



Gender-Based Violence and Criminal Law Enforcement in South Africa: Challenges and Legal Reform Perspectives

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Abstract: Gender-based violence remains a pervasive and deeply rooted challenge in South Africa, posing serious threats to human rights, public safety, and social justice. Although previous studies have extensively discussed gender-based violence in South Africa, limited scholarship has critically examined the gap between progressive criminal law reforms and their practical enforcement within justice institutions. Using a normative juridical approach combined with qualitative content analysis, the study critically evaluates statutory regulations, judicial decisions, and policy frameworks to assess the gap between legal norms and enforcement practices. The findings demonstrate that weak institutional coordination, inadequate law enforcement training, patriarchal bias, and resource limitations significantly undermine the implementation of victim-centered legal protections and access to justice. Structural inequalities, patriarchal norms, and resource constraints further weaken the criminal justice response. The article argues that strengthening institutional coordination, improving police accountability, and enhancing victim support mechanisms are essential for effective enforcement. It also highlights the importance of integrated legal reforms that combine punitive measures with preventive and restorative approaches. The study contributes to socio-legal debates by challenging the assumption that punitive criminal law alone can effectively address gender-based violence without institutional transformation and broader socio-cultural reform. The study concludes that effective responses to gender-based violence require an integrated framework combining legal enforcement, institutional accountability, victim-centered justice, and long-term socio-cultural transformation.

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INTRODUCTION

Although gender-based violence (GBV) has been extensively examined within criminological, socio-legal, and human rights scholarship in South Africa, limited studies have critically investigated the disjunction between progressive criminal law reforms and their inconsistent institutional enforcement (Mkwanzani & Nathane., 2024). Existing research

predominantly focuses on prevalence rates, victimization patterns, and policy formulation, while insufficient attention has been directed toward understanding how structural weaknesses within policing, prosecutorial systems, and judicial institutions undermine the practical realization of legal protections for victims (WHO., 2021). This unresolved gap is particularly significant because it reveals the limitations of relying on formal legal reform without corresponding institutional transformation. Consequently, this study seeks to critically examine how enforcement failures contribute to the persistence of GBV despite the existence of constitutionally grounded legal protections. Despite the adoption of progressive constitutional protections and comprehensive statutory frameworks aimed at combating gender-based violence, the persistence of exceptionally high GBV rates in South Africa demonstrates that formal legal reform alone is insufficient to guarantee substantive justice (Nga'ang', 2025). The continuing prevalence of violence reveals a deeper structural problem in which legal norms are frequently undermined by weak institutional enforcement, fragmented inter-agency coordination, inadequate victim support mechanisms, and deeply entrenched patriarchal attitudes within criminal justice institutions (Mahlobo et al., 2020). This contradiction illustrates the limitations of legal formalism, particularly in contexts where socio-cultural inequality and institutional incapacity obstruct the effective realization of constitutional rights. Therefore, understanding GBV requires moving beyond normative legal analysis toward a broader socio-legal examination of how law operates in practice, revealing a paradox between normative legal ideals and empirical realities. Recent national data indicate that GBV in South Africa encompasses physical, sexual, emotional, and economic violence, with deeply entrenched gender norms acting as primary drivers. This suggests that GBV is not merely a legal issue but also a structural and socio-cultural phenomenon that resists purely formal legal interventions (Saito et al., 2025).

From a theoretical perspective, criminal law is expected to function as both a deterrent and a mechanism for justice, ensuring accountability and protection for victims. However, contemporary scholarship highlights that the enforcement of criminal law in GBV cases often fails to meet these expectations. Studies show that although South Africa has introduced specialized measures such as sexual offences courts and victim-centered legislation, these reforms remain insufficient in addressing systemic weaknesses within law enforcement institutions. This contradiction reflects the classical socio-legal distinction between 'law in the books' and 'law in action,' which emphasizes that the effectiveness of legal systems cannot be measured solely by the existence of formal legal norms, but must also be evaluated through their practical implementation within institutional and societal contexts (Hobane & Prinsloo., 2018). Socio-legal scholars argue that legal effectiveness is shaped not only by statutory provisions but also by institutional culture, enforcement capacity, political commitment, and social power relations that influence how laws are interpreted and applied in practice. In the South African context, this theoretical framework is particularly relevant because progressive legal protections coexist with persistent patterns of institutional failure and gendered violence. Accordingly, this study adopts a critical socio-legal perspective to examine how structural inequalities undermine the practical realization of criminal justice objectives.

Empirical evidence further illustrates the magnitude of the crisis. The persistently high rates of gender-based violence and femicide in South Africa, despite extensive legal reforms and constitutional protections, indicate that the roots of GBV extend far beyond the existence of

criminal sanctions (Jewkes et al., 2020). These alarming trends reflect the enduring influence of structural inequality, economic marginalization, historical violence, and hypermasculine social norms that continue to shape interpersonal relationships and institutional responses to violence against women (Graaff & Heineken., 2017). Moreover, the normalization of violence within certain social contexts weakens public trust in law enforcement institutions and reduces the deterrent effect traditionally associated with criminal law. Consequently, the prevalence of GBV should be understood not merely as evidence of criminal behavior, but as a manifestation of deeper systemic failures within both society and the justice system, with reports indicating that multiple women are killed daily, often by intimate partners. Such findings challenge the assumption that stricter laws alone can effectively reduce violence. Instead, they point to deeper institutional failures, including inadequate policing, weak prosecutorial processes, and limited access to justice for victims. In many cases, survivors encounter secondary victimization within the criminal justice system, discouraging reporting and undermining trust in legal institutions.

Moreover, recent research emphasizes that even with heightened awareness and policy interventions, GBV persists due to complex socio-economic and cultural dynamics. (Abrahams et al., 2022) argue that structural inequalities, poverty, and patriarchal norms continue to shape both the occurrence of GBV and the institutional response to it. This indicates that criminal law enforcement operates within a broader socio-political context that may either facilitate or hinder its effectiveness. Consequently, the persistence of GBV reflects not only legal shortcomings but also the limitations of a purely punitive approach that neglects preventive and transformative strategies.

Another critical issue lies in the implementation gap within law enforcement agencies. Although South African legal frameworks formally guarantee victim protection and access to justice, enforcement processes continue to be undermined by systemic institutional deficiencies, including inadequate police responsiveness, insufficient forensic capacity, prosecutorial delays, case backlogs, and inconsistent judicial handling of GBV cases. In many instances, victims encounter secondary victimization through dismissive attitudes, procedural insensitivity, and victim-blaming practices within law enforcement institutions, further discouraging reporting and participation in legal proceedings. These institutional shortcomings not only weaken public confidence in the criminal justice system but also contribute to a culture of impunity in which perpetrators perceive a low likelihood of accountability (Mogale et al. 2012). Consequently, the effectiveness of criminal law enforcement depends not merely on legal norms, but on the operational integrity and gender sensitivity of enforcement institutions. Community-based studies reveal that interventions addressing GBV are frequently perceived as inadequate, with significant disparities in access to support services and legal remedies. This reinforces the argument that formal legal mechanisms alone are insufficient without strong institutional capacity and coordination.

In addition, the legacy of historical violence and inequality continues to shape contemporary patterns of GBV in South Africa (Zungu et al., 2024). Although the post-apartheid transition established a democratic constitutional order grounded in equality and human rights, it did not fully dismantle the historical and socio-cultural conditions that normalize violence and patriarchal domination within South African society. Decades of systemic inequality, racialized violence, economic exclusion, and militarized masculinities produced social environments in



which aggression and coercive power became deeply embedded within interpersonal and institutional relationships. Contemporary patterns of GBV therefore cannot be understood independently from these historical structures, as they continue to shape gender relations, institutional culture, and societal perceptions of violence against women. This historical continuity demonstrates that criminal law reform alone is insufficient without broader social transformation aimed at addressing the structural foundations of violence, including hypermasculinity and normalized aggression. These factors contribute to a cycle of violence that is reproduced across generations, thereby limiting the effectiveness of criminal law interventions. As such, the persistence of GBV reflects a broader failure to align legal reforms with social transformation.

Restorative justice has increasingly been proposed as an alternative or complementary mechanism to conventional punitive approaches, particularly because it emphasizes dialogue, accountability, healing, and community participation (Campbell & Mannell., 2020). However, its application in cases of gender-based violence remains highly contested within feminist legal scholarship, as critics argue that restorative processes may reproduce unequal gender power relations, minimize the severity of violence, and expose victims to further psychological harm or coercion. In the South African context, where patriarchal norms and socio-economic dependency frequently shape victim-perpetrator relationships, the implementation of restorative justice raises significant ethical and legal concerns regarding victim autonomy and protection (Dlamini., 2021). Consequently, any attempt to integrate restorative principles into GBV enforcement must be approached cautiously and grounded in robust victim-centered safeguards. It emphasizes healing, accountability, and community involvement, offering potential pathways for addressing the underlying causes of GBV. However, its application in the South African context remains limited and contested, particularly in cases involving severe violence. This raises important questions about the extent to which restorative approaches can coexist with retributive justice in addressing GBV.

Furthermore, the disconnect between policy commitments and practical outcomes is evident in the implementation of national strategies aimed at combating GBV. While comprehensive frameworks have been developed, including multi-sectoral approaches, their impact has been constrained by inadequate funding, poor coordination, and weak monitoring mechanisms. This highlights a recurring issue in criminal law enforcement: the existence of well-articulated policies that fail to translate into tangible improvements in victims' experiences.

Against this background, this study aims to critically evaluate the effectiveness of criminal law enforcement in addressing gender-based violence in South Africa by examining the relationship between legal frameworks, institutional capacity, and socio-cultural barriers. The study further seeks to analyze the gap between normative legal protections and enforcement realities through a socio-legal and critical institutional perspective. By integrating doctrinal legal analysis with contemporary empirical scholarship, this article contributes to ongoing debates on criminal law reform, institutional accountability, and victim-centered justice in contexts characterized by structural inequality and persistent gendered violence (Bruce., 2010). Ultimately, the study seeks to provide both theoretical and policy-oriented insights for strengthening substantive justice mechanisms in South Africa. The gap between theory and reality is manifested in the inability of the criminal justice system to provide effective deterrence,



protection, and redress. Therefore, addressing GBV in South Africa requires a multidimensional approach that goes beyond legal reform to include institutional strengthening, cultural transformation, and socio-economic interventions.

In conclusion, the persistence of GBV in South Africa demonstrates the limitations of relying solely on criminal law as a tool for social change. While legal frameworks are essential, their effectiveness depends on the broader context in which they operate. Bridging the gap between normative ideals and empirical realities requires not only legal reform but also a fundamental rethinking of how justice is conceptualized and implemented in cases of gender-based violence.

METHODS

This study adopts a normative juridical methodology integrated with a socio-legal qualitative analytical framework to critically evaluate the effectiveness of criminal law enforcement in addressing gender-based violence in South Africa. The normative juridical component is operationalized through systematic analysis of constitutional provisions, statutory regulations, judicial precedents, and policy instruments governing GBV enforcement, while the qualitative socio-legal framework is employed to examine how institutional practices, socio-cultural dynamics, and structural inequalities influence the practical implementation of legal norms (Buiten & Naidoo., 2020). In addition, the study applies critical legal analysis to identify contradictions between formal legal protections and empirical enforcement realities, thereby enabling a multidimensional examination of both doctrinal and institutional dimensions of criminal justice. The choice of this method is grounded in the need to bridge doctrinal legal analysis with empirical realities, particularly in contexts where legal frameworks appear progressive but fail in implementation. Normative legal research allows for the examination of statutory provisions, constitutional principles, and judicial decisions, while qualitative analysis facilitates the interpretation of socio-legal dynamics influencing enforcement outcomes.

The study relies primarily on secondary legal and academic materials, including constitutional provisions, statutory regulations, judicial decisions, government policy documents, and peer-reviewed scholarly publications published between 2020 and 2026. To ensure academic credibility and analytical relevance, journal articles were selected from internationally indexed databases such as Scopus, Web of Science, and HeinOnline using keywords related to gender-based violence, criminal law enforcement, victim protection, and institutional reform in South Africa. Legal materials and policy documents were included based on their direct relevance to GBV governance and criminal justice implementation, while sources lacking scholarly reliability or contemporary relevance were excluded (Breetzke & Pearson., 2021). This systematic selection process was intended to strengthen the validity, consistency, and analytical depth of the study. The reliance on recent scholarly work ensures analytical relevance and captures contemporary developments in GBV discourse and criminal justice reform. In addition, empirical studies employing mixed methods and statistical modeling are incorporated to contextualize legal analysis within lived realities.

The study employs qualitative content analysis through a multi-stage interpretive process designed to identify and critically evaluate inconsistencies between normative legal objectives and empirical enforcement realities. Legal documents, judicial decisions, policy frameworks, and scholarly literature were systematically categorized into thematic areas, including victim



protection, institutional accountability, enforcement effectiveness, patriarchal bias, and access to justice. The analysis further involved comparative interpretation between doctrinal legal provisions and empirical socio-legal findings in order to identify recurring structural and institutional patterns affecting GBV enforcement. Through this thematic and comparative analytical approach, the study seeks to generate a deeper understanding of how legal norms are operationalized, contested, and limited within practical enforcement contexts. This method is particularly appropriate in GBV research, where qualitative insights such as stakeholder perspectives, institutional behavior, and victim experiences are essential for understanding systemic failure. This study adopts a critical socio-legal and feminist legal perspective to examine how structural inequality, patriarchal institutional culture, and socio-economic marginalization influence the enforcement of criminal law in GBV cases. Drawing upon feminist legal theory and critical criminology, the study views law not as a neutral instrument of justice, but as a social institution shaped by historical power relations, gender hierarchies, and institutional practices that may reproduce inequality despite formal commitments to equality and victim protection. This theoretical orientation enables the analysis to move beyond purely doctrinal interpretation and critically evaluate how legal enforcement mechanisms operate within broader systems of social domination and institutional constraint. Consequently, the study situates criminal law enforcement within the wider context of structural violence and gendered power relations in South Africa.

To enhance analytical rigor, the study also engages in comparative interpretation of empirical findings, drawing from cross-sectional and mixed-methods studies conducted in Sub-Saharan Africa and South Africa specifically. These sources provide insight into patterns of GBV prevalence, risk factors, and intervention effectiveness, thereby enriching doctrinal analysis with evidence-based perspectives.

The methodological design is inherently argumentative, as it seeks not only to describe legal frameworks but also to critically assess their limitations in practice. By integrating doctrinal analysis with empirical literature, this study aims to expose the gap between legal theory and enforcement reality. Ultimately, the chosen methodology enables a comprehensive evaluation of criminal law enforcement, highlighting both normative strengths and practical deficiencies in addressing gender-based violence.

RESULTS AND DISCUSSIONS

1. Criminal Law Framework in Addressing Gender-Based Violence in South Africa

Although South Africa is frequently recognized for its progressive constitutional and statutory protections against gender-based violence, the effectiveness of these legal frameworks remains deeply contested due to persistent structural and institutional deficiencies within the criminal justice system (Muluneh et al., 2020). The existence of comprehensive legislation does not necessarily guarantee substantive protection for victims, particularly when enforcement institutions lack operational capacity, procedural consistency, and gender-sensitive practices. Moreover, several legal mechanisms continue to encounter implementation barriers arising from bureaucratic fragmentation, unequal access to justice, and socio-economic disparities affecting vulnerable populations (Ng'ang'a., 2025). Consequently, the legal framework should not merely be evaluated based on its normative aspirations, but also on its practical capacity to deliver

accessible, effective, and transformative justice outcomes. Various legal instruments, such as the Domestic Violence Act, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, and constitutional guarantees of human rights, demonstrate the state's commitment to protecting victims. Legal reforms undertaken in the post-apartheid era affirm that the state recognizes GBV as a serious violation of human dignity and gender equality.

However, the analysis reveals that this normative strength has not been fully realized in practice. Numerous recent studies emphasize that the existence of comprehensive legal frameworks does not automatically ensure effective law enforcement. This indicates a fundamental gap between law in the books and law in action, where strong regulations are not matched by consistent implementation.

2. High Prevalence of Gender-Based Violence: The Failure of Criminal Law Deterrence

Empirical data indicate that the prevalence of GBV in South Africa remains high, ranking among the highest globally. Recent studies reveal that femicide and intimate partner violence continue to occur extensively, with women as the most vulnerable group. The persistence of exceptionally high levels of gender-based violence in South Africa fundamentally challenges classical deterrence theory, particularly the assumption that the existence of criminal sanctions alone is sufficient to prevent violent behavior (Ratele et al., 2020). Criminological scholarship increasingly demonstrates that deterrence depends less on the severity of punishment and more on the certainty, consistency, and legitimacy of enforcement processes. In contexts where victims lack confidence in law enforcement institutions, reporting rates remain low, investigations are frequently delayed, and conviction rates are inconsistent, perpetrators may perceive a minimal risk of accountability. Therefore, the failure of deterrence in GBV cases reflects not only weaknesses in criminal sanctions themselves, but also broader institutional failures that undermine the credibility and effectiveness of the justice system.

In this context, criminal law appears to fail in fulfilling its preventive function. This can be explained by several factors. First, low reporting rates due to social stigma and a lack of trust in law enforcement institutions. Second, weaknesses in investigation and prosecution processes, leading to low conviction rates. Third, the normalization of violence within patriarchal cultures, which reduces the deterrent effect of legal sanctions.

Thus, these findings reinforce the argument that deterrence depends not only on the existence of sanctions but also on the certainty of enforcement. When perpetrators are not certain they will be apprehended or punished, the deterrent effect becomes ineffective.

3. Institutional Weaknesses in Law Enforcement

The findings indicate that one of the primary obstacles in addressing GBV is institutional weakness. Institutional weaknesses within South Africa's criminal justice system manifest not only in general resource shortages but also in procedural failures that directly undermine the effective handling of GBV cases. Police units frequently experience inadequate forensic capacity, delayed evidence collection, insufficient victim interviewing skills, and inconsistent compliance with victim protection procedures. Prosecutorial offices often struggle with excessive case backlogs, limited specialization in GBV litigation, and difficulties in securing victim participation due to prolonged legal processes and secondary trauma. Simultaneously, judicial inconsistencies in interpreting victim testimony and assessing gender-based violence cases further weaken legal certainty and public trust in the justice system (Sardinha et al., 2022). Collectively, these

institutional deficiencies contribute to a cycle of underreporting, impunity, and ineffective victim protection. These challenges directly affect the quality of case handling, from reporting to judicial decisions.

Furthermore, there is evidence of gender bias within the law enforcement process. Several studies indicate that law enforcement officials may still hold patriarchal perspectives that influence how they handle GBV cases. As a result, victims often experience secondary victimization, characterized by insensitive treatment or victim-blaming during legal proceedings.

This condition demonstrates that legal reform without institutional reform will not produce significant change. Effective law enforcement requires strong institutional capacity, integrity among officials, and a victim-centered approach.

4. Socio-Cultural Barriers: Patriarchy and the Normalization of Violence

Beyond legal and institutional factors, the findings also confirm that GBV in South Africa is heavily influenced by socio-cultural dynamics. The persistence of gender-based violence in South Africa cannot be understood independently from the structural influence of patriarchal power relations that continue to shape social institutions, legal culture, and interpersonal dynamics. Feminist legal theory argues that patriarchy operates not merely as a cultural attitude but as a systemic structure that normalizes male dominance, marginalizes women's experiences, and influences institutional responses to violence (Shai et al., 2022). Within criminal justice institutions, patriarchal assumptions may manifest through victim-blaming practices, skepticism toward survivor testimony, and the minimization of domestic and sexual violence as private or less serious forms of harm. Consequently, the normalization of violence against women reflects broader structural inequalities that weaken both legal enforcement and substantive gender justice. In many cases, violence is perceived as part of power relations within households, and therefore not regarded as a serious legal violation.

Moreover, socio-economic inequalities exacerbate the situation. Women who are economically dependent on their partners are often reluctant to report abuse due to fear of losing financial support. This demonstrates that GBV cannot be separated from broader structural contexts.

Accordingly, a purely punitive criminal law approach is insufficient. A more comprehensive strategy is required, encompassing education, economic empowerment, and social norm transformation.

5. The Gap Between Policy and Implementation

South Africa has developed various national policies to combat GBV, including the National Strategic Plan on Gender-Based Violence and Femicide. Despite the existence of comprehensive national strategies aimed at combating gender-based violence, policy implementation in South Africa continues to be undermined by fragmented governance structures, inconsistent institutional accountability, and insufficient administrative coordination across sectors. The absence of integrated implementation mechanisms frequently results in duplication of responsibilities, unclear institutional mandates, and weak communication between law enforcement agencies, social services, and healthcare providers (Sikder et al., 2021). Moreover, inadequate funding allocation and ineffective monitoring systems prevent the systematic evaluation of policy outcomes, thereby limiting the state's ability to identify enforcement failures and implement evidence-based reforms. These governance deficiencies demonstrate that policy

effectiveness depends not only on strategic formulation but also on institutional coherence, political commitment, and sustainable administrative capacity.

This gap between policy and implementation reflects a classic governance problem. Comprehensive policy design is often not accompanied by effective implementation strategies, resulting in limited impact on reducing GBV.

6. Evaluating the Retributive Approach and the Need for Restorative Justice

Criminal law in South Africa remains predominantly retributive, focusing on punishing offenders. However, the findings indicate that this approach has limitations, particularly in addressing the complex nature of GBV. Retributive justice often fails to address root causes, such as power imbalances and victim trauma.

Although restorative justice has been proposed as a complementary mechanism for addressing gender-based violence due to its emphasis on healing, accountability, and community participation, its application remains deeply controversial within feminist legal and criminological scholarship. Critics argue that restorative processes may unintentionally reproduce unequal gender power relations by placing victims in vulnerable positions where social pressure, economic dependency, or emotional coercion undermine genuine consent and participation. Furthermore, in contexts characterized by entrenched patriarchal norms and institutional inequality, restorative approaches risk minimizing the severity of violence and prioritizing reconciliation over victim safety and legal accountability (Silber et al 2009). Therefore, while restorative justice may offer certain rehabilitative benefits, its implementation in GBV cases requires stringent safeguards, independent oversight, and a victim-centered framework that prioritizes protection and autonomy. Nevertheless, its application in GBV cases remains contested, particularly due to the risk of re-victimization.

Therefore, a hybrid approach that selectively integrates retributive and restorative elements is necessary, while prioritizing victim protection.

7. Analysis of the Gap Between Theory and Reality

Based on the findings above, a significant gap exists between theory and reality in the enforcement of criminal law against GBV in South Africa. Theoretically, criminal law is expected to provide deterrence, justice, and protection. In practice, however, these functions have not been fully realized.

This gap can be summarized in the following table 3.1

No	Aspect	Criminal Law Theory	Reality in South Africa
1.	Deterrence	Punishment prevents crime	GBV remains high
2.	Victim Protection	System protects victims	Victims experience re-victimization
3.	Legal Certainty	Consistent legal process	Many cases remain unresolved
4.	Equality	Law is gender-neutral	Patriarchal bias persists

The comparison between normative criminal law principles and enforcement realities demonstrates that the limitations of GBV enforcement in South Africa arise from the interaction of multiple structural, institutional, and socio-cultural factors rather than from legal deficiencies alone. Weak institutional accountability, limited procedural consistency, patriarchal organizational culture, socio-economic inequality, and inadequate victim support mechanisms collectively undermine the practical realization of deterrence, legal certainty, and substantive

equality. Consequently, the effectiveness of criminal law should be understood as contingent upon broader governance capacity and societal transformation rather than solely upon statutory regulation. This multidimensional perspective reveals that legal reform without institutional and socio-cultural change is unlikely to produce sustainable reductions in gender-based violence.

8. Implications for Legal Reform

The findings of this study lead to several important implications. First, effective legal reform in addressing gender-based violence requires a comprehensive and integrated institutional strategy that extends beyond formal legislative amendment. Strengthening criminal law enforcement necessitates specialized gender-sensitive training for police officers, prosecutors, and judges; the establishment of adequately funded forensic and victim-support units; improved inter-agency coordination mechanisms; and the development of transparent accountability systems for monitoring institutional performance in GBV cases (Botha et al., 2025; Chatterjee et al., 2026). In addition, long-term reform must incorporate educational initiatives, community-based prevention programs, and socio-economic empowerment strategies aimed at transforming patriarchal norms and reducing structural vulnerability among women (Vigneswaran., 2014). Such multidimensional reform is essential to ensure that criminal law functions not merely as a symbolic instrument of punishment, but as an effective mechanism for substantive justice and social transformation institutions. Second, gender-sensitive training for law enforcement officials is necessary to reduce bias. Third, integrating legal and social approaches is essential for addressing GBV effectively.

Additionally, periodic policy evaluation is required to ensure the effectiveness of implemented programs. Evidence-based policymaking should guide future legal and institutional reforms.

CONCLUSION

This study concludes that criminal law enforcement against gender-based violence in South Africa remains ineffective because weak policing, limited institutional coordination, slow judicial processes, and patriarchal attitudes continue to undermine victim protection and access to justice. Although South Africa has progressive legal frameworks, their implementation has not functioned effectively in reducing GBV or ensuring substantive justice for victims. Despite the existence of a robust and progressive legal framework, the empirical reality reveals a profound disjunction between normative commitments and practical outcomes. Criminal law, which is theoretically designed to ensure deterrence, accountability, and victim protection, has not functioned effectively in achieving these objectives within the context of GBV.

The findings underscore that the ineffectiveness of criminal law enforcement is deeply rooted in structural, institutional, and socio-cultural constraints. Weak law enforcement capacity, limited resources, procedural inefficiencies, and the persistence of patriarchal attitudes within justice institutions collectively undermine the credibility and effectiveness of the legal system. Moreover, socio-economic inequalities and entrenched gender norms continue to shape both the occurrence of GBV and the responses to it, thereby reinforcing cycles of violence and impunity.

The findings show that punishment alone cannot effectively reduce gender-based violence because GBV is also influenced by social inequality, patriarchal culture, and weak institutional



systems. Therefore, criminal law enforcement must be supported by social reform, victim protection mechanisms, and institutional improvement to achieve effective justice. While punitive measures remain necessary to ensure accountability, they must be complemented by preventive and restorative strategies that address underlying causes, support victim recovery, and promote societal transformation. The failure to integrate these dimensions has resulted in a fragmented and often ineffective response to GBV.

Accordingly, bridging the gap between legal theory and enforcement reality requires a paradigm shift in how criminal law is conceptualized and implemented. Future reforms should focus on improving police performance, strengthening victim support services, increasing coordination between justice institutions, and providing gender-sensitive training for law enforcement officials. In addition, social education and community programs are needed to reduce patriarchal attitudes and prevent gender-based violence more effectively. Furthermore, policy interventions must be grounded in empirical evidence and accompanied by rigorous monitoring and evaluation mechanisms.

In conclusion, the challenge of GBV in South Africa calls for a multidimensional and transformative approach that transcends conventional legal responses. Only through the alignment of legal norms, institutional practices, and socio-cultural change can the criminal justice system fulfill its mandate to deliver substantive justice and meaningful protection for victims of gender-based violence.

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solely those of the author and are based on independent scholarly judgment in examining the issues of gender-based violence and criminal law enforcement in South Africa.

The author remains committed to maintaining transparency and academic integrity throughout the research and publication process.

Conflict of interest

The author declares that there are no conflicts of interest related to this study. The research was conducted independently, without any financial, commercial, or personal relationships that could be construed as influencing the objectivity or integrity of the work.

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