

South African Mandatory Minimum Sentencing: Causes and Consequences

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Abstract : In 1997 South Africa adopted legislation introducing severe mandatory minimum sentences. This was a political response to counter the escalating violent crime the country experienced when it transitioned to democracy. Despite minimum sentences being fully operational for more than two decades, violent crimes like murder and rape have not abated. This paper provides a critique of the efficacy of minimums sentences with a primary focus on the legislation's main aim of preventing or curbing crime, its relationship with prison overcrowding, and its continued constitutionality.

Keywords : constitutionality, deterrence, incapacitation, minimum sentencing legislation, prison overcrowding, rehabilitation, recidivism, retribution, violent crime

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