



## Fire on the Mountain: Reinvigorating Legislative Measures to Quench the Flame of Illicit Drug Use in South Africa

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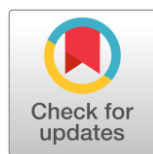
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**Abstract:** South African societies have been characterized by the prolific incidence of illicit drug use in recent times. The paper attempts to examine the legislations implemented on the use of illicit drugs in South Africa. The study adopts a review of the literature to identify and describe the most common illicit drugs used around South Africa communities, placing emphasis on the policies developed by the South African government in combating these situations. The research follows a critical discussion on the issues associated with drug use, its causes, as well as its effects on humans and the environment. The study recommends relevant initiatives to combat all intricacies associated with drug use within the country. This approach will be appropriate in facilitating a clear-cut understanding of the possible remedies to quench the burning flame of illicit drug use across a broad range of South African communities.

**Keywords:** Criminal acts, Illicit drug use, Legislations, Policies, Social vices, South Africa

### Introduction

Crime is everywhere, crime and criminal activities have constantly been a part of human existence. (Blokland and Šerbedžija, 2020) With that, South African crimes appear to be one of the highest astonishing crimes when compared to neighbouring countries and countries abroad (Brittany and Bezuidenhout, 2019) The research aims at discussing the intricacies associated with illicit use of drugs in South Africa and the legislations implemented by the government to combat the incidence of the social vices. On this first premise, “drug” quoted from the National Drug Master Plan, (2013-2017) is a term of various usages. In medicine, “it is referred to as any

substance with the potential to prevent or cure desires or enhance physical or mental well-being”. In addition, in pharmacology, it is any chemical agent that alters the biochemical or psychological composition of humans, and more specifically to the detriment of body physiological functions. Thus, an illicit drug is any psychoactive substance, whose production, sale or use of is prohibited.

From the above definitions, an illicit drug can simply be defined as an illegal drug, because these drugs are considered to be against the law. According to the Drug and Drug Trafficking Act (140 of 1992), any person found with the use or the possession of an

illegal drug is charged with a criminal offence. When a person is referred to as dependent, it means that he or she is dependent on a drug that is almost impossible for him or her to abstain from enchanting the substance without help, after consuming it frequently for a long time. The dependence may both be physical or psychological. According to Kraft and Furlong (2020), a “policy” is a plan of action adopted by an individual, group, business or government to achieve a particular set of goals. To designate something as policy implies that a formal decision has to be made, giving official sanction to a particular course of action. However, public policy can, therefore, be seen as the formal or stated decisions of government bodies (Hamid, 2016).

The development of a policy in the most common sense can be explained as any plan of action that is developed in order to achieve a particular aim. The aim could be a plan to make societal communities a safer environment. These policies are usually developed with the aim of contributing to improvement and making a better living standard for the people. (Colin, 2017) The “United Nations Office for Drug Control and Crime Prevention” elaborates that South Africa is positioned at one of the most stunning geographical locations and with its international trade links with countries such as Asia, Western Europe and North America, this has been rather a much easier way for the transition of illegal drugs in this country. It is believed that these countries are well known for their use of illegal drugs and drug trafficking, and it has made South Africa an attractive drug transit country (United Nations Office on Drugs and Crime, 2002).

The abuse of drugs and trafficking has gone up over the past few years especially right after the installation of a new constitutionally chosen government in 1994, which put an end to the socio- economic and political isolation of the country. (United Nations Office on Drugs and Crime, 2002).

With that being said, South Africa has the pleasure of relaxing on firm governor of land, air and sea borders along with the improvement of international trade that has augmented in the trafficking of drugs (Dorcas and Leeke, 2019), In addition, South Africa has an excellent infrastructure of roads and rail, telecommunication, airports and seaports facilities, these may perhaps have been the sources used to transit illicit drugs particularly cocaine, heroin and methaqualone. (Anita, 2016). Substance abuse globally, not just in South Africa has been one of the major public and political concerns (Kalsi, 2015; Takalani, and Tosin, 2016). This issue of substance abuse predominantly in adolescents is a matter of advancement that still needs to be explored [Stevanovic et al., 2015]. One of the concerns raised about the use of illicit drugs is that it is allied with the potential short and long term adverse effects connected with the use of cigarette, cannabis (dagga) on the individual’s well-being (Moodley et al., 2012).

According to Isaac Rummage, unemployment undoubtedly plays its role in influencing young people into using drugs as an escape of poverty. Most citizens in South Africa live in under-developed, disorganized communities. To make matters worse, these people are un-educated and are unable to afford a suitable lifestyle; and much of the blame is still placed on the impact the apartheid regime had on this country.

The history of apartheid and its conflict created so much hatred and violence amongst South African people. Too much crime emerged after the apartheid regime as people felt it was their way of returning the hatred that was imposed by the government after the abolishment of laws in 1994. It seemed as if things would turn out to be great for South Africa, but it led to more complications and serious problems. There were a large number of people moving around especially for employment; and as a result, this caused so much pressure on the poor infrastructure,

leading to bigger and disordered communities, which led to more disorganized societies. In the most general sense, the more disorganized communities, the more criminal activities will occur. People have to make a better living for themselves because they are uneducated and unskilled. Consequently, the option left to them is to engage in criminal acts such as selling of illicit drugs, such that involves the use of Whoonga, drug, cocaine; and that is how substance abuse is motivated at a tremendous rate in South Africa (Rummage, 2019).

Mawere argues at the misconception created that mass media is sometimes the driving force in creating ideologies to people that crime is politically driven. He goes on to say that most communities are involved in house break-ins and burglary. He adds on to say that the conflict of the apartheid was indeed a driving force in forming disorganized communities in South Africa. People living in these communities have no resources and good infrastructures, thereby increasing more criminal activities. Moreover, street lights are bad and no recreational activities for children to enjoy. Because of such issues children may find themselves being bored; and this thus creates an opportunity for them to engage in deviant behaviour (Munyaradzi, 2019).

### **The Menace of Illicit Drug Use**

South Africa faces a tremendous menace in the use of illicit drugs. The influence of illicit drug use is a major concern for the people that have to live in an environment that is surrounded by this outburst use of illegal drugs. The literature review aims to analyze and assess legislations implemented on the use of illicit drugs in South Africa. Quoted from the *Acta Criminologica: A Southern African Journal of Criminology* (2014), "the extreme and endemic drug offending in the country has increased national attention on the seriousness and frequent occurrence of social and economic crimes related to the endemic

drug epidemic". The socio-economic effects of this highly addictive drug are devastating. It has been responsible for the breakdown of many families, and has left people destitute. Intelligent pupils have become school dropouts; young girls have prostituted themselves for the habit. It has made thieves out of harmless people (Gopal and Marimuthu, 2014).

The issue of illicit drugs has given rise to numerous socio economic problems. The connection between drugs and criminal behaviour has a very serious harmful impact on children, the youth and the community. The World Drug Report of 2012 claims that, worldwide the issue of illicit drug use is commonly occurring and is a hazard that continues to grow in many places. The report further stresses on the issues poorer countries face with their limited resources being abused while the growth and emergence of illicit drugs use is turning into health crises as indicated by the National Drug Master Plan (2013-2017) (Kresina et al., 2013). The use of too much drugs may be a consequence of drug addiction. In supporting this statement, Mayo Clinic (2014) explains that, drug addiction is also called a substance use condition that is a dependence on a legal or illegal drug usage. Bearing in mind that alcohol and nicotine are legal but they are also measured as drugs. When a person is addicted in the drug that they are using, they are unable to control their drug use and may continue using the drug despite the harm it causes. As human beings, there may be a feeling of a need to quit by the users, but most find they cannot do it on their own.

In the regional context, it is estimated that South Africa is by far the largest market for illicit drugs that are transported from other parts of the South African Development Communities (SADC) or from any other parts of the world. This is made possible because the Durban port is one of the busiest ports in the African continent. In South Africa today, the

drugs trade trafficking is linked to numerous other criminal acts, ranging from car hijackings, robbery syndicates, human traffickers, smuggling of firearms, to cars theft and other endangered species (Gilbert, 2007).

## **Types of Illicit Drug Use**

### **a. Cannabis in South Africa**

Cannabis is a drug that comes from the flowering tops and leaves of an Indian hemp plant called Cannabis Sativa. The cannabis drug is an old drug that dates back to the in 2737 B.C, and has been a drug that has been used for numerous years especially in countries such as China and India. These countries have used cannabis as a medical benefit. Cannabis has up to 50 different chemical ingredients and can stay in our bloodstream for up to 30 days. Cannabis in South Africa is a drug that is known as dagga and has a long history that dates back to the 15<sup>th</sup> century AD. People who use these illegal drugs usually in general experience a mild loss of vision, changed sense of colour, meaning they are unable to see well in most cases, they are usually quiet and this is the time they get to think of criminal activities to do (Dahlgren et al., 2020).

### **b. Mandrax in South Africa**

Stephens, Torrance, Gardner, Jones, Sifunda, Braithwaite, and Smith define the term “mandrax” as a blend of the pharmaceutical drugs methaqualone and antihistamine. It is originally used as a sleeping tablet. It became a societal problem in South Africa in the 1980s and 1990s. Mandrax is the second most widely abused illicit substance in South Africa after Cannabis. It was in 1987 that the South African Police closed down one of the first mandrax laboratories in the country. Ever since the shutdown of the laboratory of mandrax, there has been an increase in the demand for it, and

there has also been an upsurge in criminal activities among those that consume it. There are various side effects of mandrax, especially when it is assorted with the dagga drug. This is life-threatening because it can cause physical addiction. This causes an increase in burglaries, particularly at pharmacies (Stephens et. al 2016).

### **c. Cocaine in South Africa**

Christina, Bell, Towe, and Hall. define the term “cocaine” as a narcotic that is extracted from the leaf of the coca bush. The leaves of the bush are soaked with solutions to yield coca paste. The paste or unrefined cocaine is then processed in laboratory for refinement. Crack cocaine is made out of combining the heating of the ingredients of Cocaine with baking soda and cooking the mixture under very high heat temperature, compressed into a dense chunk. Crack cocaine is extremely very powerful at least 5 times as powerful as powdered cocaine (Christina et al., 2020). South Africa’s cocaine market is a market generally considered for people with upper income consumers and with trafficking originally controlled by White networks. Too many crimes have happened because of the trafficking of this drug and the use of it, but following the influx of Nigerian and Chinese organized crime gangs into South Africa, the control of the cocaine industry in South Africa is distributed in places like Durban and Johannesburg while Port Elizabeth has high number of drug related crimes. The foregoing scholars identified the side effects of cocaine drug as follows: Euphoria, loss of appetite-(not wanting to eat anything for days), aggressive and violent behavior, panic attacks, sexual dysfunction, weight loss, shortness of breath and paranoia. Furthermore, the consequences of cocaine are violent behaviors, because people involved are usually aggressive, easily irritated, and they have a feeling of constantly being nervous as they

suffer from mood changes (Christina et al., 2020).

### Heroin in South Africa

According to Bloom, Heroin or diamorphine is a derivative of morphine. It is used as a powerful pain reliever, it includes a drowsy sensation which may be pleasurable to some people, though not all. The side effect of heroin is as follows: Reduced concentration, loose eyelids, slow indistinct speech, low body fever, nausea, depression, heat failure and stroke, skin disease and pneumonia (Bloom, 1995). The consequence of using such a drug can result in a person losing their life. This drug is serious because people take overdose of it as it is a great powerful pain reliever but the concern is that the public is not aware that it is slowly killing the nation.

### Measures in Combatting Illicit Drug Use in South Africa

Combating the situation of illicit drugs in South Africa, the government has developed policies that will help control the drug situation within the nation. These policies include as quoted, "The South African Drugs and Drug Trafficking Act" (140/1992), that was replaced by the Prevention of and treatment for Substance Abuse Act (70 of 2008) and was promulgated on the 1<sup>st</sup> of April 2013. This Act covers new challenges regarding the prevention of drug abuse and addresses gaps, which existed in the Act 1992. It aims are to provide a comprehensive national response to the combating of substance abuse, provide mechanisms aimed at demand and harm reduction in relation to substance abuse through prevention, early intervention, treatment and re-integration programmes (Correia et al., 2020).

In addition, according to Carney, Tara, Browne, Myers, Kline, Howard and Wechsberg, the government has also been trying other

possible ways in which the environment can be a better place for its people and has been occupied attentively with numerous sectors. These sectors include the health sector, educational sectors, and non-governmental organizations of the republic. These organizations help resolve issues that the country is facing with its substance abuse, predominantly amongst adolescents. For an example, the Department of Education has applied a 'Revised Curriculum 2005 initiative'. This curriculum contains a life orientation area of learning that consists of modules to address the behaviour of youngsters and their risk towards drug use and teenage sexuality as part of the holistic initiative with the goal of encouraging healthy development of young people (Carney et.al., 2019).

According to the Department of Education, the section on substance abuse was studied and highlighted very carefully in order to deal with the issues of illicit drug abuse in South Africa. Predominately for the young people, the department also established a policy framework for the management of drug abuse by learners in schools and training institutions. This was done as a guideline to help all schools in adopting substance abuse policy. The policy instructs both teachers and parents of learners to be educated about substance abuse and its dangers, as well as possible solutions to the menace among the affected population (South Africa, 2013) Other measures are discussed below.

#### i. The National Drug Master Plan 2013-2017

According to the National Drug Master Plan (2013-2017), substance abuse continues to have power over families and is one of the leading factors for disorganized homes; it kills families, the society and the communities. Those that engage themselves in the use of illicit drugs are more likely to engage in violent crimes. The South African government anxiously worries about the harmful uses of

illicit drugs as this does not only have an effect on users, but also non-users. Lives of innocent people are at risk, they may be exposed to injuries, death caused by those caught driving under the influence of alcohol and drugs, leaving families behind broken down and torn apart. The National Drug Master Plan (2013-2017) has been fully revised and has worked with the Inter Ministerial Committee on Alcohol and substance abuse in a bid to fight these challenges. On this account, the Inter Ministerial Committee has vigorously worked with different policies, legislations, and other strategic ways that can be used to reduce the supply and demands for illicit drugs (Bowles, 2017).

The National Drug Master Plan, (2013-2017) complements the works of the Inter Ministerial Committee on Alcohol and drug Abuse by guiding and monitoring the actions of the government departments to reduce the demand for and supply of drug and the harm associated with their use and abuse. The National Drug Master Plan further explains the plans it has on the development of South Africa in stating that the preliminary plan is to make the people of South Africa apprehend the vision of a society free of substance abuse. In that case, more attention can be placed on raising the quality of life of the underprivileged and the vulnerable. This is necessary to develop people's minds towards achieving their true potentials.

The National Drug Master Plan (NDMP) of South Africa was formulated by the Central Drug Authority in terms of the Prevention and Treatment of Drug Dependency Act (20 of 1992). The National Drug Master Plan places roles and assistances on different governmental departments nationally and in different provinces, in fighting the levels of substance abuse. It also sees the need for important contributions to be made by other stakeholders in the country (Emily et al., 2017)

In the most general sense, the approach of the National Drug Master Plan, was based

on a singular approach that by criminalizing or decriminalizing substances or abusers will not solve the problem, nonetheless several strategic plans must be developed in a cohesive manner to achieve these goals. The plan commonly recognized strategies which include demand reduction, supply reduction, and a localized version of harm reduction. According to the National Drug Master Plan (2013-2017), the Public Service Commission of South Africa (2008) and the government have organized programmes that will help monitor and evaluate the drug problem facing the contemporary South Africa. It will also help diminish any financial impact that is in relation to the use of substance abuse, as well as problems caused by drugs abuse. The commission will also help create entertaining programs such as educational games that will help prevent the youth from using drugs. Through the commission, people will be provided with employment and educational trainings through which they will enlighten people on the dangers of substance abuse as well as possible solutions to overcome the drug problem (Hannah et al., 2016).

## **ii. The Drug and Drug Trafficking Act (140 of 1992)**

The Drug and Drug trafficking Act (140, 1992) can be elucidated in two ways, the first being an arrangement that is in relation to property, that is legally and exorable or not. The second explanation being an act that is associated with property and may be done individually or connected with other people, resulting in the effect of nature, source and place (Drug and Drug Trafficking Act, 140, 1992). The drug and drug trafficking Act (140, 1992) further explains the act as the diminish of any property, whether this property may be direct or indirect in relation to the said offence or the use of drug to acquire capital, savings, or other property. Drug dealing defined by the Act 140 of 1992 of the drug and drug

trafficking Act is an act of transportation, gathering, and sales of the drug.

### iii. Legal Acts Against Manufacturing and Supply of Scheduled Substances-

The Drug and Drug Trafficking Act 140,1992 submits that no person shall manufacture substance or give it to another person. Knowing and suspecting such uses may be scheduled to be used in an unlawful way.

### iv. Illegal Use and Possession of Drugs:

No persons must be allowed to have the substance in their possession, unless he or she has brought the substance for a medical purpose, required by a medical practitioner, a veterinarian, a dentist or practitioner acting in his specialized ability that is in accordance with the Medical Act. According to the Drug and Drug Trafficking Act (140,1992), a person is only allowed to sell any substance when he or she has been given the legal permission to do so in accordance with the necessities of the Medical Act or any regulation made.

### v. Criminal Procedure Act 51 of 1997

According to the Criminal Procedure Act, 51 of 1997, a search warrant may be issued to the police officers and may be used to enter or search a building or any other premises that may be identified with drugs and search the person that is found at the area of search. A warrant may be given out on any day, forcibly if possible until the person who issued it removes it. The act further elucidates that a person that has been arrested for illicit drug use may be taken for criminal charges.

### v. Prevention of and Treatment for Substance Abuse Act 70 of 2008

According to the Prevention of and Treatment for Substance Abuse Act, (70 of 2008), this Act contains programmes that deject and reduce substance abuse publicly. The reduction in the use of illicit drugs can be made possible through the involvement and application of law enforcement. The government of South Africa has identified ways in which some departments can work together in discovering possible ways to fight the menace of illicit drugs the country is facing. On this note, the South African government has commissioned the following departments to help in sharing awareness of illicit drugs use in the country: These include:

**The Department of Art and Culture-** The role of this department is to provide work-related group at risks. These are artists, performers and others. Artist musicians are required to create songs that will help share awareness, while artists and actresses are required to create films to help spread awareness (National Drug Master Plan, 2013-2017).

**The Correctional Service Department-** This department gives attention to those that are detained (prisoners). Full security must be ensured to educate prisoners about the usages of drugs (National Drug Master Plan, 2013-2017).

**The Department of Basic Education-** Education is one of the most fundamental tools used to educate people about various issues. The achievement of this vision is articulated through the action plan "2014 to 2025". This department is based on the context that runs possible ways to educate learners about drug use in schools. The department of education is working tirelessly with the National Drug Master Plan on the avoidance and control of substance abuse in both public and private schools (National Drug Master Plan, 2013-2017).

**The Department of Health-** The government has placed orders for the department of health to decrease any drug request that is as a result of psychoactive drugs. In doing so laws and policies need to be identified as an early treatment programme.

**The Department of Higher Education and Training-** This department facilitates fight against substance abuse in universities and colleges through university campaigns on drug abuse (National Drug Master Plan, 2013-2017).

**The Department of Home Affairs-** Their responsibility is to ensure that people of South Africa are registered with their correct identities and to place great security and check on those who are from other countries; and who have legal documents to be in the country; while those with no legal documents should be made to face deportation, because this is the category of foreign immigrants that can be involved in drug trafficking (National Drug Master Plan, 2013-2017).

## Theoretical Foundation

The theoretical framework chosen for this study is anchored on two deviant behavior theories: The Strain Theory by Robert K. Merton and the Differential Association Theory by Edwin Sutherland. Both theories have been selected as the best theories to explain the phenomenon of illicit drugs use in South Africa.

### i. Strain Theory

The term “anomie theory” can be defined as two variants. The first term was developed by Emile Durkheim who claims that anomie is a condition of normlessness that is experienced by individuals during period of rapid socioeconomic change. The second variant was developed by Robert Merton who claims that individuals use alternative means, including criminal activities to gain access to

socially created needs that they cannot obtain through legitimate behaviour (Burke, 2005). The first variant by Emile Durkheim explains the breakdown of rules of the society and how people behave themselves in a way that is mainly caused by their condition of normlessness. Many people may be forced by socio economic changes such as unemployment, poverty in which in most cases seem to be the driving force to commit crime. Brown, Esbensen, and Geis correspondingly explain the other variant of Robert Merton’s anomie theory that, it is usually the people who have grown up under privileged or are living in under privileged circumstances and, therefore, do not have the necessary means to have the required education or gain access to socially created needs through legitimate ways. These people are most likely to engage in criminal activities such as the use of illegal drugs, selling drugs to gain money for survival, house break-ins, robbery and other criminal offences (Esbensen and Geis, 2001). Bartollas defines the theory as a division of social structure that emphasizes on the pressure being placed on individuals who are unable to successfully achieve the cultural goals of success. Joubert, et al. analyse the theory of anomie through the concept of Emile Durkheim. The strain theory by Robert Merton is one of the most important versions in explaining crime and was greatly influenced by the great Emile Durkheim’s concept of anomie. When Merton used the theory of Anomie in his theoretical perspectives, it was regarded as one of the most well explained theoretical concept and socially constructed thought of the 20<sup>th</sup> century (Bartollas and Delinquency, 2006).

What makes up a society a complex one are people who have diverse values. People think differently and may see things differently; some of their ideas of what is socially acceptable may be smoking of illegal drugs such as cocaine or heroin. This may be considered as a division of norms of a greater group. Drug abuse for this reason is a criminal



offence, an illegal behavior that is held by those who regulate group norms. Fattah elaborates on Durkheim's work that criminal activities are a result of the making and the application of norms. Crime can, therefore, be explained as a normal phenomenon in all societies. From the stand point of anomie, there will be those who will follow the legitimate ways of doing things and those who will choose to go against societal norms (Joubert and Ovens, 2009).

Fattah adds to say that Merton's strain theory explains how societies are divided up into two structures. In a well-balanced society, both these structures work well together nevertheless, people are different in many ways and as a result, not all people will be able to achieve their goals in the right time and the same way. This may be influenced by various biological, sociological and psychological factors that might have an impact on them. Factors such as unemployment, living in a disadvantaged home, poverty, social class structures, differential opportunity structures, mental illness might cause disjunction between the goals and the means. This is what Merton called 'Anomie'. Anomie produces stress to those who realize that they could not achieve their goals through institutionalized means, as a result they engage themselves in drugs, cause huge frustration in the communities, as well as breaking the law and so on. Consequently, they then follow the so-called 'illegitimate' means to achieve their success goals (Fattah, 1997).

In addition, Merton developed five adoptions to explain crime, in no particular order: Innovation being the first, these people accept their goals and dreams and ways that they can achieve their dreams but discard ways to achieve them. For example, a young man that would like to be successful in life without being educated nor hard-working. This often happens when there are unequal opportunities in the society. Retreatism, these people discard both cultures and withdraw

from the society, drug addicts in particular are a classic example of this adaptive response. Rebellion, members of the society reject both goals but develop new ones. Conformity, the acceptance of goals and ways of achieving them, even if these goals are difficult to achieve. Ritualism, this rejects the goals but accepts the rules of the society. These are people who generally understand the laws of the society and try to avoid disappointment in life (Robert, 2006). The strain theory according to Agnew, in relation to the understanding of illicit use of drug agrees that the theory is characterized by frustration and gives way to a corrective action. Merton adds on to say that the cultural goals aimed at people are equally spread to people but the means to attain these goals are not as equally spread (Robert, 2001).

Anomie produces strain to those who realize that the goals they aim at are impossible to achieve. The American Dream produces strain to those who realize that they are unable to equally attain their goals. According to Agnew, unemployment without a doubt plays its role in influencing young people into using drugs as an escape of poverty. Most citizens in South Africa live in under-developed and disorganized communities, where majority of the population are un-educated (Agnew, 1992). Hence they are unable to afford a suitable lifestyle and employment, and much of the blame is still placed on the impact the apartheid regime had on this country. When an individual faces a strain in their lives, the goals they wish and strive for are unable to be achieved and there is a goal blockage. People, therefore, find available measures to make their lives better such as selling of illegal drugs, because that is one of the fastest ways of attaining money and this requires no education whatsoever (Agnew, 1999). Thus, these people respond to strain through deviant behavior. This theory is relevant to this discourse, considering the fact that the higher the strain experienced by people, the higher

the likelihood of people engaging in all sorts of criminal behaviour (Robert, 1998).

## ii The Differential Association Theory

Differential association theory was introduced by Edwin Sutherland in the year 1930s. In this theory, he planned a theoretical framework that explained how criminal activities could be customarily passed from one person to the other, one generation to the next. In this theory, nine propositions were prepared to explain how criminal behavior exists. The first principal being the most stimulating principal that spoke of how criminal behavior is learnt. Sutherland further explains how in his theory criminal behavior is an outcome of normal social procedures, resulting when an individual is in a form of a relationship he or she is generally likely to be influenced by their behaviour leading to deviant behaviour. Joubert, et al. elucidates on the nine propositions of the differential association theory. The first proposition, being the most common principal in Sutherland's theoretical framework is that criminal behaviour is learnt. Sutherland in this proposition explains that crime is learnt, like any other forms of behaviour. (Ross, 1988) Farrington interjects on the perception and proposes that criminal behaviour should be knowledge built rather than learnt. He concludes by stating that knowledge building is more concrete while external and internal features influence on learning. The Second proposition that criminal behaviour is learned through communicating with other people, while the third states learning takes place only when people are in close relationship with loved ones. The second and third principles suggest that criminal behaviour is well learned through vigorous participation with other people, such as close friends and family members. For example, a child learns more from the actions of their parents. That is why a child brought up by a drug-addicted parent is most likely to grow up engaging in drug abuse.

The fourth proposition states that criminal behaviour is learnt through mastering different techniques to commit specific crimes, while the fifth proposition according to Farrington states that there is a driving factor that requires criminals to learn from defining legal codes (David, 2017).

The sixth proposition, according to Sutherland's work, states that a person engages in deviant behavior when there are more reasons to disobey the law rather than obey it. When the influence of definitions favouring crime carries more weight than the influence of definitions that discourage breaking the law, this preponderance will encourage the learning of criminal behaviour. Sutherland explains the seventh proposition as a proposition that does not require similarity as every association differs from the other and this particular one deals with occurrence, period, significance, and power in explaining crime. The eight ninth propositions are quite similar, their explanation is simply a repetition of the whole theory that crime is learnt to gain needs and values., especially through interaction with criminal lifestyle (Glenn et al., 2019).

Maree prerogatives that the legacy that Sutherland has on the study of criminology is not based on the idea of learning, but his dispute is that criminal behaviour is a normally learnt behaviour. Maree interjects to say that the main strong point the theory has is that it is able to show that crime is not only a product of poverty but could happen in all settings from people living in disadvantaged homes to those in powerful businesses. Schmallegger critiques the theory of Differential association by pointing out that it does not allow for the liberty of choice for a person's circumstances (Maree, 2008). According to Akers, Jensen, Ronald and Gary, it was pointed out that the influential behaviour of associates and their attitudes are the imperative factors in a person's criminal offence, regardless of the person's attitude. This fully supports

Sutherland's theory on the idea that deviant behaviour is learnt, because there is no doubt according to Sutherland's work that peers play an important role in delinquency. Sutherland believed that when he created his theory to explain criminal behaviour, the theory would be based on the application of a wide range of illegal acts. He claimed that the differential association theory can also account for crimes done by people with high social statuses. This is what Sutherland referred to as the "white collar crime". The differential association theory states that lawlessness is common in the business, professionalism and political world; and not just a result of poverty (Akers et al., 2017).

The differential association theory expresses that deviant behaviour is learnt, just as children learn how to tie their shoelaces at their developing stages and learn how to feed themselves independently, crime is also learnt in the same way. For example, a school pupil who keeps friendship with a student that abuses drugs on a regular basis may ultimately be influenced by the friend's action and learn how to smoke dagga or any other illicit drug. A child with drug-addicted parents and is exposed to the parents' habit of drug use on a daily basis, is more likely to grow up engaging in substance abuse. This is because a child learns best at home. This supports Sutherland's first proposition that criminal behaviour is learnt. The second proposition elucidates that crime is learnt much easier when a person is associated with close people such as families, relatives, friends. When a family of two siblings, for an example is brought up by drug addicted parents, the other may choose to deal with the life struggles through education and training about the dangers of substance abuse, while the other may learn through the experience of drug usage (Lettier, 1980).

The differential association theory is relevant to the explanation of illicit use of drugs and how people are exposed to criminal

activities through knowledge from associates and communication with intimate ones. Many adolescents face the struggles of being young drug addicts because they are exposed to life influences. An adolescent learns deviant behaviour quicker than normal societal behaviour. This is mostly because of peer-pressure amongst the youth. Friendship influence and learning from people admired for using drugs as a source of pleasure may give people the ideology that it is acceptable to engage in illegal act, and this is what Sutherland refers to in his association theory. According to Steenkamp, classic example to explain the theory of Sutherland would be a South African pop star Brenda Fassie who died on the 26<sup>th</sup> of April 2004. Her death was caused by an overdose of cocaine usage that she had taken in excess. (Steenkamp, 2004) According to a good source, it was established that she collapsed and was taken to hospital where she was examined and it was concluded that she had passed on due to the indiscriminate use of illicit drug.

### **Concluding Remark**

To conclude from the above discussion, the legislations implemented by the government have been very useful to some extent; but there is an urgent need to strengthen them so as to realize their primary goals. To mention but a few, the Drug and Drug Trafficking Act 140 of 1992 has played a significant role in the mitigation of drug crime in South Africa. According to this Act, anybody that is found with the possession of a drug, whether it is of personal use or for sale, that individual shall be charged with a criminal offence. There has been a lot done by this act in trying to combat the trafficking of drugs in and out of South Africa. Such measures include the investigations and sentencing processes of individuals caught with illicit use of drugs. Secondly, the Criminal Procedure Act, 51 of 1997 seeks to take charge of any person that is in connection with a particular crime that is

related to the use of drug. The National Drug Master Plan of 2013-2017 is a policy by the government that also puts emphasis on the reduction and abstinence of drug use. This article unfolds that all these programmes are in existence to combat the illicit use of drugs in the country; but they have not been effectively harnessed by South African governments and agencies of concern. Hence indiscriminate use of dangerous drugs abounds among the youth of South Africa at an exponential rate. Generally speaking, it is clear that the use of illicit drugs is a major issue that continues to give rise to a host of crime-related socio-economic issues. Drugs continue to ruin people's lives and there is still much progress that needs to be done to combat or mitigate its effects across different communities. The theoretical framework chosen helps sum up and explain the situation of drugs and why people resort to the deviant use of drugs in contemporary South African societies.

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