources, insufficient training, and bureaucratic red tape. When justice is delayed, it is often perceived as

justice denied, prompting communities to seek immediate retribution through mob justice. A lack of responsiveness from law enforcement agencies further exacerbates the problem. In some areas, police response times to reported crimes are slow, and there may be a lack of follow-up or investigation into reported incidents.

This lack of responsiveness can be due to understaffing, limited resources, or a lack of commitment to serving certain communities. When residents feel that their concerns are not taken seriously or that the police are not doing enough to protect them, they may lose faith in the formal justice system and resort to taking the law into their own hands. The distrust in law enforcement has profound implications for communities. It not only leads to the perpetuation of mob justice but also erodes the social fabric and undermines the rule of law. When communities take justice into their own hands, it often results in violence, further destabilizing the area and creating a cycle of retribution and fear. The lack of trust in the police can discourage individuals from reporting crimes or cooperating with law enforcement, making it more difficult to maintain public safety and order.

The Constitution of South Africa on Mob Justice

The Constitution of South Africa, adopted in 1996, is the supreme law of the country and provides a comprehensive framework for protecting human rights and ensuring justice. Key constitutional provisions relevant to mob justice include: Section 11 of the Constitution guarantees the right to life. Mob justice, which often results in violence and death, directly contravenes this fundamental right. Section 10 ensures the right to human dignity. Acts of mob justice, which can involve public humiliation and brutal punishment, violate this right. Section 35 guarantees the right to a fair trial, including the presumption of innocence and the right to legal representation. Mob justice bypasses these legal protections, denying individuals their right to due process. Section 12(1)(d) and (e) prohibit torture and cruel, inhuman, or degrading treatment or punishment. Mob justice often involves such prohibited acts.

Case study analysis about mob justice in South Africa

In 2021, a comprehensive study was conducted at the Germiston Forensic Pathology Service Medico-legal Mortuary to analyse mob justice incidents over a ten-year period (2006-2016) (Medar et al., 2021). The study revealed that all victims were Black, with 99.4% being male, and the largest proportion of victims aged between 21 and 30 years. The majority of victims were South African citizens. Blunt force injuries were identified as the most common cause of death, with head injuries being particularly prevalent. Half of the victims died on the scene, while the other half were hospitalized, with many dying within 24 hours of admission. The study observed a steady increase in the number of mob justice fatalities over the ten-year period, with blunt force trauma being the primary cause of death in 92.4% of cases. Ancillary tests were ordered in 22.6% of cases to support forensic investigations. High levels of poverty, unemployment, and inequality contribute to feelings of frustration and helplessness, driving communities to take the law into their own hands. These socio-economic conditions create an environment where mob justice is seen as a more immediate and effective means of addressing grievances compared to the formal justice system. A significant lack of trust in the police and judicial systems is evident in the communities studied. Perceived corruption, inefficiency, and a lack of responsiveness from law enforcement agencies exacerbate the situation, leading communities to resort to mob justice as a form of immediate retribution. The slow response times and lack of follow-up on reported crimes further erode trust in the formal justice system (Dwivedi et al., 2023).

Case laws on mob justice in South Africa.

In the case of *S v Motaung*, the accused were part of a mob that attacked and killed a suspected thief. The court applied the doctrine of common purpose, which holds that individuals who associate with a group intending to commit a crime can be held liable for the actions of the group. The court found the accused guilty of murder, emphasizing that participation in mob justice, regardless of the individual's specific actions, makes them culpable under the law (Yovita Yogaswari & Megawati, 2023). This case highlights the application of the common purpose doctrine in prosecuting mob justice cases, demonstrating that all participants in a mob can be held accountable for the collective actions of the group. It underscores the legal system's stance that mob justice is unacceptable and that individuals cannot escape liability by claiming they were merely part of a larger group. In *S v Thebus and Another*, the Constitutional Court of South Africa dealt with the common purpose doctrine in the context of mob justice. The accused were part of a group that attacked and killed a person they believed to be a criminal. The court upheld the convictions, stating that the common purpose doctrine is consistent with the Constitution and necessary to address crimes committed by groups. This case reaffirms that the common purpose doctrine is constitutionally valid and essential for prosecuting mob justice cases. It illustrates the legal principle that individuals in a mob can be held liable for the actions of the group, reinforcing the need for accountability in mob justice incidents.

In *S v Mgedezi and Others*, the court dealt with the murder of a person by a mob. The court emphasized the importance of proving that each accused had the necessary intent to kill and was actively participating in the mob's actions. The court found that mere presence at the scene was insufficient for a conviction; active participation and intent had to be established. This case highlights the need to prove both intent and active participation in mob justice cases, ensuring that only those who are genuinely culpable are convicted. It sets a precedent for the standards of evidence required in mob justice cases, emphasizing the importance of thorough investigations and fair trials. In *S v Mhlongo and Others*, the accused were part of a mob that attacked and killed a person suspected of witchcraft. The court applied the common purpose doctrine and found the accused guilty of murder. The case highlighted the role of cultural beliefs in mob justice incidents and the need for the legal system to address such factors while upholding the rule of law. This case underscores the influence of cultural beliefs on mob justice and the challenges of addressing such incidents within the legal framework. It reinforces the principle that cultural beliefs cannot justify extrajudicial actions and that the rule of law must be upheld in all circumstances.

Community Perspectives on Mob Justice.

Many community members around surrounding areas of Polokwane, in Limpopo Province express a profound distrust in the formal justice system. Communities often perceive police and judicial officials as corrupt, accepting bribes or favouring certain groups over others. The slow pace of legal proceedings and the backlog of cases lead to frustration and the belief that justice delayed is justice denied. Residents frequently report that police are slow to respond to incidents or fail to follow up on reported crimes, leaving victims feeling neglected and vulnerable. Socio-economic challenges significantly shape community attitudes towards mob justice. High levels of poverty and unemployment create a sense of desperation (Graham & Pinto, 2021). When formal avenues for justice and economic stability are lacking, communities may resort to mob justice as a means of immediate retribution and control. The stark disparities between wealthy and impoverished areas fuel resentment and a sense of injustice, prompting communities to take matters into their own hands.

Cultural beliefs and historical experiences also influence community perspectives on justice. In some communities, traditional justice mechanisms are still valued and seen as more legitimate than formal legal processes. These practices often emphasize restorative justice and community involvement. The legacy of apartheid and historical marginalization contribute to a

lingering distrust in state institutions and a preference for community-based solutions. Mob justice is often perceived as a more immediate and effective form of justice. Community members believe that mob justice provides a quicker resolution to crimes, delivering immediate punishment to wrongdoers. The visible and often brutal nature of mob justice is perceived as a deterrent to future crimes, reinforcing community norms and expectations (Bekele, 2022).

Recommendations

Implement rigorous anti-corruption initiatives within law enforcement and judicial systems to restore public trust. This includes transparent processes, accountability mechanisms, and regular audits. Invest in resources, training, and technology to enhance the efficiency of the justice system. Reducing case backlogs and ensuring timely investigations and prosecutions are crucial. Develop community policing strategies that involve collaboration between police and community members. This can foster mutual trust and cooperation, making it easier to address local concerns and prevent crime. Focus on creating job opportunities and improving economic conditions in marginalized communities. Economic stability can reduce the desperation and hopelessness that contribute to mob justice. Enhance access to basic services such as education, healthcare, and housing. Improving the overall well-being of communities can reduce the need for extrajudicial measures. Implement policies aimed at reducing income and wealth disparities. Addressing systemic inequality can help mitigate the social tensions that lead to mob justice. Launch campaigns to educate communities about the dangers and illegality of mob justice. Emphasize the importance of due process and the rule of law. Develop and promote restorative justice programs that focus on reconciliation and rehabilitation rather than punishment. These programs can provide alternative means of resolving disputes and maintaining social order. Review and strengthen legal frameworks to ensure that laws against mob justice are clear and enforceable. This includes defining the roles and responsibilities of law enforcement agencies in preventing and responding to mob justice incidents. Provide support services for victims of mob justice, including medical care, legal assistance, and psychological counselling. Ensuring that victims receive adequate support can help rebuild trust in the formal justice system. Establish mechanisms for monitoring and evaluating the effectiveness of interventions aimed at reducing mob justice. Regular assessments can help identify areas for improvement and ensure that policies are achieving their intended outcomes. Recognize and respect the cultural practices and beliefs of communities while promoting the rule of law. Engage with traditional leaders and community elders to find culturally appropriate solutions to disputes. Address the historical injustices that contribute to the persistence of mob justice. This includes acknowledging past wrongs and working towards reconciliation and healing within affected communities.

Conflicts of Interest

The authors declare no conflict of interest

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