

## Customary law and the punishment imposed by traditional leaders to ensure crime prevention in rural areas in South Africa

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### Abstract

South Africa has been hailed as the most advanced democracy in Southern Africa. However, despite celebrating more than two decades of democracy, its society has been identified as unequal both politically and financially, and this gap between rich and poor seems to be widening. One indication of this persistent inequality is the limited access that rural people have to criminal justice. This marginalisation has compelled rural people to rely heavily on customary law whose application is vested in traditional leaders. Before the arrival of European colonialists, African people were governed by chiefs and leaders under age-old rules and customs derived from their version of ethical norms and values. This paper is an effort to quench our curiosity about these traditional laws and practices among traditional leaders and to determine to what extent they are successful in preventing crime in rural South Africa. The investigation was desktop-based and comprised of a literature search to highlight customary laws and the punishments meted out by traditional leaders. In essence, it was found that traditional courts are user friendly and affordable as they require neither lawyers nor the sophisticated measures and processes of modern Eurocentric courts.

**Keywords:** community, courts, democracy, elders, norms, customary law.

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