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# Empathy, remorse, and restoration of dignity contributing to reduced recidivism: assessing the role of restorative justice in promoting offender rehabilitation and reintegration in Durban

Zandile Faith Mpfu , Sazelo Michael Mkhize  and James Udoh Akpan 

Discipline of Criminology and Forensic Studies, School of Social Sciences, University of KwaZulu-Natal, Durban, South Africa

## ABSTRACT

This study aims to determine whether restorative justice (RJ) programmes can help reduce recidivism and facilitate the effective reintegration of offenders into society by encouraging empathy, regret, and the restoration of their dignity. The research investigates the lived experiences of key informants and community members in Cato Manor, South Africa, using a qualitative methodology approach. The significance of restorative justice (RJ) programmes in fostering possibilities for regret among offenders and a feeling of community connection was demonstrated using thematic analysis. These results support the Social Bond Theory (SBT) and Reintegrative Shaming Theory (RST), indicating that restorative justice (RJ) can promote accountability and lower recidivism rates. Families must take an active role in helping offenders get back on track and reintegrate into society through therapy and support services. To guarantee the efficacy of RJ programmes and to ensure that they address the unique requirements of the community, the study highlights that there is a necessity of involving community members in their design and evaluation. RJ programmes can provide a route to a more efficient and compassionate judicial system by emphasising communication, healing, and reintegration; this will ultimately lead to safer and more equitable societies. The study's conclusions advocate for a comprehensive strategy to lower recidivism, one that includes active community involvement in RJ efforts, family assistance, focused interventions, and career counselling for ex-offenders.

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## Introduction

Recidivism rates that tax the prison system and feed the cycle of crime are a major problem for the South African city of Durban (Cooke & Nieuwoudt, 2022). There has been little progress in stopping this trend by the traditional retributive justice system, which is centred only on punishment (Zhao et al., 2018). However, a growing amount of research indicates that programmes based on restorative justice (RJ) may provide a more practical and compassionate solution. The potential of restorative justice (RJ) to support criminal rehabilitation and reintegration within Durban's court system is examined in this article, with particular attention to the critical roles that empathy, regret, and the restoration of dignity play in lowering recidivism. Fostering empathy between the victim and the perpetrator is one of RJ's core tenets (Wulach & Justice, 2018).

Offenders might have a greater knowledge of the victim's perspective through conversation and acknowledging the hurt they have caused, which can lead to regret and a sense of accountability for their conduct (Bazemore & Stuart, 2016). Particularly among the various populations of Durban, this transition from an 'us vs. them' perspective to an understanding of common humanity can be a potent

**CONTACT** Zandile Faith Mpfu  [zandilempofu19@gmail.com](mailto:zandilempofu19@gmail.com)  Discipline of Criminology and Forensic Studies, School of Social Sciences, University of KwaZulu-Natal, Howard College Campus, Durban, South Africa

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incentive for positive change (Van Voorhis et al., 2016). Lower recidivism rates have been associated with remorse—a sincere regret for offending (Maruna & LeBel, 2017). Remorse can emerge in an atmosphere that is supported by RJ programmes because they force participants to face the consequences of their acts head-on (Van Voorhis et al., 2016).

Offenders are more likely to be driven to modify their behaviour and reintegrate into society as law-abiding citizens when they feel sincere regret (Maruna & LeBel, 2017). This is especially true in Durban, where long-term solutions to crime must address its underlying roots. According to Bazemore and Stuart (2016), the traditional justice system has the potential to dehumanise offenders by robbing them of their dignity and fostering a feeling of alienation. RJ programmes can assist in re-establishing a feeling of dignity and self-worth by providing avenues for communication and recognising the offender's potential for reform (Wulach & Justice, 2018). Consequently, this can enable criminals to make wise decisions and interrupt the cycle of recidivism (Bazemore & Stuart, 2016).

Restoring dignity becomes essential to creating a more equitable and peaceful community in a city like Durban, where socioeconomic imbalance can fuel criminal activity.

RJ programmes present a viable substitute for Durban's conventional justice system by encouraging empathy, regret, and the restoration of dignity. This paper's subsequent sections will examine the empirical data that demonstrates RJ's efficacy in lowering recidivism rates in the South African setting. We'll look at the many RJ practice models that may be customised to Durban's unique requirements and talk about the benefits and problems that come with expanding their use. This investigation can help Durban create a more restorative justice system that promotes rehabilitation, lowers recidivism, and makes the city a safer and more equitable place for all.

### **Research objectives**

- To explore how community members in Durban view restorative justice initiatives regarding criminal offenders and victims.
- To explore effects of restorative programmes on recidivism Durban offenders.

### **Research questions**

- How do the people in the community view restorative justice initiatives regarding criminal offenders and victims in Durban?
- What are the effects of restorative justice programmes on recidivism on Durban offenders.

### **Literature review**

Restorative Justice's roots can be traced back to indigenous and community-based justice systems, which prioritized healing and communal harmony over punishment (Braithwaite, 2002). RJ typically requires the offender to acknowledge the harm caused and engage in meaningful dialogue with the victim, facilitating accountability and mutual understanding (Johnstone, 2011). Importantly, RJ's emphasis on taking responsibility goes beyond expressing remorse; it involves recognizing the harm and actively participating in a restitution process (Walgrave, 2008). While RJ does seek to restore dignity, this is intended for both the victim and the offender. By adopting a balanced approach that respects the humanity of all parties involved, RJ seeks to fulfill a dual purpose: to repair harm while fostering the offender's reintegration into society (Umbreit & Armour, 2010). This approach counters perceptions that RJ overly emphasizes the offender by recognizing that RJ's restorative processes also validate the victim's experiences and needs, often involving active participation from the victim in deciding the terms of restitution (Daly, 2002). RJ advocates often grapple with this balance, as some victims may desire punitive measures, viewing them

as justice (Strang, 2002). RJ, however, encourages a holistic view that sees both victim and offender as part of a shared social fabric, aiming to transform relationships and perceptions of justice (Zehr, 2002). Scholars like Llewellyn and Howse (1999) argue that RJ's reframing of justice challenges binary conceptions of 'victim' and 'perpetrator', advocating instead for a model where accountability and compassion coexist.

The traditional retributive justice system, which prioritises punishment and deterrence, has had only patchy effectiveness in reducing the rate at which criminals re-enter the criminal court system (Zhao et al., 2018). Restorative justice (RJ) techniques that prioritise mending harm, cultivating empathy, and restoring dignity are becoming more and more popular as a result (Van Voorhis et al., 2016). An in-depth analysis of the research on the subject of RJ's contribution to the rehabilitation and reintegration of offenders into society is presented in this paper. It emphasises how important empathy, regret, and the restoration of dignity are in lowering recidivism rates.

Restorative justice (RJ) is a model that shifts the focus of criminal punishment from retributive to reparative, emphasizing healing, accountability, and reconciliation between the offender, victim, and community. It involves a structured, flexible process that assesses cases, prepares victims and offender for a face-to-face meeting or mediated dialogue, and encourages sharing experiences to reach an agreement on reparative actions. RJ complements formal sentencing, addressing harm holistically, reducing recidivism, and enhancing community trust in the justice system.

### ***Transitioning to restorative justice***

Although the idea of RJ is not new, implementation and research activities have accelerated recently. This, according to Bazemore and Stuart (2016), is a result of people's growing discontent with the punitive system and their realisation that justice requires a more comprehensive approach. RJ programmes provide a forum for the interaction of victims, offenders, and community members, encouraging communication and comprehension (Wulach & Justice, 2018). The move in the criminal justice system towards restorative practices is consistent with the increased focus on victim-centred justice and offender rehabilitation (Van Voorhis et al., 2016).

### ***Inception of restorative turn***

Native American and community-based customs are the origins of the concept of RJ, hence it is not new (Braithwaite, 2018). However, efforts to conduct studies and put them into practice have increased recently. Several factors, including the growing recognition of the need to address victims' needs and perspectives within the justice system (Van Voorhis et al., 2016) and the shift towards perceiving offenders as capable of change and reintegration into society (Maruna & LeBel, 2017), are attributed by Bazemore and Stuart (2016) to this. The limitations of punishment in preventing crime and rehabilitating offenders have also become apparent (Hudson & Hough, 2015).

### ***The procedure for restorative justice***

Typically, restorative justice techniques entail facilitated conversations or gatherings where victims, offenders, and occasionally members of the community can convene. These conversations can help offenders comprehend the pain they caused and how it affected the victim more fully (Wulach & Justice, 2018). RJ programmes can provide opportunities for reparation, such as apologies or community service, which can help with healing and relationship rebuilding. By facing the consequences of their actions, offenders may develop genuine remorse and a commitment to making amends (Maruna & LeBel, 2017).

### ***Potential advantages of restorative justice***

According to research, RJ can have several advantages. RJ programmes and decreased recidivism rates have been positively correlated, according to studies (Lattimore et al., 2019). Victims can feel more vindicated and at peace with the restorative process when they are given a voice (Van Voorhis et al., 2016). RJ can help offenders develop a feeling of responsibility and accountability, which will inspire them to

alter their behaviour (Maruna & LeBel, 2017). RJ initiatives can foster social cohesion by promoting communication and healing wounds within communities (Wachholz, 2020).

### **Empathy: overcoming disparities**

Fostering empathy between the victim and the perpetrator is one of RJ's core tenets (Wulach & Justice, 2018). Restorative conferences and facilitated discourse can help offenders comprehend the harm they have inflicted more fully. This can help people get away from the 'us vs. them' mentality and develop a sense of duty and responsibility (Bazemore & Stuart, 2016). Empathy has been shown in numerous studies to have a beneficial effect on recidivism rates. For instance, Maruna and LeBel (2017) stress how critical it is to cultivate empathy in desistance programmes, where offenders are urged to consider the consequences of their behaviour. In a similar vein, RJ has the capacity to start a 'circle of empathy' that promotes healing and reconciliation, according to Bazemore and Stuart (2016).

### ***The strength of empathy***

Fostering understanding, compassion, and prosocial behaviour, empathy enables us to view the world from the perspective of another person. According to research, empathy can lessen discrimination and prejudice. According to Watson et al. (2017), we can overcome societal barriers and confront our prejudices by learning about the experiences of others. According to Kellett et al. (2019), empathy provides a foundation for compromise and collaborative problem-solving by assisting people in finding points of agreement. Making ethical decisions requires having an awareness of how our activities affect other people.

### ***The criminal justice system's empathy***

The potential of empathy is frequently disregarded by the traditional retributive justice system, which is centred on punishment and deterrence. Nonetheless, an increasing amount of evidence indicates that encouraging empathy can be crucial to advancing restorative justice and lowering recidivism rates. RJ programmes can help offenders develop empathy and help them realise the harm they have caused by promoting conversations between victims and offenders (Wulach & Justice, 2018). This may result in sincere regret and a resolve to make apologies. Giving victims a chance to tell their tales and offer their points of view can make criminals and the general public more sympathetic, which promotes justice and healing (Van Voorhis et al., 2016).

### ***Obstacles and considerations***

Although cultivating empathy has enormous potential, there are several issues to take into account: Our innate prejudices may prevent us from empathising with others who are unlike us. According to Klimecki et al. (2018), empathy is a talent that can be acquired via education and training rather than a fixed attribute. In circumstances where there is an imbalance of power, such as between the victim and the offender, empathy can be hard to develop. Even with all of the difficulties, developing empathy is still an important task. Here are a few strategies for continuing. Empathy training can be incorporated into educational programmes to give participants the tools they need to comprehend and relate to others. Fostering empathy and bridging gaps can be achieved by encouraging people to take into account other points of view. According to Van Voorhis et al. (2016), sharing personal tales can be a very effective way to promote empathy and understanding. Although empathy cannot heal all problems, it has great potential to heal divisions and make the world a more compassionate and just place. We can strengthen our bonds, encourage collaboration, and eventually establish a more tranquil and harmonious society by cultivating empathy within ourselves and our communities.

### ***Remorse an inspiring source of change***

According to Maruna and LeBel (2017), remorse is a complicated emotional reaction that is marked by regret, sadness, and a sense of accountability for transgression. It entails a deeper emotional comprehension of the harm done to the victim and the larger community, going beyond merely admitting the crime itself. Another essential component in encouraging offender rehabilitation is remorse or sincere regret for misbehaviour. By enabling a confrontation with the consequences of wrongdoing, restorative justice programmes can foster an atmosphere that is favourable to the development of remorse (Van Voorhis et al., 2016). Research by Maruna and LeBel (2017) indicates that remorse and lower recidivism rates are positively correlated. An offender's motivation to modify their conduct and reintegrate into society as law-abiding citizens is higher when they feel sincere regret. Simply expressing regret, though, might not be enough, according to research by Lattimore et al. (2019). Reducing recidivism is probably going to be more significantly impacted by genuine and profound regret combined with tangible reparation efforts.

### ***The importance of remorse in rehabilitation***

According to research, offenders who exhibit remorse are more likely to make constructive changes in their lives. Sincere regret can inspire a strong desire to atone for past wrongs and stop future harm (Maruna & LeBel, 2017). Remorseful offenders are more likely to enrol in rehabilitation programmes and alter their lives for the better. Research has indicated a connection between reduced recidivism rates and feelings of regret (Lattimore et al., 2019). Because of their sincere regret and desire to improve, offenders who demonstrate remorse may be less likely to commit crimes again. When perpetrators show sincere regret, it might aid in the victims' recovery. According to Van Voorhis et al. (2016), admitting the harm done might provide closure and a sense of legitimacy.

### ***Difficulties in evaluating remorse***

There are various difficulties in evaluating regret within the criminal justice system. It might be challenging to distinguish between sincere regret and a deliberate attempt to obtain leniency (Hudson & Hough, 2015). Sincerity can be determined by looking for signs like emotional expression, accepting responsibility, and taking specific steps to make amends. Since different cultures have different ways of expressing regret, it's important to take cultural context into account when assessing an offender's response (Wachholz, 2020). Offenders may find it difficult to freely express regret due to the power disparity between them and the authorities for fear of receiving heavier penalties.

### ***Encouraging repentance within the criminal court system***

Several strategies can support the growth of sincere regret: RJ programmes can give offenders the chance to face the repercussions of their conduct and get a greater comprehension of the suffering they have caused by fostering communication between victims and offenders (Wulach & Justice, 2018). According to Van Voorhis et al. (2016), letting victims talk about their experiences can make offenders more sympathetic and help them come to regret their actions. More sympathetic and restorative methods that can encourage regret can be informed by knowledge of the possibility that trauma contributes to criminal behaviour (Courtois & Ford, 2018).

Feeling regret is a strong incentive to make improvements. Although recognising and nurturing true regret can be difficult, more research is necessary to fully understand its potential benefits for both victim and offender rehabilitation. The criminal justice system can foster an atmosphere that is more favourable for the formation of remorse by using restorative justice practices, victim-centred approaches, and trauma-informed therapies. This will ultimately promote rehabilitation and lower recidivism rates.

### ***Regaining honour: ending the tragedy***

According to Van der Veen and Doornen (2019), dignity is a basic human right that includes respect, self-worth, and the ability to make decisions for oneself. Prison, shame, and being called an 'offender' are just a few ways that the criminal justice system can undermine someone's sense of dignity (Wachholz, 2020). According to Bazemore and Stuart (2016), the traditional justice system has the potential to dehumanise offenders by robbing them of their dignity and fostering a feeling of alienation. RJ programmes can assist in re-establishing a feeling of dignity and self-worth by providing avenues for communication and recognising the offender's potential for reform (Wulach & Justice, 2018). Consequently, this can enable criminals to make wise decisions and interrupt the cycle of recidivism (Bazemore & Stuart, 2016). Numerous studies emphasise how crucial dignity is to rehabilitation. Tyler and Huo (2018), for example, contend that procedural justice—which places a strong emphasis on treating people with respect and dignity throughout the legal system—may enhance emotions of trust and cooperation, which in turn can lead to favourable results. According to research by Braithwaite (2018), restorative justice (RJ) programmes that emphasise mending relationships and re-establishing social capital can also empower criminals and help them become less likely to commit crimes.

### ***Rehabilitation and dignity restoration***

According to research, regaining one's dignity is essential for a good outcome in rehabilitation. Offenders are more likely to take an active role in their own treatment and make positive life adjustments when they feel appreciated and respected (Maruna & LeBel, 2017). Research indicates a connection between dignity-focused programmes and reduced recidivism rates (Skeem & Mann, 2016). An outlook on the future and self-belief in one's capacity for change are fostered by a sense of dignity. When criminals see that the community values and respects them, they are more inclined to reintegrate into society (Bazemore & Stuart, 2016). Prosocial behaviour and a sense of belonging are fostered by a restored sense of dignity.

### ***Dignity and restorative justice programmes***

Through the facilitation of dialogues between victims, offenders, and occasionally community members, restorative justice (RJ) techniques present special chances for restoring dignity. RJ encourages offenders to accept responsibility for their actions and take part in the healing process (Wulach & Justice, 2018). The term 'offender' can be abandoned in RJ programmes in favour of highlighting each person's talents and capacity for growth. Rehabilitating justice (RJ) programmes that are effective can help criminals reintegrate with dignity by promoting forgiveness and acceptance in society (Van Voorhis et al., 2016).

### ***Obstacles and things to think about***

Even with the advantages, there are obstacles in the way of the criminal justice system's efforts to restore dignity. Pre-existing prejudices based on racial background, financial status, or mental health may be strengthened by the criminal justice system. It is imperative to tackle these prejudices to guarantee fair access to programmes that restore dignity. Throughout the restorative process, it is critical to provide victim safety, voice, and healing (Van Voorhis et al., 2016). One party's restoration of dignity shouldn't come at the other's expense. Effective implementation of dignity-restorative programmes requires funding for qualified facilitators, relevant materials, and a supportive infrastructure (Braithwaite, 2018).

### ***The prospects for restoring dignity***

The criminal justice system could undergo a significant transformation if dignity restoration is implemented. Here's how to proceed: Integrating trauma-informed interventions can help address the root causes of crime and foster greater understanding and compassion (Courtois & Ford, 2018); strengthening ties between law

enforcement and the community can foster trust and create a more supportive environment for both victims and offenders (Bazemore & Stuart, 2016); and developing policies and practices that prioritise dignity throughout the criminal justice system, from sentencing to reintegration, is imperative.

Restoring dignity is more than just a humanitarian gesture—it's essential to a successful recovery and lower recidivism rates. The criminal justice system can advance towards a more equitable, compassionate, and successful strategy for combating crime and advancing public safety by placing a higher priority on dignity.

### ***Obstacles and considerations***

Even while RJ has a lot of potential advantages, there are drawbacks to take into account. Making sure victims are satisfied and participate is a major concern (Van Voorhis et al., 2016). Programmes for restorative justice ought to be voluntary and put victims' needs and safety first. Furthermore, resources, a cooperative criminal justice system, and facilitators with training are necessary for successful implementation (Braithwaite, 2018). Additionally, Hudson and Hough (2015) research emphasises how critical it is to customise restorative justice programmes to the unique requirements of the offence, offender, and victim. A 'one size fits all' strategy might not work. The research underscores the promise of restorative justice (RJ) in fostering offender rehabilitation and mitigating recidivism. Compared to the conventional retributive model, restorative justice (RJ) programmes offer a more compassionate and comprehensive approach to justice by promoting empathy, remorse, and the restoration of dignity. According to research, RJ can help offenders establish a 'circle of empathy' that promotes healing, reconciliation, and a sense of responsibility. Offenders are more likely to be motivated to alter their behaviour and reintegrate into society as law-abiding citizens when they feel sincere regret and their dignity is restored. Nonetheless, it's critical to recognise the difficulties in implementing RJ. It is crucial to guarantee victim satisfaction, safety, and participation. A strong criminal justice system, sufficient funding, and skilled facilitators are also necessary for a successful implementation. For Restorative Justice (RJ) programmes to be as effective as possible, they must be specifically designed to meet the needs of the victim, offender, and offence.

Going forward, more investigation is required to determine the optimal strategies for implementation in various situations and to examine the long-term effects of RJ programmes on recidivism rates. Furthermore, initiatives to increase public knowledge of restorative justice are required in both the criminal justice system and the general public. RJ has the power to change the judicial system by addressing the issues and making more investments in implementation and research. This would promote a more equitable, compassionate, and successful approach to rehabilitation and lower recidivism rates.

### ***Procedural justice as a way of reducing recidivism***

Baker et al. (2021) examine the relationship between procedural justice and incarcerated individuals' willingness to comply with rules in jails. This research suggests that when people feel they are treated fairly, they develop a stronger commitment to following institutional rules, which could lead to a more orderly prison environment and foster personal responsibility. Similarly, Bello and Matshaba (2022) study in South Africa explores how procedural justice affects inmates' sense of obligation to obey the law. This is particularly relevant in the South African context, where prisons face unique challenges, and it reinforces the idea that fair treatment can enhance compliance and improve conditions within correctional facilities.

Further, Van Hall et al. (2024) investigate changes in detainees' perceptions of procedural justice over time and how these changes correlate with changes in misconduct. This longitudinal perspective supports the view that procedural justice can have a cumulative, positive effect on behavior, suggesting that an ongoing commitment to fair treatment may lead to better long-term outcomes for detainees. Reisig and Mesko (2009) study also ties procedural justice to legitimacy within prison environments, showing that inmates who perceive the system as legitimate are less likely to engage in misconduct. Such findings underscore that procedural justice has a stabilizing effect on prison dynamics, potentially easing the administrative burden on correctional staff.

Lastly, Van Ginneken and Palmen (2023) expand the scope by examining the broader context of prison conditions and their impact on recidivism. Their study provides a link between the treatment individuals receive while incarcerated and their likelihood of reoffending after release. This is highly pertinent to the manuscript's argument on dignity and respect, as it suggests that fair treatment within correctional facilities can lead to positive behavioural adjustments that extend beyond incarceration.

### ***Theoretical framework***

With an increased emphasis on rehabilitation and recidivism reduction, the criminal justice system is continuously changing. Insights for encouraging constructive change in offenders can be gained from two important theories: Reintegrative Shaming Theory (RST) and Social Bond Theory (SBT). In examining these theories, this paper will point out their advantages and discuss how to use them to develop a more efficient and compassionate legal system.

### ***Reintegrative Shaming Theory***

Reintegrative Shaming Theory (RST), which was developed by John Braithwaite in 1989, contends that shame may be a potent tool for encouraging positive change when it is communicated correctly. Making a distinction between stigmatisation and reintegrative shame is crucial.

- Reintegrative Shaming: This is expressing disapproval of the behaviour while highlighting the offender's value as a person and providing a direct route back into society. This strategy promotes regret, taking ownership of the situation, and a desire to make things right.
- Stigmatisation: When someone is branded as a criminal, they are excluded and the chance of constructive change is thwarted. Stigmatisation raises the risk of recidivism and breeds resentment.

According to RST, shame should be applied with a degree commensurate with the seriousness of the offence, and shame should ideally take place in a community that is supportive and provides opportunities for rehabilitation and reintegration. Offenders should also be encouraged to communicate with victims and the community to comprehend the consequences of their actions and take part in the healing process.

### ***Social Bond Theory***

Strong social ties serve as a deterrent to criminal behaviour, according to Travis Hirschi's Social Bond Theory (SBT), which was developed in 1969. People who have these ties to society and a sense of belonging are less prone to act in ways that can damage those ties. According to SBT, four main social ties are important to consider: the degree to which a person is actively involved in positive social activities like work, school, or community service; the strength of a person's attachment to family and loved ones; strong attachments offer emotional support and deter deviant behaviour; and the degree to which a person invests in reaching future goals like education or career aspirations. Participation increases a person's sense of purpose, lowers the likelihood of criminal conduct, and helps them internalise society's norms and values. Strong moral convictions deter criminal activity.

### ***Connecting the theories to rehabilitation***

SBT and RST provide complimentary viewpoints for advancing rehabilitation:

SBT assists in identifying variables that impair social ties and may encourage criminal activity. RST offers suggestions for strengthening weaker ties through reintegrative shaming techniques, which are based on SBT. Through facilitating avenues for communication, restoration, and community engagement, the legal system may cultivate a feeling of inclusion and encourage criminals to make constructive contributions towards reform. Both ideas back restorative justice procedures that encourage communication between victims and offenders as well as community involvement. These activities can promote reintegration and build social ties.

### ***The theory's applications in the criminal justice system***

Reintegrative shame can be prevented and social ties can be reinforced through programmes that bring victims, offenders, and community members together to talk about the offence and the way forward for healing. By allowing victims to express the effects of the crime, we can enhance social relationships by encouraging offenders to take responsibility and evoking empathy in them. Participatory sentencing procedures that include victims, offenders, and community members can foster communication, responsibility, and the possibility of reintegration.

Both Social Bond Theory and Reintegrative Shaming Theory provide insightful frameworks for comprehending and advancing recovery. Through addressing the fundamental social and emotional elements that lead to criminal behaviour, as well as cultivating a feeling of community and responsibility, the criminal justice system can advance towards a more efficient and compassionate strategy for lowering recidivism and promoting public safety.

### ***Methodology***

The goal of this study was to better understand lived experiences of community members in the Cato Manor informal community in Durban, South Africa, by using a qualitative technique within an interpretivist framework. According to Denzin and Lincoln (2018), the interpretivist approach recognises the subjective aspect of human experience and attempts to interpret the meanings people ascribe to it.

### ***Sampling strategy***

Key informants and community members who supplied rich and insightful data pertinent to the study were chosen using purposive sampling. This approach focused on people who had qualities that were thought to be important for the research (Patton, 2015).

### ***Participant selection***

The author selected key informants who were four participants from local associations such as Ikhamba Community Development and Cato Manor Development Association. These people are extremely knowledgeable about the neighbourhood and the difficulties faced in the community. The study also recruited twelve participants from the community. People living in the Cato Manor informal settlement who are 18 to 50 years old, male or female. To represent a wide variety of viewpoints throughout the community, this age range was selected.

### ***Data generation***

This study was cleared by the University of KwaZulu-Natal's Humanities and Social Research Ethics Committee (Protocol Number: HSSREC/00004924/2022). All ethical protocols were observed, and pseudonyms used for anonymity purposes and an informed consent was obtained from the participants prior to each interview session. Individuals were subjected to in-depth, semi-structured interviews. According to Rubin and Babbie (2018), the one-on-one approach facilitates comfortable and open communication by enabling participants to share their experiences and viewpoints in detail. To encourage participants to delve deeper into their experiences, an interview guide was created in advance, which included important subjects and open-ended questions. The interviews were conducted with flexibility in mind to enable the examination of unanticipated yet pertinent themes that surfaced. Each interview was 30 minutes long per participant and were conducted by one researcher. In undertaking research, ethical considerations assumed a significant role. This research ensured anonymity, confidentiality and privacy by using pseudonyms, a written informed consent form was obtained from the participants prior to each interview session.

## **Data analysis**

The interview data was analysed using thematic analysis. Using this approach, recurrent themes in the data are found, coded, and arranged (Braun & Clarke, 2020). Thematic analysis can be deductive, which involves applying pre-existing theoretical frameworks, or inductive, which involves extracting themes from the data. Because both strategies were combined in this study, new themes were able to develop while still being firmly based on pertinent theoretical ideas.

## **Ensuring rigor**

The following actions were done to guarantee the reliability and validity of the research: Member checking which involves the distributing transcripts of interviews to participants to make sure their viewpoints are fairly reflected. Peer Debriefing which involves the talking with colleagues about the study methodology and conclusions can help uncover hidden biases and provide new perspectives. Keeping an Extensive Audit Trail which involves keeping meticulous notes during the research process to record decisions and the reasoning behind them. To ensure rigor, the research team employed several strategies, including triangulation, member checking, and peer debriefing. Triangulation was achieved by collecting data from multiple sources to cross-verify information and enhance reliability. Member checking was conducted by sharing preliminary findings with participants to confirm accuracy and reflect their perspectives authentically. Additionally, regular peer debriefing sessions within the research team allowed for critical reflection on the data analysis and interpretation, helping to mitigate personal biases and strengthen the credibility of the findings. These practices underscore the team's commitment to rigor throughout the study.

## **Ethical considerations**

Before starting the interviews, informed consent was acquired from each participant. Throughout the whole study process, participants were guaranteed their privacy and confidentiality. The study was carried out in compliance with the University of KwaZulu-Natal review board's ethical research criteria. Purposive sampling and an interpretivist paradigm are used in this qualitative study to attempt to offer deep insights into the daily experiences of those living in the Cato Manor informal settlement. In-depth interviews and thematic analysis are used in this study to provide insightful data that can guide interventions and community development programmes.

## **Findings**

This section contains the study's data that were collected. In this section, the data collected for the study are analysed, conclusions are drawn, and these conclusions are further discussed in a discussion. The quotes from the participants are presented verbatim in this section. The quotation marks are block-indented and italicised. By the ethical concept of anonymity covered in the methodology section, individual participants' identities are not disclosed. Participants included both community members and community leaders, and they were referred to by codes (CL and CM).

### ***Theme 1: community members' opinions of restorative justice initiatives involving criminal defendants and victims***

The two sub-themes that flow from the theme mentioned above are highlighted in this section. The community's involvement in the various stages of restorative justice projects is the main focus of the sub-themes. The programmes that aid in the recovery of the victim, the perpetrator, and the community at large are also included in this section.

#### ***Sub-theme 1: a restorative justice programme(s) that allow the criminal to own up to the harm they have caused to the victim and the community***

According to Shapland (2016), one of the first initiatives in restorative justice was the victim-offender mediation programme, which is also referred to as the victim-offender reconciliation programme. While

making sure that criminals are held responsible for their crimes, these programmes are meant to meet the requirements of victims of crime. Regarding the efficacy of restorative justice initiatives in allowing the criminal an opportunity to speak, the participants offered the following opinions:

*'This community's restorative justice initiatives are incredibly successful. In the victim-offender mediation programme, for instance, the offender is allowed to open up to the victim. Some offenders are so repentant that they even cry during these sessions, despite others who, as their body language suggests, are impolite throughout these sessions.'* (CL-2).

*'Programmes for restorative justice, such as those for victim-offender mediation, do provide an exceptional avenue for criminals to own up to their mistakes by interacting directly with the people they have injured. These courses foster empathy and accountability in offenders, two critical components of the rehabilitation process, by giving them a voice.'* (CM-3).

The advantages of community service are similar to those of repayment. It can be quite beneficial to alter an offender's values (Bazemore & Stinchcomb, 2004). Community service allows criminals to contribute back to the community as a whole, even while it does not aim to address the needs of a particular victim. Furthermore, community service frequently comes at a lower cost of monitoring and supervision than jail time. According to the participants, the activities provided to ex-offenders help the community at large by discouraging them from engaging in criminal activity. What a participant said is as follows:

*'Those who serve their community as offenders are always appreciated by the members of the community'. The majority of the responsibilities assigned to them include cleaning the community centre and the local schools. They are occasionally used to clean the streets. We are aware as a community that doing this deters them from committing crimes.* (CM-3).

### **Sub-theme 2: programmes for restorative justice that aid in the healing of the offender, the victim, and the community at large**

A sense of belonging or a sense of community (Abramson & Beck, 2011). People who feel connected are less likely to let those they care about or are linked to down, which makes restorative justice possible. Communities are also viewed as a 'way to be'—a setting where people may interact, show concern, and build trust. As such, a community functions as a bridge for the reunification of the perpetrator and the victim as well as a symbolic nursery where expectations of behaviour are set, observed, and upheld (Abramson & Beck, 2011). One of the participants brought up the point that a certain level of community connection is necessary for the restorative justice projects to be successful.

*'As a group, we follow our own set of guidelines. We have an idea of how we want our community to be, just like any other area. Our community needs to be connected before anything else can happen. There are certain subjects on which we must reach a consensus. Because we already have trust and compassion for one another, restorative justice programmes greatly aid in the mending of the community as a whole.'* (CM-12).

*'People who have a sense of belonging and connection to their community are more inclined to uphold common standards of behaviour, norms, and values. The basis for trust, empathy, and mutual support—all necessary components for successful rapprochement and the rebuilding of ties within the community—is this connectivity.'* (CM-7).

According to published research, victims who speak with the perpetrator directly can express their needs, wants, and feelings while also receiving recognition, compensation, and closure (Kilchling, 2019). To restore victims' sense of agency and control over their lives, this process of acknowledging the harm done and working towards a resolution can be extremely restorative (ibid, 2019). A participant brought up the point that talking to the perpetrator and expressing oneself as a victim can assist speed up the healing process. Psychologists, friends, and family are unable to fill the gap left by the offender, but they do feel some relief after the perpetrator apologises.

*'I believe that being able to articulate oneself is a vital life skill. Improving one's mental well-being also requires it. But no matter how much a person talks to friends, relatives, or psychologists, I think there will always be a part of them that doesn't want to talk to the person who hurt them. The criminal can only then explain why they initially committed the crime. Therefore, giving someone the chance to answer questions about their motivations for committing the crime—regardless of whether they were aware of it at the time—helps people recover, especially the*

victim and other members of the community. Additionally, once offenders have admitted their wrongdoings and the extent of the pain they have caused, they begin to heal. Being given the chance to apologise and establish their credibility in the community also aids in their healing and inspires them to become better people.' (CM-1).

## **Theme 2: examining how restorative justice initiatives affect prisoners' recidivism (reoffending) in Durban**

This theme, which is divided into two sub-themes, examines the roles that offenders, crime victims, and community members play in preventing recidivism. It also looks at the support provided to offenders both during and after programmes that lower recidivism, the efficacy of these programmes, and actions that can be taken to increase their effectiveness.

### **Sub-theme 1: the part that victims, offenders, and community members play in preventing recidivism**

In addition to aiding in crime prevention and offenders' reintegration into society, community members are crucial in supporting both crime victims and offenders (Van Ness et al., 2022). People are less likely to cause harm to a community that they regularly feel accountable to and a part of. Strong social links between people and their communities are thought to act as a deterrent to criminal activity, according to literature supporting the Social Bond Theory's tenets (Costello & Laub, 2020). Communities fortify the social ties that bind people to their community when they band together to assist ex-offenders in reintegrating into society (Costello & Laub, 2020). A greater sense of accountability, support, and belonging lowers a person's likelihood of committing crimes. According to the participants, it is imperative to reintegrate convicts into the society, as this will foster a social tie with members and make it more difficult for them to commit crimes in the future. The participants shared the following opinions in this regard:

*'I believe that an offender is less likely to commit the same crime again if they feel liked and accepted by the community even after committing it. Some of the community's offenders have undergone radical transformations and are now utterly dedicated to the welfare of the community. A few of them are even active participants in our community's forums.'* (CL-3).

*'Some of these offenders are now actively engaged in community forums, which shows their continued dedication to constructive change and participation. Their participation in these forums not only attests to their change but also adds a varied range of viewpoints and experiences to community conversations and decision-making processes.'* (CM-7).

Recidivism may only be avoided by giving criminals opportunity to remain employed and be reintegrated into the community. For this reason, the community helps these criminals by giving them jobs and making sure they are accepted back into society. The participants emphasised that although it is challenging for ex-offenders to find jobs with a criminal record, certain community members provide employment alternatives. They stated:

*'We have criminals working for the community because we are all aware of how hard it is for formerly incarcerated people to obtain employment. That is how we, as a community, demonstrate to them our forgiveness. A portion of them work as housekeepers at the schools and community centres. As they commit crimes and stay out of trouble, this is how these offenders are kept off the streets.'* (CM-12).

### **Sub-theme 2: support's effects on offenders both during and after recidivism**

Since community service mandates that offenders work with members of the community rather than just with prisoners or alone, they may be more likely to form meaningful relationships with mentors and a social support system, which is comparable to roles in the workplace, family, or religion that the offender may not otherwise be able to access (Clear, 2018). Participants said that the offender might get a better social image and a sense of community building if the service is carried out by volunteers who offer guidance and support. It was stated that:

*'In my opinion, working directly with offenders makes it simple to provide them with moral and emotional assistance. I am a member of the Cato Manor Ikhamba Community Development. We provide youth with mentoring*

*services and run programmes to assist ex-offenders. It is clear that these initiatives have reduced recidivism. There are currently ex-offenders eager to volunteer for our initiatives'. (CL-4).*

*'From what I've observed in the community, opportunities for community service give offenders access to training, work experience, and useful job skills that can improve their employability and prospects going forward. Ex-offenders can divert from criminal activity by developing their feeling of self-worth and confidence through learning new skills and gaining experience'. (CM-3).*

Ex-offenders enhance community safety and well-being by actively engaging in community activities and showcasing their dedication to positive change. Pro-social activity makes communities safer and more welcoming while lowering the chance that ex-offenders would commit new crimes. One participant, a primary school teacher in the region, reported witnessing a number of ex-offenders who voluntarily came to work as cleaners or runners at the school to demonstrate their integrity and desire to integrate into society.

*'As a teacher at one of the local primary schools, I have seen many ex-offenders coming to volunteer either as cleaners or runners for teachers. They act in this way to demonstrate their integrity and their desire to blend in with the locals. As educators, we assist them in regaining a sense of belonging to the community'. (CM-11).*

## Discussion of findings

The quotations from the participants emphasised important facets of restorative justice (RJ) programmes, namely the importance of community and the role of the offender's voice in their successful implementation. The importance of RJ programmes in providing offenders a voice is emphasised in both CL-2 and CM-3. One example given in CL-2 is victim-offender mediation, in which the offender can 'pour out their heart' and express regret. CM-3 emphasises how talking promotes accountability and empowers people to accept responsibility. This is consistent with the reintegrative shaming theory (RST) proposed by Braithwaite (1989). It encourages a sense of responsibility and makes reintegration into the community easier when offenders can express regret and take part in the healing process. Hirschi's (1969) Social Bond Theory (SBT) has an indirect relationship to this idea as well. RJ programmes can aid in the restoration of damaged social ties by giving offenders a platform to express themselves and possibly mend the harm (attachment to the community). CM-12 highlights that successful RJ programmes require a cohesive community. They see trust and a common set of community values as essential components. This is consistent with other studies emphasising the value of community engagement in restorative justice. For instance, Bazemore and Stuart (2016) talk about how fostering ties between the community and law enforcement increases trust and makes the atmosphere more encouraging for both victims and offenders. Hirschi's SBT (1969) is also pertinent in this case. Robust social ties, encompassing a sense of community, deter criminal activity. RJ initiatives that promote a feeling of community involvement can have a beneficial impact. The passage from CM-12 implies that there was already some degree of social cohesiveness in the Cato Manor neighbourhood. The pre-existing basis of mutual respect and trust may play a role in the way RJ programmes are viewed as effective in this particular setting. It's critical to recognise that RJ programmes are not a one-size-fits-all solution and that the particular situation, the resources at hand, and the desire of all parties involved can all affect how effective the programme is.

To lower recidivism, it is crucial to welcome offenders back into society and forge social ties (CL-3, CM-7, CM-11). They discuss how ex-offenders are committing to change and enhancing the community by volunteering and participating in community forums. This is consistent with the fundamental ideas of restorative justice. According to Bazemore and Stuart (2016), initiatives that support communication, restoration, and reintegration can provide a feeling of purpose and belonging and lower the risk of recidivism. Hirschi's Social Bond Theory (SBT), which was developed in 1969, offers a framework for comprehending this. Robust social ties (community affiliation, dedication to aspirations) deter criminal activity. Positive development can be facilitated by reintegration initiatives that fortify these connections. CL-4 talks about how well Ikhamva Community Development's mentorship programmes work to lower recidivism. They speak of providing ex-offenders with moral and emotional support. This is consistent with research showing how crucial support services are to the healing process. For instance, Maruna and LeBel (2017) talk about the idea of 'desistance' and how mentors help ex-offenders move away from

crime. Hirschi's SBT (1969) is also pertinent. By offering attachment figures and promoting a sense of belonging, mentoring programmes help strengthen social ties. Such programmes can also assist ex-offenders in creating future goals (commitment), which lowers the chance of recidivism even further. CM-3 talks about community service programmes that offer useful work experience and skills, which can improve self-confidence and employability. This is consistent with studies showing that skill development programmes reduce recidivism (Skeem & Mann, 2016). Through boosting employability and self-esteem, these initiatives help lessen the attraction of criminal conduct. Hirschi's (1969) SBT is also applicable in this situation. Gaining employment skills enables ex-offenders to commit to their future, which lowers their risk of reoffending. Moreover, heightened self-assurance fortifies their social ties throughout society. The community's readiness to accept ex-offenders back is crucial to the success of reintegration programmes. The favorable experiences that residents of Cato Manor shared might not be relevant in other areas. In addition to reintegration initiatives, addressing the underlying causes of crime—such as poverty and a lack of opportunities—is essential for long-lasting reform.

The investigation of Cato Manor participant experiences demonstrates how restorative justice (RJ) initiatives can promote constructive transformation and lower recidivism rates. The ideas conveyed align with existing theories and literature, especially when it comes to the significance of skill development, mentorship, and reintegration. The participants stressed the need to reintegrate convicts into society and foster social ties that deter future crimes. This is consistent with the principles of Reintegrative Shaming Theory (RST) and Social Bond Theory (SBT). RJ programmes can offer a path to recovery by promoting a feeling of purpose and belonging. Opportunities for community service and mentoring programmes have become important resources. The success of RJ programs in Cato Manor is likely influenced by the pre-existing sense of community and shared values. However, the themes identified here offer valuable insights for restorative justice initiatives in other contexts. Investing in reintegration efforts, mentorship programs, and skill development can empower ex-offenders and contribute to safer, more just communities. While challenges remain, such as addressing the root causes of crime and ensuring community-wide support, the experiences in Cato Manor offer a compelling case for the transformative potential of restorative justice. By prioritizing rehabilitation and reintegration, RJ programs can play a crucial role in rebuilding lives and restoring communities. These programmes offer a sense of self-worth, employment skills, and emotional support—all of which are linked to a reduction in criminal activity (Maruna & LeBel, 2017; Skeem & Mann, 2016). The pre-existing feeling of community and shared ideals in Cato Manor most likely contribute to the success of RJ programmes there. Nonetheless, the themes found here provide insightful information for restorative justice programmes in many settings. Putting money into skill development, mentorship programmes, and reintegration initiatives may empower ex-offenders and make communities safer and more just. The experiences in Cato Manor provide a strong argument for the transformative potential of restorative justice, even though there are still obstacles to overcome, such as addressing the underlying causes of crime and securing community support. RJ programmes can be extremely important in rebuilding lives and communities by placing a high priority on rehabilitation and reintegration.

Blasko and Taxman (2018) and Sturm et al. (2022) provide empirical evidence showing that probation and parole officers can significantly influence an individual's reintegration by fostering a supportive and respectful relationship, which is directly associated with lower recidivism rates.

Blasko and Taxman (2018) examine procedural fairness within community corrections and develop a measure to evaluate how fair supervision practices are. Their research highlights that individuals on probation or parole respond positively when officers employ procedural justice principles, such as giving individuals a voice, making impartial decisions, and maintaining respectful interactions. This sense of fair treatment helps ex-offenders perceive the justice system as legitimate, which enhances their willingness to comply with conditions and reduces their likelihood of recidivation. Blasko and Taxman's study is significant as it suggests that procedural justice can be operationalized within community supervision, potentially reducing the strain on the criminal justice system by preventing reoffending and promoting successful re-entry.

Sturm et al. (2022) further expand on this concept by investigating the 'working alliance' between probation or parole officers and the individuals they supervise. Their findings reveal that when there is a strong, trust-based relationship, ex-offenders feel more connected to the support offered by their officers, and this correlates with lower rates of reoffending. However, where mistrust exists, the likelihood of recidivism increases. This research underlines the importance of trust and mutual respect in building effective

supervisory relationships that foster positive behavioural outcomes. Mistrust can undermine the rehabilitative process, which further reinforces the need for procedural justice principles in supervision practices.

Incorporating these studies into the manuscript would provide a robust argument for procedural justice as a foundational principle in all interactions between the justice system and individuals under supervision. This is particularly relevant for the authors' point on page 20 regarding the criminal justice system's role in the 'healing process'. By including this research, the authors can argue that procedural justice is not only an ethical imperative but also a practical strategy for reducing recidivism, as it encourages ex-offenders to view their conditions of release as fair and to engage positively with their parole or probation officers.

These insights would reinforce the manuscript's position by highlighting that procedural justice in probation and parole contributes to an individual's sense of dignity, enhances their commitment to rehabilitation, and ultimately supports reintegration. By focusing on procedural fairness at multiple points within the justice system, the authors could argue that the system as a whole could better facilitate long-term behavioural change, thereby achieving outcomes beneficial for both individuals and society.

## Recommendations

Based on community members' impressions of restorative justice projects that involve both offenders and victims of crime, the following recommendations were made:

- **Implementing Restorative Justice Practices:** It is recommended that policymakers and community leaders focus on establishing and expanding restorative justice programs within schools and communities. This could include developing training programs for educators, law enforcement, and community leaders on the principles of restorative justice, focusing on the reintegration of offenders and victim-centred approaches. Partnerships with local organizations can ensure that restorative justice practices are culturally relevant and tailored to the specific needs of communities.
- **Strengthening Community Engagement:** Community leaders should be actively involved in preventing criminal activities and supporting restorative justice initiatives. Creating safe spaces for open discussions on crime, its causes, and its impacts can promote greater community awareness and collective responsibility. Workshops and community dialogues led by local leaders, in collaboration with social service organizations, can also enhance understanding of restorative practices and their potential to reduce re-offending and promote healing.
- **Policy and Legislative Reform:** Recommendations should also extend to policy changes that support the integration of restorative justice practices into the legal system, particularly in relation to GBV cases. Governments can advocate for restorative justice as an alternative or complement to traditional punitive measures, ensuring that restorative processes are legally recognized and accessible to victims and offenders alike.

## Conclusion

With an emphasis on empathy, regret, and the restoration of dignity, this study looked at the potential of restorative justice (RJ) programmes in fostering criminal rehabilitation and reintegration. The literature study emphasised the drawbacks of conventional punishment-focused methods and offered restorative justice (RJ) as a substitute that places a higher priority on communication, healing, and reintegration. Theories like Social Bond Theory (SBT) and Reintegrative Shaming Theory (RST) provided foundations for comprehending how RJ might promote empathy, accountability, and a sense of belonging, thus lowering recidivism. In-depth interviews were conducted as part of the qualitative study with community members and important informants in Cato Manor, South Africa. Rich insights into the participants' lived experiences were revealed through their quotes.

They underlined how crucial restorative justice (RJ) programmes are in giving criminals a chance to admit their mistakes and show regret. This is consistent with the reintegrative shaming theory put out by RST, which holds that admitting wrongdoing can be a potent catalyst for constructive development. Participants also emphasised the critical role that communities play in the successful implementation of RJ. The community at Cato Manor has a strong sense of belonging and shared ideals, which probably

helps explain why people think the programmes there are effective. This result is consistent with SBT, which highlights the role that social ties play in discouraging criminal activity. RJ programmes have the potential to establish a supportive environment that facilitates rehabilitation and reintegration by promoting empathy, mending social relationships, and restoring dignity.

Acknowledging the study's shortcomings is crucial, though. There are still issues to be resolved, like garnering support from the entire community and tackling the underlying causes of crime, therefore the lessons learned at Cato Manor may not apply to other situations. However, the results provide important information for putting restorative justice programmes into practice in a variety of settings. Finally, by encouraging empathy, regret, and the restoration of dignity, restorative justice presents a viable strategy for lowering recidivism. RJ programmes that emphasise communication, restoration, and reintegration might enable offenders to accept accountability for their deeds and aid in the victim and community's healing. Consideration should be given to restorative justice as a fundamental component of rehabilitation and reintegration programmes as we work towards a more efficient and compassionate legal system.

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## Ethics approval

The study was conducted in accordance with the Declaration of Helsinki and approved by the Institutional Review Board (or Ethics Committee) of the University of KwaZulu Natal for studies involving humans with protocol number: HSSREC/00004924/2022.

## Authors' contributions

The authors confirm contribution to the paper as follows: study conception and design: Author(s) Zandile Faith Mpfu, Sazelo Michael Mkhize and James Udoh Akpan. Author Zandile Faith Mpfu: analysis and interpretation of results. Author James Udoh Akpan: draft manuscript preparation. All authors reviewed the results and approved the final version of the manuscript.

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## About the author

Zandile Faith Mpfu holds a PhD in Criminology and Forensic Studies at the University of KwaZulu-Natal (UKZN), Durban, South Africa. She holds a Bachelors, Honour's and Master's Degree in Criminology and Forensic Studies. She has been recognized as one of the top 15% scholars and is a member of the Golden Key International Society. She has worked as a teaching assistant in the Criminology and Forensic Studies Discipline at the University of KwaZulu-Natal and has also worked as a mentor within the Academic Monitoring and Support Program at the same university. Zandile has worked as a module developer, independent marker, and moderator at the Independent Institute of Education (Monash) in South Africa. Her current research interests are forensic criminology, fraud, burglary, restorative justice, criminal law, crime prevention.

## ORCID

Zandile Faith Mpfu  <http://orcid.org/0000-0001-7217-8711>

Sazelo Michael Mkhize  <http://orcid.org/0000-0001-7950-1948>

James Udoh Akpan  <http://orcid.org/0000-0002-0846-0875>

## Data availability statement

The data was derived from a PhD thesis titled: **TO EXPLORE THE PERCEPTIONS OF COMMUNITY MEMBERS ON RESTORATIVE JUSTICE PROGRAMMES ON OFFENDERS AND VICTIMS OF CRIME IN CATOMANOR, DURBAN, PROTOCOL NUMBER: HSSREC/00004924/2022**. Data analysed in this study were a re-analysis of the existing data which are openly available at the university repository <https://ukzn-dspace.ukzn.ac.za/handle/10413/18765>. The data that support the findings of this study are available from the corresponding author, Z.F Mpofu, upon reasonable request.

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