

**AN EXPLORATION OF THE USE OF MODUS OPERANDI TO INVESTIGATE  
ILLEGAL OCCUPATION OF PROPERTIES WITHIN THE JOHANNESBURG'S  
INNER-CITY AREA**

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## DECLARATION

I, Rudzani Ngobele (Student Number: 41696077), hereby declare that the research titled “**An Exploration of the Use of Modus Operandi to Investigate Illegal Occupation of Properties within Johannesburg’s Inner-City Area**” is my own original work. It has not been submitted previously for any degree or examination at any other university. All sources consulted or quoted have been properly acknowledged and referenced in full.

I further declare that this dissertation has been submitted to the originality detection system approved by the University of South Africa (Unisa), and that it complies with the institution’s accepted standards for originality.

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Signature: 

Date: 16 August 2025

## **DEDICATION**

I dedicate this dissertation to my late parents, Mr. Andries Nngwedzeni Ngobeli and Mrs. Marandela Mushaisano Ngobeli. May their beautiful souls continue to Rest in Peace. I am eternally grateful for their unwavering love, support, and sacrifices, which have allowed me to taste the fruits of education. Their unwavering guidance and encouragement have been the cornerstone of my journey, and this accomplishment stands as a tribute to their legacy.

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## ABSTRACT

This dissertation explores the phenomenon of illegal building occupation, commonly referred to as "building hijacking", within Johannesburg's inner-city Region F, a densely populated area marked by socio-economic challenges, urban decay, and housing shortages. This study investigates the modus operandi employed by perpetrators to unlawfully seize control of buildings, often through fraudulent title transfers, impersonation, rental scams, and forceful takeovers. These actions are frequently facilitated by organised syndicates and, in some cases, corrupt officials, contributing to a cycle of lawlessness and disinvestment in the city's core.

Using a qualitative, phenomenological research design, this study draws on a comprehensive literature review and semi-structured interviews with thirteen investigators from the City of Johannesburg's Group Forensic and Investigation Services. This research reveals that perpetrators exploit legal ambiguities, particularly within the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act), to avoid prosecution and reoccupy properties even after eviction. Investigators face numerous challenges, including lack of cooperation from tenants, threats from syndicates, legal constraints, and limited municipal resources.

The findings underscore the critical role of modus operandi analysis in identifying patterns of criminal behaviour and enhancing investigative effectiveness. This study highlights the need for improved inter-agency collaboration, enhanced training for investigators, legal reform, and public awareness campaigns. It also recommends the integration of technological tools and the strengthening of property management practices to prevent future hijackings. By illuminating the operational strategies of building hijackers and the systemic vulnerabilities they exploit, this research contributes to academic discourse, informs law enforcement practices, and supports policy development aimed at restoring urban integrity and safeguarding property rights in Johannesburg's inner city.

**Key terms:** Illegal occupation of buildings; Hijacked properties; Modus Operandi; Criminal Investigation; Slumlords; Building hijackers; Illegal occupier; Fraud; Forensic Investigation.

## LIST OF ACRONYMS

**CBD:** Central Business District

**CIPC:** Companies and Intellectual Property Commission

**CoJ:** City of Johannesburg

**DHA:** Department of Home Affairs

**EMS:** Emergency Medical Service

**GIS:** Geographic Information Systems

**ICESR:** International Covenant on Economic, Social and Cultural Rights

**JMPD:** Johannesburg Metropolitan Police Department

**JPC:** Johannesburg Property Company

**NPA:** National Prosecuting Authority

**PFO:** Property Fraud Organisation

**PIE Act:** Prevention of Illegal Eviction from and Unlawful Occupation of Land Act

**SA:** South Africa

**SAPS:** South African Police Service

**TUHF:** Trust for Urban Housing Fund

**UDHR:** Universal Declaration of Human Rights

**UNISA:** University of South Africa

## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>ii</b>
<b>DEDICATION</b> .....	<b>iii</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>iv</b>
<b>ABSTRACT</b> .....	<b>v</b>
<b>LIST OF ACRONYMS</b> .....	<b>vi</b>
<b>1.1 INTRODUCTION AND BACKGROUND OF THE STUDY</b> .....	<b>1</b>
<b>1.2 DEMARCATION OF STUDY</b> .....	<b>2</b>
<b>1.3 PROBLEM STATEMENT</b> .....	<b>3</b>
<b>1.4 AIM OF THE RESEARCH</b> .....	<b>4</b>
<b>1.5 OBJECTIVES OF THE STUDY</b> .....	<b>4</b>
<b>1.6 RESEARCH QUESTION</b> .....	<b>5</b>
<b>1.7 KEY THEORETICAL CONCEPTS</b> .....	<b>5</b>
<b>(a) Illegal occupation of building</b> .....	<b>5</b>
<b>(b) Hijacked properties</b> .....	<b>5</b>
<b>(c) Modus Operandi</b> .....	<b>6</b>
<b>(d) Criminal Investigation</b> .....	<b>6</b>
<b>(e) Slumlords</b> .....	<b>6</b>
<b>(f) Building hijackers</b> .....	<b>6</b>
<b>(g) Fraud</b> .....	<b>6</b>
<b>(h) Forensic Investigation</b> .....	<b>6</b>
<b>1.8 VALUE OF THE RESEARCH</b> .....	<b>6</b>
<b>(a) South African society</b> .....	<b>7</b>
<b>(b) Academic community</b> .....	<b>7</b>
<b>(c) Law enforcement industry</b> .....	<b>7</b>
<b>1.9 RESEARCH DESIGN AND APPROACH</b> .....	<b>8</b>
<b>1.10 TARGET POPULATION</b> .....	<b>9</b>
<b>1.11 DATA COLLECTION</b> .....	<b>10</b>
<b>1.11.1 Literature Study</b> .....	<b>10</b>
<b>1.11.2 Semi-Structured Interviews</b> .....	<b>10</b>
<b>1.12 DATA ANALYSIS</b> .....	<b>11</b>
<b>1.13 TRUSTWORTHINESS OF THE STUDY</b> .....	<b>12</b>
<b>1.3.1 Credibility / Authenticity</b> .....	<b>12</b>
<b>1.3.2 Transferability</b> .....	<b>12</b>

1.3.3	Dependability .....	13
1.3.4	Confirmability .....	13
<b>1.14</b>	<b>ETHICAL CONSIDERATIONS .....</b>	<b>13</b>
<b>1.15</b>	<b>RESEARCH STRUCTURE .....</b>	<b>14</b>
<b>1.16</b>	<b>SUMMARY.....</b>	<b>16</b>
<b>CHAPTER 2: ILLEGAL OCCUPATION OF BUILDINGS .....</b>		<b>16</b>
<b>2.1</b>	<b>INTRODUCTION.....</b>	<b>16</b>
<b>2.2</b>	<b>JOHANNESBURG BEFORE AND POST 1994 DEMOCRACY IN SOUTH AFRICA</b>	<b>16</b>
<b>2.3</b>	<b>WHAT ILLEGAL OCCUPATION OF BUILDINGS MEANS TO VARIOUS</b>	
	<b>STAKEHOLDERS .....</b>	<b>18</b>
<b>2.4</b>	<b>MODUS OPERANDI USED BY ILLEGAL OCCUPIERS.....</b>	<b>21</b>
<b>2.4.1</b>	<b>The origin of Modus Operandi.....</b>	<b>21</b>
<b>2.4.2</b>	<b>The meaning of Modus Operandi.....</b>	<b>22</b>
<b>2.4.3</b>	<b>Modus operandi used by perpetrators to unlawfully occupy buildings/properties .....</b>	<b>23</b>
<b>2.4.3.1</b>	<b>Title deed fraud.....</b>	<b>23</b>
<b>2.4.3.2</b>	<b>Fraud and theft .....</b>	<b>24</b>
<b>2.4.3.3</b>	<b>Impersonation .....</b>	<b>25</b>
<b>2.4.3.4</b>	<b>Takeover by force .....</b>	<b>25</b>
<b>2.4.3.5</b>	<b>Bogus Conveyancers .....</b>	<b>26</b>
<b>2.4.3.6</b>	<b>Rental Fraud .....</b>	<b>27</b>
<b>2.4.3.7</b>	<b>Land grabs.....</b>	<b>27</b>
<b>2.4.3.8</b>	<b>Urban Decline and Disinvestment .....</b>	<b>28</b>
<b>2.4.3.9</b>	<b>Syndicates and Government Officials.....</b>	<b>29</b>
<b>2.5</b>	<b>HOW MODUS OPERANDI COULD BE UTILISED EFFECTIVELY TO</b>	
	<b>INVESTIGATE THE ILLEGAL OCCUPATION OF BUILDINGS .....</b>	<b>29</b>
<b>2.6</b>	<b>CHALLENGES FACED BY RIGHTFUL OWNERS AND THE MUNICIPALITY TO</b>	
	<b>EVICT THE ILLEGAL OCCUPIERS OF THEIR PROPERTIES.....</b>	<b>31</b>
<b>2.6.1</b>	<b>Challenges of utilising Modus Operandi.....</b>	<b>33</b>
<b>2.6.1.1</b>	<b>Variability.....</b>	<b>33</b>
<b>2.6.1.2</b>	<b>Copycat Crimes.....</b>	<b>34</b>
<b>2.6.1.3</b>	<b>Multiple Offenders.....</b>	<b>34</b>
<b>2.6.1.4</b>	<b>Incomplete Information.....</b>	<b>34</b>
<b>2.6.2</b>	<b>The cost of illegal occupation of buildings to the owners and municipality .....</b>	<b>34</b>
<b>2.6.2.1</b>	<b>Property Owners' Struggle .....</b>	<b>34</b>
<b>2.6.2.2</b>	<b>The Municipality's Challenges .....</b>	<b>35</b>
<b>2.6.2.3</b>	<b>Financial Impact .....</b>	<b>35</b>
<b>2.7</b>	<b>SUMMARY .....</b>	<b>36</b>
<b>CHAPTER 3: PRESENTATION OF RESEARCH FINDINGS AND DISCUSSIONS.....</b>		<b>37</b>

3.1	<b>INTRODUCTION</b> .....	37
3.2	<b>DATA PRESENTATION</b> .....	38
3.2.1	<b>Educational and Training Background</b> .....	39
3.2.2	<b>Work Experiences</b> .....	40
3.3	<b>PRESENTATION OF KEY FINDINGS (DEALING WITH ILLEGAL OCCUPATION OF BUILDINGS)</b> .....	42
	<b>Theme 1: Defining a hijacked building</b> .....	42
	<b>Theme 2: The importance of investigating illegal occupation of buildings</b> .....	43
3.3.1	<b>Identification and Reporting</b> .....	45
3.3.2	<b>Verification and Documentation</b> .....	45
3.3.3	<b>Evidence Gathering</b> .....	45
3.3.4	<b>Compliance and Legal Actions</b> .....	45
3.3.5	<b>Challenges</b> .....	45
	<b>Theme 3: Challenges normally encountered by investigators when conducting illegal occupation of buildings</b> .....	46
	<b>Theme 4: Number of buildings investigated and handed back to their rightful owners</b> .....	48
	<b>Theme 5: The number of individuals arrested and sentenced by the courts over the past five years, along with the specific types of crimes for which they were prosecuted</b> .....	50
	<b>Theme 6: The Importance of Collaborating with Relevant Law Enforcement Stakeholders</b> .....	52
	<b>Theme 7: Modus Operandi Used by Perpetrators to Illegally Occupy Buildings</b> .....	55
	<b>Sub-theme 1: How do perpetrators illegally occupy buildings?</b> .....	55
	<b>Sub-theme 2: Type of buildings targeted by the building hijackers</b> .....	57
	<b>Sub-theme 3: Do illegally occupiers of buildings pay for the municipal services? What does municipality do if they do not pay?</b> .....	57
	<b>Theme 8: Recourse Options for Victims of Illegally Occupied Buildings</b> .....	58
3.4	<b>INTERPRETATION AND DISCUSSION OF RESEARCH FINDINGS</b> .....	60
3.5	<b>ACHIEVEMENTS OF THE STUDY</b> .....	62
3.5.1	<b>Identification of Common Methods</b> .....	62
3.5.2	<b>Challenges in Investigations</b> .....	62
3.5.3	<b>Importance of Collaboration</b> .....	62
3.5.4	<b>Training and Experience</b> .....	63
3.5.5	<b>Impact on Municipal Revenue and Community Safety</b> .....	63
3.5.6	<b>Recommendations for Improvement</b> .....	63
	<b>CHAPTER 4: CONCLUSION AND RECOMMENDATIONS</b> .....	64
4.1	<b>INTRODUCTION</b> .....	64
4.2	<b>SUMMARY OF THE RESEARCH</b> .....	64
4.2.1	<b>CHAPTER 1: GENERAL ORIENTATION</b> .....	64
4.2.2	<b>CHAPTER 2: ILLEGAL OCCUPATION OF BUILDINGS</b> .....	65

<b>4.2.3</b>	<b>CHAPTER 3: PRESENTATION OF RESEARCH FINDINGS AND DISCUSSIONS..</b>	<b>66</b>
<b>4.2.3.1</b>	<b>Defining a Hijacked Building and the importance of investigating illegal occupation....</b>	<b>67</b>
<b>4.2.3.2</b>	<b>Challenges encountered by Investigators .....</b>	<b>67</b>
<b>4.2.3.3</b>	<b>Number of buildings investigated and handed back to the legitimate owners .....</b>	<b>68</b>
<b>4.2.3.4</b>	<b>Number of individuals arrested and sentenced.....</b>	<b>68</b>
<b>4.2.3.5</b>	<b>Importance of Collaboration with Law Enforcement Stakeholders .....</b>	<b>68</b>
<b>4.2.3.6</b>	<b>Modus Operandi Used by Perpetrators.....</b>	<b>68</b>
<b>4.2.3.7</b>	<b>Recourse Options for Victims.....</b>	<b>69</b>
<b>4.3</b>	<b>RECOMMENDATIONS.....</b>	<b>69</b>
<b>4.3.1</b>	<b>Recommendations for training of investigators .....</b>	<b>70</b>
<b>4.3.2</b>	<b>Recommendations for coordination of stakeholders .....</b>	<b>70</b>
<b>4.3.3</b>	<b>Recommendations for policy advocacy.....</b>	<b>70</b>
<b>4.3.4</b>	<b>Recommendations for fostering collaboration and partnerships .....</b>	<b>70</b>
<b>4.3.5</b>	<b>Recommendations for implementation of technological solutions. ....</b>	<b>71</b>
<b>4.3.6</b>	<b>Recommendation for review and amendment of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 (PIE Act) .....</b>	<b>71</b>
<b>4.3.7</b>	<b>Recommendation for future research .....</b>	<b>71</b>
<b>4.4</b>	<b>CONCLUSION .....</b>	<b>72</b>
	<b>REFERENCES.....</b>	<b>73</b>
	<b>APPENDICES .....</b>	<b>89</b>
	<b>APPENDIX A: INTERVIEW SCHEDULE .....</b>	<b>89</b>
	<b>APPENDIX B: PARTICIPANT INFORMATION SHEET .....</b>	<b>94</b>
	<b>APPENDIX C: CONSENT FORM .....</b>	<b>96</b>
	<b>APPENDIX D: UNISA ETHICAL CLEARANCE.....</b>	<b>98</b>
	<b>APPENDIX E: PERMISSION LETTER .....</b>	<b>99</b>
	<b>APPENDIX F: LANGUAGE EDITING CERTIFICATE .....</b>	<b>100</b>
	<b>APPENDIX G: TURNIT IN (SIMILARITY) REPORT.....</b>	<b>101</b>

## **CHAPTER ONE: GENERAL ORIENTATION**

### **1.1 INTRODUCTION AND BACKGROUND OF THE STUDY**

This study investigated the phenomenon of illegal building occupation, commonly referred to as “building hijacking”, within Johannesburg’s inner city. The aim of the study was to explore the modus operandi employed by perpetrators in these unlawful occupations. This research concentrated on Region F of Johannesburg, an area marked by a blend of residential and industrial zones, alongside pronounced socio-economic difficulties. Through the application of qualitative methodologies, most notably an extensive review of existing literature and a series of semi-structured interviews with investigators, this study endeavoured to illuminate the methods employed by offenders, while also advancing recommendations to fortify the precision and efficacy of forensic investigations. The findings are intended to contribute meaningfully to academic discourse, inform law enforcement practices, and support broader societal efforts in South Africa (SA) to address illegal property occupation.

Johannesburg, often referred to as “the City of Gold,” has a rich and layered history of human settlement. The area has been home to various groups over millennia, including Stone Age inhabitants dating back 500,000 years; the Khoi and San peoples from around 1,000 years ago, Iron Age Tswana communities evidenced by 500-year-old furnaces, and Boer settlers from the 1860s. However, the city’s modern development began in earnest in 1886 with the discovery of gold by Australian prospector George Harrison (Cooperative Governance and Traditional Affairs, 2020:7).

Over time, the City of Johannesburg Municipality (CoJ) has faced mounting challenges in providing adequate housing for its growing population, which reached over 6 million (Service Delivery and Budget Implementation Plan, 2022:5). The significant housing backlog, estimated at 396,532 units, has been exacerbated by rapid population growth and widespread illegal land occupation (CoJ: Integrated Development Plan 2022–2027, 2022:29). According to Statistics South Africa (2021), the city had approximately 1.96 million households, further highlighting the scale of the housing demand. The CoJ’s Spatial Development Framework 2040 (2022:102) identifies the Johannesburg’s inner-city area as the primary metropolitan node, a role that must be preserved and strengthened through future development, particularly given the public sector’s importance as a major employer.

Much of the projected housing demand towards 2030 is expected to come from low-income households, underscoring the need for job creation and economic opportunities within the city. The persistent scarcity of affordable housing has given rise to the widespread emergence of informal settlements and urban slums, marking a visible testament to deepening socio-economic divides, forcing many residents to live in substandard conditions (CoJ: Integrated Development Plan 2022–2027, 2022:34).

The Inner City has long grappled with serious developmental challenges, including overcrowding, lawlessness, and the rise of property hijacking and slumlords. These issues are compounded by an uncontrolled influx of people and the increasing frequency of building hijackings (CoJ: Draft Integrated Development Plan and Budget 2024/25, 2024:109).

Although the City of Johannesburg experienced significant urbanisation, its city centre began to decline in the late 1980s when major corporations relocated to the suburbs. This exodus led to the abandonment of many high-rise buildings in the inner city (Wood, 2012:1). As a result of economic factors, many people started to occupy these abandoned buildings illegally to collect rental monies for their own financial benefit, avoidance of paying market-related rentals, and cessation of paying municipal rates, or for services. This illegal occupation of properties is commonly known as hijacking of buildings, for which there were no legal definition. This illegal occupation of buildings escalated within the inner city of Johannesburg.

## **1.2 DEMARCATION OF STUDY**

Although the term “*Hijacking of buildings*” was widely used as a referral to illegally occupied buildings or houses within Johannesburg, the researcher often used the term “illegal occupation of buildings” in this study. Furthermore, this study focused on illegally occupied buildings reported within the Region F area which is the inner city (or Central Business District “CDB”) and the Southern part of Johannesburg Metropolitan Municipality. Region F is part of the inner city and made up of upper- and lower-income residential areas, as well as older industrial nodes. An estimated 190 804 residents were living below the lower poverty line (Statistics SA, 2019).

According to Joburg Demographics and Key Socio-Economic Indicators (2020), the estimated population of Region F was approximately 716 282 which accounted to 13% of the total population in the City of Johannesburg.

### **1.3 PROBLEM STATEMENT**

The problem statement functions as a formal articulation of the intellectual enigma the researcher seeks to unravel (Blaikie & Priest (2017:76). As emphasized by Savin-Baden and Major (2025:101) and reaffirmed by Blaikie & Priest (2017:76), once a research topic has been selected, the subsequent imperative is to delineate a well-defined research problem—an essential step that anchors the study’s trajectory. Leedy & Ormrod (2020:27) underscore that the research problem constitutes the very core of any scholarly inquiry, serving as the pivotal axis around which the entire investigative process revolves. They further assert that the research journey must begin with a lucid and unequivocal articulation of the problem. Echoing this perspective, Flick (2025: 21) and Hagan (2021:20) contend that research problems frequently arise from the fabric of everyday life and are often shaped by the researcher’s personal experiences, thereby highlighting the significance of context and lived realities in the formulation of meaningful research questions.

According to Pongoma (2012), illegal occupiers often take control of both abandoned and inhabited buildings, subsequently ceasing to pay municipal rates or for services. In many cases, they resort to connecting water and electricity illegally. Pongoma further notes that the condition of these buildings typically deteriorates over time, while the illegal occupiers continue to collect rent from residents for their own gain. In the court case between *Philani-Ma-Afrika & Others v W M Mailula & Others (674/08) [2009] ZASCA 115*, it was revealed that another method used by illegal occupiers was to falsely and with intent to defraud, pretended to sell the property to unsuspecting buyers. The court further found that the building hijackers hijacked the building by tapping into the Companies and Intellectual Property Commission (CIPC) system and changed the building Trust ownership names to take ownership of the building. As Wood (2012:1) observes, the unlawful occupation of buildings has emerged as a relatively recent urban phenomenon, with prominence in the city of Johannesburg. Despite the identification and arrest of several perpetrators, many have forcefully reoccupied the properties (City of Johannesburg, 2022). In a notable instance, a property owner secured an eviction order from the High Court of South Africa, which was duly executed on 2 December 2021. However, the illegal occupiers returned to the building shortly thereafter, thereby emphasizing the persistent and cyclical nature of the problem.

During a preliminary interview with a prosecutor (who is not be part of the study population), it was established that the modus operandi of illegal occupation of buildings was not properly coordinated, and they may differ and as such investigators appear to have little or no knowledge of the following:

- What does the modus operandi of illegally occupied building (s) comprise of?
- How could the modus operandi be used to investigate perpetrators that illegally occupy buildings?

This had led to the lack of effective prosecution of perpetrators for the types of crimes usually committed to occupy the buildings. The illegal occupation of buildings resulted in the loss of revenue for owners of the buildings, with the consequence that rates and taxes were not paid to the municipality. Consequently, the CBD of the city deteriorated, resulting in urban decay and investors exiting the city. These buildings were also prone to be used as criminal hideouts.

#### **1.4 AIM OF THE RESEARCH**

De Vos et al (2021:94) assert that researchers must purposefully determine the objectives of their inquiry. Expanding on this, Mills & Birks (2017:204) emphasize that the primary aim of a qualitative research proposal is to articulate the researcher's intent with clarity and to delineate the anticipated outcomes of the study. Guided by this framework, the present research set out to investigate the modus operandi of individuals engaged in the unlawful occupation of buildings within Johannesburg's inner city. The aim of this study is to explore the modus operandi employed by perpetrators to unlawfully occupy buildings.

#### **1.5 OBJECTIVES OF THE STUDY**

Blaikie & Priest (2017:76) identify four principal purposes of research: exploration, description, explanation, and prediction. Lichtman (2013:124) further contends that beyond forecasting future behaviour, research should also serve to empower participants engaged in the process.

Mills & Birks (2017:204) underpin this view, noting that qualitative research frequently embodies exploratory, descriptive, and explanatory dimensions. In alignment with these perspectives, the objectives of this study are outlined below:

- To evaluate specific modus operandi utilised as techniques during the investigation of the illegal occupation of buildings.

- To explore both local and international literature within the domains of forensic investigation and law enforcement, with a particular focus on how modus operandi can be employed as a strategic tool in investigating the illegal occupation of buildings.
- To inform stakeholders involved in addressing the illegal occupation of buildings by providing knowledge about this phenomenon.

## **1.6 RESEARCH QUESTION**

A research question is a clearly and explicitly stated expression of interest and intent to establish new knowledge (Punch, 2024:44); Rule & John, 2023:32; De Vos et al (2021:94; Leedy, Ormrod & Johnson, 2023:54; Bryman (2021:9); Barbour (2024:49); Mills & Birks, 2024:12). It serves to limit, organize, and focus the research project. In line with this understanding, the researcher formulated the following main research question:

- What is the modus operandi used by perpetrators in the illegal occupation of buildings within Johannesburg's inner city?

## **1.7 KEY THEORETICAL CONCEPTS**

As Leedy, Ormrod & Johnson (2023:119) emphasize, the definition of key concepts is essential to avoid ambiguity and ensure clarity throughout the research process. Fink (2024:30) similarly underscores the importance of clearly articulating theoretical concepts, as doing so enables researchers to identify what is already known and theorized within the field. In alignment with this guidance, the researcher identified the following key concepts as central to the present study:

### **(a) Illegal occupation of building**

According to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998, an 'unlawful occupier' is defined as a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other legal right to occupy such land, excluding individuals protected under specific tenure or land rights legislation.

### **(b) Hijacked properties**

These properties are often associated with criminal activity, where individuals or groups falsely presented themselves as lawful owners and solicited payments from occupants under false pretences (CoJ: Integrated Development Plan 2022–2027, 2022:34). It refers to buildings that are illegally controlled by someone or group that is/are not the lawful owner.

**(c) Modus Operandi.**

According to Bartol & Bartol (2021), modus operandi refers to the specific actions and procedures an offender employs to commit a crime successfully.

**(d) Criminal Investigation**

Benson, Horne, and Jones, as cited in Zinn and Dintwe (2015:19), define criminal investigation as a structured and methodical process involving thinking, reasoning, careful examination, and analytical inquiry, all directed toward uncovering the truth.

**(e) Slumlords**

According to Legal Clarity (2025), a “slumlord” refers to a property owner who neglects their rental properties, often allowing them to fall into disrepair and failing to provide safe, habitable living conditions for their tenants. This term highlights a landlord’s disregard for their legal obligations and the well-being of those residing in their buildings.

**(f) Building hijackers**

According to Urban Crime Studies (2022:1011-1030), building hijacking is linked to property crime and urban decay, involving unlawful occupation and control of buildings, often through fraudulent ownership transfers or intimidation tactics.

**(g) Fraud**

According to the Association of Certified Fraud Examiners (2024:201), fraud is knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment.

**(h) Forensic Investigation**

According to Dintwe (2015:203), forensic investigation is defined as a systematic and meticulous pursuit of the truth, achieved through the application of scientific investigative methods and techniques. Its primary objective is to resolve legal disputes by collecting, preserving, and presenting evidence before appropriate forums, including courts of law, disciplinary tribunals, commissions of inquiry, or any other relevant natural or juristic persons.

## **1.8 VALUE OF THE RESEARCH**

Blaikie & Priest (2017:76) assert that research should offer a reasonable, direct, or practical contribution to a field of substantial significance, whether within the public or private sector.

Guided by this principle, the researcher intends to make contributions to the following sectors:

The researcher intended to make contribution to the following sectors:

**(a) South African society**

This research would be beneficial to the South African society as it would enhance the investigators to solve cases of illegal occupation of buildings much quicker and prevent shrinkage of income by property owners. The society would also have trust in investigators and the criminal justice system.

**(b) Academic community**

The researcher aimed to enhance understanding of the challenges encountered in investigating the illegal occupation of buildings and, if the study's findings and recommendations are adopted, to introduce new methods and techniques to improve investigative practices. This research would be made accessible for perusal and use to the academic libraries and to be used as reference material. This research would also be available on myUNISA student website so that it could be available and used as a source by students to enhance their expertise regarding the use of modus operandi as a technique to investigate illegal occupation of buildings and other crimes. It might stimulate further research.

**(c) Law enforcement industry**

This study would empower and inform investigators regarding the utilisation of modus operandi in the investigation of illegally occupied buildings and other crimes. The study would also create awareness in the law enforcement industry, which can lead to the arrest and successful prosecution of suspects. Moreover, the findings and recommendations derived from this research may serve as a valuable benchmark for investigators, enabling them to reflect on and enhance their current investigative practices. The researcher further intends to propose that the findings and recommendations of this study be incorporated into the municipality's training manual for investigators, thereby enhancing their capacity to address the illegal occupation of buildings through informed and standardised investigative practices. This study would add value by encouraging new thinking and ensuring effective investigations in pursuit of solving existing problems.

## **1.9 RESEARCH DESIGN AND APPROACH**

A research design is fundamentally concerned with addressing the central research question and achieving the study's objectives. It functions as a structured blueprint or strategic framework for selecting participants and collecting relevant data (Singleton & Straits, 2018:123; De Vos et al (2021:94); Flick (2025:.21); Msweli, 2023:58; Marshall, Rossman, & Blanco (2021:.89); Bless, Higson-Smith & Sithole, 2023:130; Bryman (2021:9); Mills & Birks, 2024:12). These scholars emphasize that in qualitative research, the design is typically developed before data collection begins and is widely recognized as a legitimate and scientifically sound approach.

This study adopted a phenomenological research design, as its primary aim was to explore the lived experiences of participants in relation to the illegal occupation of buildings. The intention was to gain a deeper understanding of the phenomenon through the perspectives of those directly affected, thereby allowing the researcher to engage meaningfully with their worldview (Leedy, Ormrod & Johnson, 2023:145; Mills & Birks, 2024:182). As Du Plooy-Cilliers et al. (2014:28) and Creswell (2023:69) note, phenomenological research is a foundational approach within qualitative inquiry, focused on capturing the shared essence and meaning of experiences as articulated by individuals.

In alignment with the perspectives of Creswell (2023:69), Flick (2025:21), Mills & Birks (2024:183), and Joubert, Hartell & Lombaard (2016:231), this study adopted a qualitative approach and employed an empirical research design to systematically collect and analyze data pertinent to the research problem. The qualitative nature of the study enabled the researcher to uncover participants' perspectives, experiences, and insights regarding the phenomenon under investigation. Semi-structured interviews were conducted with investigators to gain a deeper understanding of the true nature of the illegal occupation of buildings and to examine how the modus operandi employed by unlawful occupants could inform and enhance investigative practices.

Qualitative research is often exploratory, involving the investigation of a phenomenon through interviews with individuals who possess extensive experience and deep insight into the issue being studied (Leedy, Ormrod & Johnson, 2023:94). Marshall, Rossman, & Blanco (2021:89) and Flick (2025:21) point out that qualitative research is often influenced by the researcher's own experiences and contextual understanding.

In this regard, the researcher brought prior professional experience in investigating cases of illegal property occupation, which provided valuable insight and informed the study's design, data collection, and interpretation processes.

An empirical research design was adopted for this study, as it entailed a purposeful and systematic search for relevant information grounded in real-world observations and experiences. As Babbie & Mouton (2021:27) explain, empirical research is grounded in the experiences of participants, where knowledge is derived from real-world observations. In this study, data were gathered from individuals who had directly encountered and investigated illegal occupation of buildings, thereby ensuring the relevance and authenticity of the insights obtained. The information derived from the participants was based on their personal experiences. The researcher obtained the relevant information to embrace the views of Denscombe (2021:124) and Gratton & Jones (2021:8) and to develop new ideas through collecting data.

#### **1.10 TARGET POPULATION**

A population is defined as the group of individuals, events, or objects that are relevant to a specific research problem and that share common characteristics (Welman, Kruger & Mitchell, 2022:46; De Vos et al (2021:94); Babbie & Mouton, 2021:173).

Due to the typically large size of a population, it is often impractical and financially unfeasible to involve every member in the study. As Maxfield & Babbie (2023:238) and Babbie & Mouton (2021:166) note, researchers may instead focus on a smaller, more accessible group.

The study population encompassed all investigators engaged in addressing the phenomenon of unlawful building occupation within the South African context. Nevertheless, owing to practical limitations related to logistics and financial resources, the researcher delineated a target population consisting specifically of the thirteen investigators operating within the Johannesburg metropolitan area. This cohort comprised seven (7) Property Hijacking Investigators and six (6) Property Compliance Investigators, all employed by the City of Johannesburg. Given that the entire target population was incorporated into the study, the implementation of sampling techniques was rendered unnecessary.

Participants were selected based on their specialised expertise, in-depth knowledge, and practical experience in investigating the illegal occupation of buildings.

A purposive sampling strategy was adopted, as all individuals shared comparable professional profiles, including relevant investigative experience, formal training, and qualifications within the field. This deliberate selection ensured the collection of data that was both rich in detail and directly aligned with the core objectives of the study.

## **1.11 DATA COLLECTION**

As noted by Blaxter, Hughes & Tight (2022:152) and Flick (2025:21), qualitative research entails the collection of data through diverse methods, including reading, observation, measurement, and questioning, either individually or in combination. Creswell & Clark (2023:171) further assert that the fundamental aim of data collection in any research endeavour is to acquire information that effectively addresses the research questions and objectives of the study.

In alignment with the recommendations of Punch (2024:44), Leedy, Ormrod & Johnson (2023:15), and Flick (2025:21), this qualitative study employed multiple data collection techniques. The data obtained through these methods facilitated the identification of existing knowledge gaps and ensured that the research contributed novel insights rather than duplicating prior studies.

### **1.11.1 Literature Study**

According to Machi & McEvoy (2022:2-3), a literature review constitutes a structured argument that substantiates a thesis by drawing upon credible evidence from existing scholarly work. It serves to contextualize the research within the current body of knowledge and constructs a coherent rationale for the study's focus. In the present study, the researcher conducted a comprehensive review of literature pertinent to the research topic and questions, with the aim of generating new insights and contributing to the academic discourse.

### **1.11.2 Semi-Structured Interviews**

Punch (2024:44) and Joubert et al. (2016:113) highlight interviews as a fundamental method of data collection in qualitative research, particularly well-suited for eliciting participants' perceptions, interpretations, and understandings of their lived realities. In the context of semi-structured interviews, the researcher assumed the role of a facilitator rather than a conventional interviewer (Punch, 2024:44 and Joubert et al., 2016:113). This format accommodates open-ended questioning, thereby allowing participants to articulate their perspectives freely and in their own words, which enhances both the depth and authenticity of the data collected (Lichtman, 2023:248).

To ensure effective interviews, the researcher followed guidelines provided by Creswell (2023:183) and Flick (2025:21). These included:

- Location: Interviews were conducted either in participants' offices or via online platforms, depending on individual preference, to ensure a comfortable and conducive environment for open dialogue.
- Obtaining written permission: Consent was secured from all participants.
- Avoiding leading questions: Participants were encouraged to express their own views without influence of the researcher.
- Participants' responses were recorded verbatim to ensure accuracy. While all interviewees were presented with a consistent set of core questions, the semi-structured format allowed for flexibility, enabling participants to elaborate on their responses where appropriate.

## **1.12 DATA ANALYSIS**

De Vos et al (2021:94) contend that qualitative data must be systematically organised and condensed into manageable units to enable meaningful interpretation. Building on this, De Vos et al (2021:94) offer structured guidelines for qualitative data analysis, which were adhered to in the present study.

Leedy and Ormrod (2013:160) stress that there is no singularly correct method for analysing qualitative data, as the chosen approach is often contingent upon the specific nature and context of the research.

Barbour (2024:49) and Ritchie et al. (2014:168) describe data analysis as a process involving the organization, structuring, and interpretation of extensive data sets to extract meaning.

In this study, the data analysis spiral method was employed to interpret the raw data. Ritchie et al. (2014:271) refer to this approach as interpretive phenomenological analysis, which seeks to understand participants' perspectives and interpret their lived experiences through their narratives.

The data analysis process in this study followed a systematic and iterative approach, consistent with the data analysis spiral method. The steps involved were as follows:

- Capturing and breaking down raw data into smaller, manageable units.

- Thoroughly reviewing the data to identify points of interpretation.
- Categorising the data to enhance clarity and meaning.
- Grouping similar categories and matching patterns across responses.

Through this analytical process, the researcher was able to extract insightful findings and develop recommendations that directly addressed the study's aims and research questions.

### **1.13 TRUSTWORTHINESS OF THE STUDY**

Leedy, Ormrod, & Johnson (2020:103-110) indicate that, irrespective of the research design, addressing issues of validity is essential to uphold the significance and integrity of a study. Gray (2024:185-187) and Schmidt & Brown (2024:405-410) further assert that establishing trustworthiness in qualitative research requires careful attention to four key criteria: credibility, dependability, transferability, and confirmability. Connelly (2016:435-436) defines trustworthiness, or rigor, as the degree of confidence in the data, the interpretations made, and the methodological processes employed to ensure the overall quality of the research.

#### **1.3.1 Credibility / Authenticity**

Denscombe (2021:297) maintains that credibility must be demonstrated consistently throughout the research process. In a similar vein, De Vos et al. (2021:419-423) conceptualise credibility as the qualitative counterpart to internal validity, emphasising the importance of accurately identifying and describing the research subject.

To enhance credibility within this study, the researcher deliberately gathered data from individuals directly engaged in the investigation of the illegal occupation of buildings, in this manner ensuring the authenticity and relevance of the information collected.

#### **1.3.2 Transferability**

Bless, Higson-Smith, & Sithole (2023:157) define transferability as the degree to which the results of a study can be generalized beyond the immediate research environment. Babbie & Mouton (2025:277-278) describe transferability as the extent to which research findings can be applied to other contexts, settings, or populations. To support transferability in this study, the researcher provided a comprehensive and transparent account of the research process including the challenges encountered, as well as the data collection and analysis procedures thereby enabling future researchers to replicate or adapt the study within different contexts.

### 1.3.3 Dependability

Dependability in qualitative research refers to the extent to which similar results would be obtained if the study were replicated with the same participants under comparable conditions (Babbie & Mouton, 2025:277-278). Bless et al. (2023:157) emphasize the importance of a clearly articulated and rigorously implemented research strategy to ensure consistency. Connelly (2016:435-436) defines dependability as the stability of data over time and across similar contexts.

### 1.3.4 Confirmability

Babbie and Mouton (2012:278) define confirmability as the extent to which research findings are shaped by the participants' input rather than by researcher bias or personal motivations. Liamputtong (2020:194) explains that confirmability involves establishing a clear linkage between the data and the interpretations, thereby enabling other researchers to trace and verify the conclusions drawn. In this study, confirmability was ensured by the researcher's conscious effort to bracket prior knowledge and experiences, and by adhering strictly to the ethical standards outlined in the University of South Africa (UINSA) Policy on Research Ethics (UNISA, 2016:32).

## 1.14 ETHICAL CONSIDERATIONS

Maxfield & Babbie (2025:53-71) underscore the ethical imperative of safeguarding research participants from harm and ensuring their privacy through principles such as anonymity and confidentiality. Gravetter & Forzano (2025:121-140) underline that the fundamental aim of scientific inquiry is the pursuit of knowledge and truth, which necessitates the honest and accurate representation of data. Wiles (2025:6-15) further highlights that professional ethical guidelines provide essential frameworks to assist researchers in navigating ethical dilemmas and maintaining integrity throughout the research process.

To ensure adherence to ethical principles throughout the research process, the researcher adopted the following measures:

- Adherence to institutional guidelines: The researcher followed the ethical principles outlined in the UNISA Code of Conduct for Researchers.
- Access to the research site was granted through official approval obtained from the City of Johannesburg, authorising the researcher to conduct the study.

- Participants were provided with comprehensive information regarding the purpose, scope, and nature of the study, thereby enabling them to give informed and voluntary consent to participate (Wiles, 2025:6).
- Acknowledgment of sources: All literature, case studies, and other materials used in the study were properly cited and referenced.
- Integrity in data handling: The researcher refrained from manipulating or misrepresenting any data.
- The researcher took deliberate steps to safeguard participants from any form of harm, maintaining a respectful and empathetic approach throughout the research process, in accordance with ethical guidelines as outlined and recommended UNISA Code of Conduct for Researchers.
- Privacy and confidentiality: Anonymity and confidentiality were maintained to protect participants' identities (Maxfield & Babbie, 2025:53; Wiles, 2013:6–7).
- Data triangulation: Findings were derived from a combination of the literature review, case studies, participant interviews, and the researcher's own experience.
- Academic integrity: No plagiarism was committed, and the researcher upheld honesty and respect for all individuals involved in or affected by the research.

## **1.15 RESEARCH STRUCTURE**

### **1.15.1 Chapter One: General Orientation**

This chapter examines the phenomenon of illegal building occupation, commonly known as “building hijacking,” within Johannesburg’s inner city, focusing on Region F. The research aims to explore the modus operandi employed by perpetrators and assess its utility in enhancing forensic investigations. Using a qualitative, phenomenological design, data were collected through a comprehensive literature review and semi-structured interviews with 13 investigators from the City of Johannesburg.

### **1.15.2 Chapter Two: Illegal Occupation of Buildings**

This chapter provides a comprehensive analysis of the phenomenon of illegal building occupation in Johannesburg’s inner city, tracing its historical roots and socio-economic drivers. It examines the legal and policy frameworks governing property rights and eviction processes, highlighting the tension between constitutional housing rights and property ownership.

The chapter details the various modus operandi employed by perpetrators, including title deed fraud, impersonation, forceful takeovers, bogus conveyancers, rental fraud, and land grabs. It further explores how understanding these operational patterns can enhance investigative strategies. Challenges faced by property owners and municipalities, such as legal constraints under the PIE Act, financial burdens, and urban decay, are discussed, alongside the limitations of using modus operandi analysis. The chapter concludes by emphasising the need for coordinated interventions and the strategic use of modus operandi in forensic investigations.

### **1.15.3 Chapter Three: Presentation and Discussion of Research Findings**

This chapter presents empirical findings derived from semi-structured interviews with thirteen investigators from the City of Johannesburg. It begins with participants' demographic profiles and training backgrounds, revealing varied levels of formal education and practical experience. The thematic analysis identifies key issues: defining hijacked buildings, the importance of investigations for revenue recovery and community safety, operational challenges, and the role of inter-agency collaboration. Findings show that perpetrators employ diverse tactics, such as targeting abandoned properties, using intimidation, forging documents, and illegal utility connections, while municipalities struggle with non-payment of services and legal complexities. The chapter underscores the critical need for improved training, resource allocation, and stakeholder coordination. It also highlights gaps in prosecution and data tracking, advocating for systemic reforms to strengthen investigative and enforcement processes.

### **1.15.4 Chapter Four: Recommendations and Conclusion**

This chapter synthesizes the study's findings, affirming that illegal building occupation is a complex, organized phenomenon that undermines urban governance and property rights. It reiterates the significance of modus operandi analysis as a strategic tool for linking cases and improving investigative outcomes. The chapter proposes actionable recommendations: enhancing investigator training, fostering multi-stakeholder collaboration, advocating policy reforms, integrating technological solutions, and reviewing the PIE Act to streamline eviction processes. It also calls for public awareness campaigns and community engagement to prevent illegal occupations. Finally, the chapter suggests areas for future research, emphasising the need for continuous monitoring and adaptive strategies to address evolving patterns of property hijacking.

## **1.16 SUMMARY**

This research study began with an overview of the problem and a conceptual framework. The central issue addressed is the limited use of modus operandi information by investigators dealing with illegal building occupations in Johannesburg. The study clearly articulates its research aims and questions, the employed qualitative methodologies for data collection and analysis, and maintained strict adherence to ethical research standards. The findings underscore the value of modus operandi information as a strategic investigative tool, culminating in practical recommendations aimed at enhancing the effectiveness of investigative practices.

## **CHAPTER 2: ILLEGAL OCCUPATION OF BUILDINGS**

### **2.1 INTRODUCTION**

This chapter explores the concept of the illegal occupation of buildings and provides an in-depth examination of the various modus operandi employed by perpetrators during such unlawful activities. This chapter also examines how modus operandi could be effectively utilized in investigating the illegal occupation of buildings. Additionally, it addresses the challenges faced by lawful property owners in evicting illegal occupants from their premises.

### **2.2 JOHANNESBURG BEFORE AND POST 1994 DEMOCRACY IN SOUTH AFRICA**

In the landmark case of *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg*, counsel for the applicants, Paul Kennedy SC and Heidi Barnes, (CCT 24/07 [2008] ZACC 1) contended that the Apartheid government had supplanted the Natives Act with the notorious Group Areas Act 41 of 1950. This draconian statute precipitated the mass expulsion of tens of thousands of Black urban dwellers from Johannesburg, relegating them to impoverished and underdeveloped Bantustans. With the sole exception of Alexandra, all freehold townships within Johannesburg such as Sophiatown, Martindale, Newclare, and Western Native Township were systematically cleared and redesignated as white-only zones. These areas were intentionally deprived of commercial and industrial infrastructure and placed under the jurisdiction of segregated administrative entities within the municipal framework. Their urban design, characterised by meandering roads, cul-de-sacs, and restricted entry points, was meticulously crafted to curtail mobility, and facilitate heightened police surveillance, thereby stifling economic vitality and entrenching systemic marginalisation.

During this period, the supply of housing in the townships consistently failed to keep up with the growing demand. In the 1960s and 1970s, most of the government's housing budget for black South Africans was allocated to new developments in the Bantustans. This policy led to severe overcrowding in townships and a rise in unauthorised backyard dwellings. Individuals found living in these informal structures were often prosecuted, fined, and forcibly relocated to Bantustans.

The right to adequate housing stands as a cornerstone of human dignity, enshrined not only in the South African Constitution but also in the broader canon of international human rights law. It affirms that every individual is entitled to secure, habitable, and affordable shelter. Article 25(1) of the *Universal Declaration of Human Rights* proclaims that "Everyone has the right to a standard of living adequate for the health and well-being of oneself and one's family, including housing," thereby recognizing housing as an essential element of human welfare (United Nations, 1948). In parallel, the *International Covenant on Economic, Social and Cultural Rights* reinforces this principle by obligating states to take deliberate and progressive measures to fulfil the right to housing (United Nations General Assembly, 1966). These measures encompass the prevention of homelessness and the continuous improvement of living conditions, underscoring the imperative of housing as a fundamental human entitlement. Section 26 of the Constitution of the Republic of South Africa (Act 108 of 1996) further guarantees the right of access to adequate housing.

Section 26 of South Africa's Constitution affirms the right of every individual to access adequate housing. While this right is foundational to human dignity, its realisation is often constrained by practical limitations. In many cases, particularly among marginalised communities, people occupy land or buildings out of urgent necessity. This reality presents a persistent legal and ethical dilemma: how to balance the constitutional promise of housing with the legitimate rights of property owners equitably. Striking this balance remains one of the most pressing and complex challenges in the pursuit of social justice and constitutional harmony. The Constitution acknowledges that the realisation of rights depends on available resources. According to Orthmann and Hess (2013:6), when a society establishes laws, customs, or rules it expects its members to obey them. Treadwell (2013:10), in agreement with Barlow (1996:8), Mushanga (2011:4), and Orthmann and Hess (2013:10), asserts that crime constitutes a human action that contravenes established criminal law.

The uncontrolled influx of people in the Inner City and rise in illegal occupation (hijacking) of buildings is a major challenge to the CoJ Municipality (CoJ: Draft Integrated Development Plan and Budget 2024/25, 2024:109). Abandoned and unlawfully occupied buildings are both symptoms and contributors to the deterioration of declining urban areas (Klug & Klug, 2013:2). These structures often hinder efforts to revitalise such neighbourhoods, especially when they are already inhabited, whether through legal or illegal means, making urban regeneration efforts more complex (Zack et al., 2010:135). Where buildings have been illegally occupied or hijacked owners are unable to re-claim their property (Zack et al., 2010: 12).

According to AfriForum (2022), a troubling new trend has emerged in the form of organised home invasions and residential hijacking syndicates. These groups, operating with calculated intent, either unlawfully seize and inhabit private dwellings, whether currently occupied or standing vacant, or install their own occupants within these properties. In doing so, they collect rental payments through illicit means, profiting from a scheme rooted in exploitation and deceit.

### **2.3 WHAT ILLEGAL OCCUPATION OF BUILDINGS MEANS TO VARIOUS STAKEHOLDERS**

According to the Sectional Titles Act 95 of 1986, the term *property* refers to any parcel of land registered as a distinct entity in a deed's registry. This includes erven, lots, plots, farms, stands, or agricultural holdings, as well as any units and land described in the Act. It also encompasses public spaces shown on a township's general plan or used for similar purposes, including public roads, parks, private roads, or any land regardless of its nature.

Several municipalities have enacted by-laws to address the issue of neglected or problematic buildings. These include the City of Tshwane Derelict Buildings By-law (Notice 467 of 2012), the City of Cape Town Metropolitan Municipality Problem Buildings By-law (2010), the City of Johannesburg's Problem Properties By-law (2014), the eThekweni Metropolitan Municipality Problem Buildings By-law (2015), and the Nelson Mandela Bay Metropolitan Municipality's Problem Building By-law (2019). These regulations define a Problem Property as any building, portion of a building, or property officially designated as such under Section 7 of the respective by-law. According to the Problem Properties By-law (City of Johannesburg, 2014), "Under Section 7, a property may be declared a Problem Property if one or more of the following conditions are present:

- (a) The building appears abandoned by the owner or responsible party, potentially resulting in unpaid municipal rates or service charges for over three months within a twelve-month period.
- (b) The building fails to comply with applicable laws or is not maintained according to health, fire safety, town planning, or building control by-laws.
- (c) The building lacks functional lifts or has limited lift access.
- (d) The property is overcrowded as defined by relevant legislation or planning schemes.
- (e) It is deemed unhealthy, unsanitary, unsightly, or objectionable by qualified personnel from the City of Johannesburg's Building Control Sub-Directorate.
- (f) It has overloaded or illegally connected electricity.
- (g) It has unauthorized water connections.
- (h) It lacks an electricity supply.
- (i) It lacks a water supply.
- (j) It has illegal sewer connections.
- (k) It suffers from blocked or overflowing sewer drains.
- (l) It is associated with criminal activities such as drug trafficking, prostitution, or money laundering.
- (m) It is illegally occupied.
- (n) It contains accumulated waste, rubble, or similar materials not stored in accordance with municipal approval.
- (o) It is partially constructed, and the responsible party has failed to comply with a notice issued under Section 11 of the National Building Regulations and Building Standards Act, 1977.
- (p) It is structurally unsafe.
- (q) It poses a danger to occupants, owners, responsible persons, or the public."

According to Wilson (2013:281), the term bad buildings sector refers to a loosely defined group of properties located in and around Johannesburg's inner city that the municipality has identified as hazardous, dilapidated, and potentially uninhabitable. These buildings are typically characterized by a lack of maintenance and investment, often due to abandonment by the owner or because the property has been illegally occupied or hijacked.

The hijacking of properties is an irregularity in South Africa, especially around the City of Johannesburg's Central Business District (CBD) and currently not classified as a crime under criminal law, however; perpetrators of this irregularity are often convicted of trespassing, fraud, theft, and money laundering.

Reuters (2023), in alignment with the observations of Acharya and Schenck (2023), affirms that Johannesburg, South Africa's most populous metropolis and the economic heart of the Gauteng province, has been contending with an enduring housing crisis since the dismantling of apartheid in 1994. This protracted struggle reflects deep-rooted structural inequalities and the persistent challenges of urban governance in a post-apartheid landscape. As major corporations relocated from the inner city to wealthier suburban areas, numerous buildings were left vacant. This created an opportunity for criminal syndicates to seize control of these empty properties, commonly referred to as "hijacking", and illegally rent them out for profit. Acharya and Schenck (2023) stressed that these hijacked buildings were poorly managed, often lacking amenities like running water and electricity. Occupants, who typically earn low incomes live in these dilapidated structures, making them prone to crime and unsafe conditions.

According to Ryan (2024), a hijacked property refers to a building or premises that have been illegally occupied by individuals who pay money to a third party collecting such funds under the guise of rentals. The Mail and Guardian (2015) describe the illegal occupation of buildings as the unlawful dispossession of lawful property owners' rights, where the hijackers impose themselves as the property's body corporate or agents. According to AgriSA (2020), an unlawful occupier is defined as an individual residing on land without the direct or indirect consent of the rightful landowner.

Muller (2019:1) describes property hijacking as a contemporary issue hindering the progress of inner-city areas like Johannesburg. A building is typically considered 'hijacked' under one of two scenarios:

- (a) In the first scenario, a so-called "slumlord" illicitly assumes control over a building, either by leasing it out under false pretences, as though he/she were the rightful owner, or by coercing existing tenants into paying rent and municipal fees directly to them. This manoeuvre effectively circumvents both the legitimate property owner and the local authorities, undermining lawful governance and property rights.
- (b) The second form involves fraudsters who forge property deeds or sales documents, falsely claiming the authority to sell or lease the building. This type of hijacking is particularly troubling due to its negative impact on both the economy and vulnerable communities.

According to the Regulatory, Compliance and Special Investigations Unit Manual (2012) of the City of Johannesburg Municipality, the hijacked property (for the purposes of the investigation of a hijacked property) is defined as a property where a person or persons, committee or illegal managing agent is controlling the property by inter alia collecting monies/rent, sending out statements, controlling the availability of services (water and electricity) to occupiers or units etc. without the authorisation of the owner of the property. Unlike mere trespassing, which involves accessing someone's property without consent, unlawful occupation goes beyond and requires a court order for eviction. Section 3 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act) does not specifically declare *property hijacking* a criminal offence. Rather than permitting such conduct, the law expressly forbids the acceptance or solicitation of any form of payment, referred to as "consideration", in connection with the unlawful occupation of land. This prohibition serves to uphold the integrity of property rights and deter profiteering from illegal tenancies. This means that anyone who demands or accepts money from unlawful occupiers, such as slumlords or hijackers, can be prosecuted.

## **2.4 MODUS OPERANDI USED BY ILLEGAL OCCUPIERS**

### **2.4.1 The origin of Modus Operandi**

Criminal investigation is fundamentally guided by principles such as Locard's exchange principle and the theory of individualisation, which emphasise that every contact leaves a trace and that evidence can uniquely identify an offender (Jaquet-Chiffelle & Casey, 2021: 110941).

Woods (2025:48–50) affirms that Sir L.W. Atcherley’s pioneering work on *modus operandi* remains central to offender identification, providing investigators with behavioural patterns that link crimes. Sennewald and Tsukayama (2020:222) argue that when criminal acts exhibit predictable and repeated methods, these patterns become strategic tools for solving cases. Osterburg, Ward, and Miller (2019:8) concur, noting that the primary objective of any investigation is accurate suspect identification, achieved through systematic evidence collection and analysis. Ramatsitsi and Mabunda (2025:3–5) further highlight that understanding *modus operandi* is critical for linking related offenses and anticipating future criminal behaviour. Deslauriers-Varin and Fortin (2021:635–638) emphasise that evidence-based approaches, incorporating behavioural analysis and investigative best practices, significantly enhance the effectiveness of criminal investigations.

#### **2.4.2 The meaning of Modus Operandi**

In the 1900s, August Vollmer, then serving as Chief of Police in Berkeley, California, pioneered the adoption of the English system for the systematic classification of offenders’ *modus operandi* (MO) within the United States. As noted by O’Neal (1973:1), this innovation marked a significant advancement in investigative methodology, laying the groundwork for more structured and analytical approaches to criminal profiling. By the 1960s, police departments throughout the United States had established dedicated crime analysis units, whose principal function was the identification and examination of criminal *modus operandi*. As Gottlieb, Arenberg, and Singh (1994:3) observe, these units marked a pivotal evolution in law enforcement strategy, emphasizing analytical rigor and behavioural pattern recognition in the pursuit of effective crime prevention and suspect apprehension. These units played a key role in detecting crime trends within specific geographic areas and in establishing links between known offenders and criminal activities (Gottlieb & Arenberg, 1992:7).

The term *modus operandi*, derived from Latin, translates to “method of operating.” It refers to a technique employed by investigators to connect a suspect to a crime based on behavioural patterns observed at the crime scene. According to Westphal (2009:213), MO typically reflects the offender’s behaviour during the commission of the crime. Girard (2015:38) further explains that *modus operandi* represents the distinctive way habitual offenders carry out specific types of crimes.

### **2.4.3 Modus operandi used by perpetrators to unlawfully occupy buildings/properties**

Illegal occupation of properties can be quite sophisticated and involve various actors. These criminal syndicates exploit vulnerabilities in property registration systems, often with the help of corrupt officials. Their tactics include falsifying documents, impersonating property owners, forcefully occupying the property, collecting rent, and taking advantage of flawed processes. According to Affordable Rental Housing Through Shared Facilities (2005), a report presented at the Mayoral Committee Meeting on 1 December 2005, the City of Johannesburg identified three distinct scenarios regarding unlawful occupation (modus operandi):

(a) Individuals occupying abandoned buildings without any access to municipal services and not paying rent, resulting in a completely unregulated and lawless environment.

(b) Occupants residing in deserted buildings who are coerced into paying rent to an illegal occupier or building hijacker, who collects the money through intimidation and keeps it for personal gain.

(c) Residents living in properties managed by exploitative slumlords who profit by overcrowding the buildings and making minimal payments to the City of Johannesburg to maintain basic services.

The Property Fraud Organisation (PFO) in the United Kingdom (2013) outlines several forms of property fraud, including:

(a) Artificially inflating property values.

(b) Hijacking legitimate conveyancing processes to secure mortgages using the identities of unsuspecting individuals or deceased persons through identity theft.

(c) Securing multiple mortgages from different lenders on a single property by manipulating deeds registry data.

(d) Altering title deeds without the owner's knowledge to facilitate unauthorized property sales.

#### **2.4.3.1 Title deed fraud**

Property title fraud or theft is a form of real estate crime in which an individual uses a homeowner's personal details to forge property ownership documents, such as a deed, to unlawfully claim ownership of the home.

Offenders may then secure a home loan or bond in the homeowner's name and default on the payments, potentially leading to foreclosure and damaging the homeowner's credit record (Treece, 2023).

In the matter of Botha NO v Leboko-Radebe and Others (16835/2021) [2022] ZAGPJHC 724, adjudicated in the High Court of South Africa, Gauteng Division, Johannesburg, the court was called upon to determine whether fraudulent conduct could justify the cancellation of a title deed. The case centred on a woman who, following the death of her former husband, deceitfully presented herself as his surviving spouse. On the strength of this misrepresentation, she unlawfully obtained letters of authority to administer his estate, transferred ownership of a property into her name, and subsequently secured a mortgage loan from ABSA Bank, using the property as collateral. The executor of the deceased's estate sought judicial intervention to nullify the fraudulent transfer and restore the property to the estate. The court held that the transfer was fundamentally flawed, as it was procured through deliberate misrepresentation. Invoking the enduring legal maxim that "fraud unravels all," the court declared both the title deed and the mortgage bond void, affirming that no lawful ownership can arise from fraud.

#### **2.4.3.2 Fraud and theft**

In this scheme, a fraudster poses as the property owner and attempts to sell the property. He/she may forge documents or impersonate the owner to deceive buyers or lenders. In some cases, the syndicates occupy buildings with false title deeds (ABC News: 2023). In *State v Mkhumbuzi and others*, the Johannesburg Magistrates Court sentenced a building hijacker Sinethemba Mkhumbuzi (Mkhumbuzi) to an effective 6-year jail term. Philani Ma-Afrika was the owner of a building in Johannesburg that became embroiled in a hijacking case. The 67-unit building was owned by Philani Ma-Afrika, a section 21 company. Mkhumbuzi and attorney Kenneth Ntila (Ntila), after changing ownership of the building, falsely presented themselves as directors of Philani Ma-Afrika. They then sold the property known as Angus Mansions for R3.5 million. The court found that their conduct was a misrepresentation meant to defraud Philani Ma-Afrika [(the Trust for Urban Housing Finance (TUHF)], William Mailula, and the Gauteng Department of Housing. The case resulted in convictions and sentencing. The case presented a web of complexity, as the accused had infiltrated and manipulated the Companies and Intellectual Property Commission's (CIPC) online registration system. Through this breach, fictitious and fraudulent directorship profiles were created, enabling the accused to represent himself falsely as the body corporate or authorized agent of buildings he did not own.

These misrepresentations were used to deceive unsuspecting property investors. In doing so, the accused defrauded not only the CIPC, but also legitimate property owners and the Johannesburg Deeds Office, resulting in an estimated financial loss of R4.2 million. Following a protracted trial spanning four years, he was ultimately convicted on two counts of fraud and one count of theft.

#### **2.4.3.3 Impersonation**

This occurs when impersonators pretend to be the owner of the property during transactions. In the case before the High Court of South Africa between Anna Mmakodi Thipe and 286 Denneboom Traders v. City of Tshwane Metropolitan Municipality, the appellants were informal traders who traded from the Denneboom Train Station in Pretoria. They had fixed-term lease agreements with the City of Tshwane. The property development company, Isibonelo Property Services (Pty) Ltd, was constructing a shopping mall on the property. Despite an order prohibiting the respondent from leasing out units or acting on behalf of the applicant, the respondent continued to rent rooms to students, resulting in a significant increase in occupants. The Supreme Court of Appeal ruled in favour of the appellants, setting aside the high court's order, as such emphasizing the need to address property hijacking.

#### **2.4.3.4 Takeover by force**

This type of situation arises when individuals unlawfully assert ownership over a property, often one that is vacant or infrequently monitored. In the case of City of Johannesburg v Changing Tides 74 (Pty) Ltd and 97 others (735/2011) [2012] ZASCA 116, the court addressed such a scenario. The respondent, Changing Tides 74 (Pty) Ltd, owned Tikwelo House, a former industrial warehouse. Over time, people began living in the building, converting its interior into makeshift flats. It remains unclear whether the original owners permitted this or whether desperate individuals simply occupied the space.

While still under previous ownership, third parties, unlawful occupiers, took control of the building, renting out rooms and collecting payments from residents. They maintained control through intimidation and force, even after Changing Tides acquired the property. The court referred to this as building hijacking. Tikwelo House was deemed unfit for habitation, lacking basic services such as toilets, water, sewage, and proper ventilation. It also had illegal electricity connections and was littered with waste, including human excrement.

In other cases, buildings have been forcibly taken over by various groups, a practice commonly known as building hijacking.

This is often attributed to criminal networks or so-called “activist tenants” and their affiliates. When a building falls into distress, opportunistic individuals may sabotage infrastructure and intimidate lawful occupants. Those who refuse to pay rent to the hijackers are often threatened with violence. At this point, municipal rates and taxes typically go unpaid. According to Zack and Silverman (2005:68), some illegal occupiers even receive illicit assistance from municipal officials to reconnect services such as water and electricity.

#### **2.4.3.5 Bogus Conveyancers**

Perpetrators pose as conveyancers, convincing property owners to transfer ownership or release funds. This is prevalent among building owners who fail to verify the legitimacy of legal professionals involved in their property contracts. In the case of *Moseia and Others v Master of the High Court: Pretoria and Others* (36201/2018) [2021] ZAGPPHC 37, the High Court reaffirmed a foundational tenet of property law: that fraud vitiates the so-called real agreement between parties.

As such, where immovable property is transferred through fraudulent means, legal ownership does not vest in the transferee, even if he/she is an innocent third party. The judgment underscores the principle that no lawful title can arise from deceit, thereby preserving the sanctity of ownership rights against fraudulent encroachment.

The crux of the case lay in determining whether the real agreement, the mutual intention underpinning the transfer of ownership, had been vitiated by fraudulent conduct on the part of the transferor. The factual matrix revealed that the second respondent had wilfully misled the Master of the High Court by falsely asserting both a filial relationship with the deceased and the absence of a valid will. Acting upon this deception, the Master issued letters of authority, thereby enabling the respondent to register the deceased’s immovable property unlawfully in his own name. This property was subsequently alienated and transferred to the third and fourth respondents.

The first applicant, later revealed to be the duly appointed executrix and sole heir in terms of the deceased’s last will and testament, uncovered the fraud and petitioned the court to have both transfers declared null and void. The case thus raised critical questions regarding the legal consequences of fraud in the context of property transfers and the integrity of the real agreement in such circumstances. The court found that the transfer was indeed the result of fraudulent misrepresentation and ruled that both the property transfer and the subsequent mortgage were null and void, reaffirming the legal maxim that “fraud unravels all”.

#### **2.4.3.6 Rental Fraud**

Scammers advertise properties that they do not own for rent. They collect deposits and disappear, leaving tenants without a place to stay. A typical example of this, is the building called The Ridge, based in Berea, Johannesburg which was refurbished in 2013 at a cost of R40 million and funded by the Trust for Urban Housing Fund (TUHF). THUF provides loans to buy or improve properties in South African inner cities. According to (Cox, 2015:6), the problems started when the owner defaulted on loan payments and cited that the tenants were not paying their rent. A bogus building committee had interfered with the management of the building and took over the building by employing their own security officials and cleaners. They had informed the tenants to pay rent directly into their trust account and not that of the lawful owner of the building.

In another case relating to a building, the Willinston Court in Parktown, Johannesburg the owners had bought the building with the intention to renovate it. They gave affected tenants three months' notice to vacate the building.

They were immediately met with resistance from tenants, even though they had offered them resettlement costs and alternative accommodation. The bogus building committee forced out the building security, vandalised the building and collected rent from the tenants.

#### **2.4.3.7 Land grabs**

Fraudsters sell plots of land that are often in remote or undeveloped areas. These plots may not have planning permission or any real value. In the Tapala and Another v Tlebetla case (Case No: 89400/16), a complex legal situation unfolded regarding the sale of a property in contravention of Section 10 of the Housing Act. The vacant land was sold by the deceased owner to both the first applicant and the first respondent. The sale failed to comply with Section 10A (1) of the Housing Act, which prohibits alienation within eight years of transfer without proper consent. As a result, the deceased lacked the authority to sell the property to the first respondent. The applicants sought to set aside the transfer and registration of the property, declaring the first applicant as the rightful beneficiary. They also requested a comprehensive report on state-subsidised property sales and non-compliance effects. An order was sought to cancel the title deed in favour of the first respondent.

In a recent incident, a piece of vacant land in Glen Austin, near Rabie Ridge in Midrand, was occupied by individuals who began constructing informal dwellings, citing a desperate need for housing (Moichele, 2024).

Some of the new occupants claimed that they had no alternative due to financial hardship and could not afford rental accommodation. Others acknowledged that they were building shacks to rent out for personal income, while some were setting up structures for their own immediate shelter. Over 1,000 shacks have already been erected in the area, with the number of residents continuing to rise.

#### **2.4.3.8 Urban Decline and Disinvestment**

As Mahlatsi (2022) observed, the post-apartheid era ushered in a significant demographic and spatial transformation within South African cities. Following the dismantling of apartheid in 1994, black South Africans began to migrate into urban centres such as Johannesburg, areas from which they had long been excluded under segregationist policies. In response, many white residents and commercial enterprises relocated to the more affluent northern suburbs. This exodus precipitated a period of disinvestment in the urban core, contributing to socio-economic decline and infrastructural neglect that continue to challenge the city's development trajectory. Abandoned buildings lost value, and rising unemployment and poverty contributed to slum development and hijacked buildings.

Recent studies highlight that informal property management often emerges when formal governance structures collapse, leaving residents to self-organise and maintain access to housing and services. In Johannesburg, this phenomenon is evident in inner-city areas where residents form committees to manage buildings, asserting a form of legitimacy over their occupation (Kayembe & Nel-Sanders, 2022; Mbatha & Gumbo, 2025). While some occupants attempt to pay municipal rates, fragmented administrative systems and weak enforcement often result in these payments not reaching the municipality (Boggenpoel & Mahomed, 2024). In other cases, extreme poverty prevents residents from meeting service obligations, exacerbating arrears and accelerating urban decay (Schwabe, 2025). Municipal authorities typically intervene only after significant debt accumulation, by which time properties have deteriorated beyond recovery, forcing cities to pursue absent owners for outstanding payments or resort to property attachment and sale (Architect Africa, 2025; Belle et al., 2020). Mbatha & Gumbo (2025) concluded that these dynamics underscore the urgent need for integrated urban governance and innovative upgrading strategies to prevent further decline.

#### **2.4.3.9 Syndicates and Government Officials**

There is compelling evidence that numerous state-owned buildings and parcels of land have been unlawfully taken over by syndicates operating in collaboration with corrupt government officials. These properties are often illegally occupied, creating complex legal and social challenges, as highlighted by Mahlatsi (2022).

In another incident, a large group of people were arrested for hijacking a municipal building in Johannesburg. Among the suspects was a City of Johannesburg councillor (Bhengu, 2023). The City of Johannesburg purchased the building in 2019 for R40 million with the intention of using it as a pound for the Johannesburg Metropolitan Police Department (JMPD). Despite the intended purpose, the building was hijacked by a group that began construction work on the property. Authorities arrested the suspects for charges related to malicious damage to property, theft, and vandalism. Additionally, they are looking into the alleged involvement of a senior SAPS officer. The municipality had also planned to use the hijacked building as an alternative accommodation for needy residents, but the situation escalated due to the illegal occupation.

### **2.5 HOW MODUS OPERANDI COULD BE UTILISED EFFECTIVELY TO INVESTIGATE THE ILLEGAL OCCUPATION OF BUILDINGS**

Snoek, Cullen, Bennell, Taylor, and Gendreau (2008:1271) argue that MO can provide investigators with valuable insights that may assist in locating the offender. As Thenga (2014:23) elucidates, an offender's modus operandi is frequently discernible through the recurring patterns of conduct they exhibit, as well as the state in which the crime scene is ultimately left. According to Bennett and Hess (2001:5), understanding how criminals typically operate i.e., their modus operandi can significantly support the investigative process. The primary importance of MO lies in its potential to help identify the perpetrator. Van der Merwe (1996:33) and Sutton and Trueman (2009:55) further note that MO enhances the possibility of linking a specific individual to a crime through a repeated and recognizable pattern of behaviour, which becomes the signature of the offender's actions.

Khan (2007:4) explains that modus operandi is grounded in the idea that, like all individuals, criminals develop habitual behaviours. Birzer and Roberson (2012:102) suggest that as offenders commit repeated crimes, they tend to replicate certain actions, which become their preferred method of operation.

Hickey (2006:34) notes that MO encompasses the techniques used to carry out a crime and may evolve over time as the offender gains experience and confidence. Hazelwood and Warren (2003:13) argue that MO serves three main purposes: concealing the offender's identity, ensuring the success of the crime, and aiding in escape and avoidance of prosecution.

Sutton and Trueman (2009:55) highlight that once an individual finds a successful way to commit a particular crime, he/she will continue with that same method for some time, usually until that criminal activity is disrupted following arrest. The term *modus operandi* refers to the distinctive method or technique employed by an offender in the execution of a criminal act. The accumulated information should be as detailed as possible so that intelligence analysts can use it to link series of crimes.

*Modus operandi* denotes the characteristic method employed by an offender to commit a crime, often offering vital clues to investigators in identifying the perpetrator. By analysing the *modus operandi*, investigators can identify distinct techniques and behavioural patterns associated with a particular criminal.

Recognising these consistent methods helps link multiple cases together. In the illegal occupation of buildings, this may include the way the buildings or properties were occupied, rental was paid and collected and how the ownership of a building was transferred from a lawful owner to a perpetrator.

In the realm of unlawful building occupation, a thorough understanding of the *modus operandi* employed by trespassers or illegal occupiers is crucial, as it sheds light on the strategies and patterns that facilitate such intrusions. Investigators should look for recurring signs, such as the occupation of a building, forced entry methods, specific locations targeted, timing, and any distinctive behaviours associated with illegal occupation of buildings. By recognising these patterns, law enforcement, municipalities and owners of properties can develop effective strategies to prevent and address illegal occupation. The significance of *modus operandi* lies in its capacity to distinguish individual offenders, establish links between related crimes, anticipate future behaviour, and bolster the evidentiary foundation of legal proceedings. It serves as a powerful tool in investigating various criminal activities, including the illegal occupation of a building.

Residential hijacking syndicates frequently embed their own occupants within unlawfully seized properties, collecting rental income while burdening the rightful owners with the complex task of regaining full control and use of their premises. Although Section 3 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act) explicitly prohibits the solicitation of money in connection with unlawful occupation, the enforcement of this provision remains contingent upon the property owner initiating formal legal proceedings through the courts.

Section 4 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act) delineates the procedural obligations incumbent upon property owners seeking an eviction order. Central to this provision is the requirement to furnish unlawful occupiers, as well as the relevant municipal authorities, with adequate written notice of the impending legal action, ensuring due process is observed. Complementing this, Section 5 addresses circumstances of heightened urgency, empowering property owners to petition the court for expedited relief where there exists a credible threat of significant harm to persons or property.

Irrespective of the procedural path pursued, once individuals are legally designated as 'unlawful occupiers' under the PIE Act, property owners are often compelled to navigate a protracted and financially burdensome legal process to obtain an eviction order.

Upon issuance, such an order authorizes the sheriff to execute the eviction, frequently with the support of law enforcement or private security personnel.

Notably, the financial responsibility for these operations, including the engagement of private security, typically falls upon the property owner. Although courts may, in principle, direct that the evicted parties reimburse these expenses, such cost recovery is seldom realized in practice (AfriForum, 2022).

## **2.6 CHALLENGES FACED BY RIGHTFUL OWNERS AND THE MUNICIPALITY TO EVICT THE ILLEGAL OCCUPIERS OF THEIR PROPERTIES**

Zack and Silverman (2005:70) highlight several negative consequences that hijacked, or unlawfully occupied buildings pose for municipalities:

- (a) A depreciation in property values invariably diminishes the municipal rates base, thereby constraining the revenue-generating capacity of the municipality.
- (b) Hijackers or occupiers may or may not collect service fees from residents.

- (c) While some occupiers attempt to forward these payments to the municipality to maintain services, hijackers typically retain the funds for themselves.
- (d) The deterioration of one building often impacts surrounding properties and public spaces, increasing the municipality's urban management costs.

In accordance with Section 205(3) of the Constitution of the Republic of South Africa, the South African Police Service (SAPS) is entrusted with a multifaceted mandate: to prevent, combat, and investigate crime; to maintain public order; to safeguard the lives and property of citizens; and to uphold and enforce the rule of law. Despite the constitutional mandate of the South African Police Service (SAPS) to uphold public order and protect property, there are documented instances in which SAPS had failed to intervene in cases involving threats from unlawful occupiers or residential hijacking syndicates. A notable example includes the hijacking of the Goedehoop Rental Complex on 12 March 2021 in Cape Town, where SAPS officers reportedly stood by as the property was unlawfully seized, citing COVID-19 regulations as justification for their failure to act. This incident underscores a troubling pattern of non-intervention, which not only undermines the rule of law but also places the burden of legal recourse squarely on the shoulders of property owners (Shevelew, 2021).

The Trespass Act 6 of 1959 serves as the primary legislation protecting property owners and lawful occupiers from unauthorized entry. Under Section 1, trespassing is defined as entering another person's property without permission. Offenders can be arrested on the spot by police, followed by prosecution. If convicted, Section 2(2) allows the court to order the immediate removal of the trespasser.

The Criminal Procedure Act 51 of 1977 confers upon private individuals the authority to effect arrests without a warrant under defined circumstances. Notably, Section 42(3) empowers a property owner, lawful occupier, or an individual entrusted with the care of premises to apprehend, without judicial authorisation, any person actively engaged in the commission of an offence on the property. This statutory provision underscores the legal recognition of private agency in the immediate protection of property and the maintenance of order within privately controlled spaces. However, caution is advised, as improper or forceful arrests may lead to civil claims against the arrestor. Ideally, law enforcement should carry out such arrests to avoid harm or liability.

Upon being designated as 'unlawful occupiers' in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998, individuals are nonetheless afforded a measure of legal protection. The Act defines an unlawful occupier as a person who occupies land without the express consent of the owner or without any legal entitlement to do so, thereby establishing a framework that balances property rights with considerations of human dignity and due process. As a result, even if occupation is illegal, property owners must obtain a court order to evict them. Courts have ruled that evictions from hijacked buildings cannot proceed unless the municipality provides alternative accommodation. The PIE Act governs such evictions and serves several key purposes:

- (a) It prohibits unlawful evictions.
- (b) It outlines clear procedures for lawful eviction.
- (c) It repealed antiquated legislation, such as the Prevention of Illegal Squatting Act of 1951, thereby replacing a historically punitive framework with one that aligns more closely with constitutional values and the principles of social justice.
- (d) It seeks to strike a delicate equilibrium between the proprietary rights of landowners and the constitutional protections afforded to unlawful occupiers, thereby ensuring that evictions are conducted in a manner that is both legally sound and respectful of human dignity.

The PIE Act extends its applicability to all forms of residential occupation, encompassing not only unlawful occupiers but also tenants in breach of lease agreements. It establishes a structured and equitable eviction process that seeks to balance the rights and interests of both property owners and occupants, ensuring that removals are conducted in a manner consistent with constitutional principles and procedural fairness.

### **2.6.1 Challenges of utilising Modus Operandi**

While modus operandi is a valuable tool in criminal investigations, it does come with some challenges:

#### **2.6.1.1 Variability**

Criminals often adapt their methods over time, making their modus operandi less consistent.

Changes in circumstances, technology, or available resources can significantly alter offender behaviour, complicating pattern recognition (Deslauriers-Varin & Fortin, 2021). This dynamic nature requires investigators to continuously update analytical frameworks to accommodate evolving crime strategies.

#### 2.6.1.2 Copycat Crimes

Some offenders deliberately mimic the modus operandi of notorious criminals to mislead investigators and create false linkages between unrelated cases. This tactic can result in investigative misdirection and wasted resources (Mathew & Xavier, 2024; Kumkaria & Tiwari, 2024). Understanding psychological motivations behind copycat behaviour is essential for accurate profiling.

#### 2.6.1.3 Multiple Offenders

In cases involving multiple perpetrators, distinguishing individual modus operandi becomes complex. Shared behaviors within a group can obscure unique patterns, making attribution challenging. Investigators must employ advanced behavioural analysis and forensic intelligence tools to differentiate overlapping signatures (Skipanes et al., 2025).

#### 2.6.1.4 Incomplete Information

Limited crime scene evidence or unreliable witness accounts often hinder accurate modus operandi analysis.

Investigators require comprehensive data to identify consistent patterns, yet fragmented or compromised evidence remains a persistent obstacle (Thakkar & Datta, 2023; Jaquet-Chiffelle & Casey, 2021). Integrating computational methods and cross-case data can mitigate these limitations.

### **2.6.2 The cost of illegal occupation of buildings to the owners and municipality**

#### 2.6.2.1 Property Owners' Struggle

Property owners face an uphill battle reclaiming possession of residential buildings that have been taken over or occupied (hijacked) by illegal occupiers. Some buildings do not receive rent due to rent boycotts. The eviction process can be complex, and property owners often encounter significant obstacles when trying to reclaim possession of their properties (SDLaw, n.d.; BizNews, n.d.; South African Lawyer, 2022).

### 2.6.2.2 The Municipality's Challenges

The City of Johannesburg continues to contend with the complex challenge of providing temporary emergency accommodation to individuals who, having defaulted on rental obligations, now occupy properties unlawfully. This persistent struggle underscores the broader systemic difficulties faced by metropolitan authorities in balancing constitutional housing duties with the enforcement of property rights. The failure to plan and budget for such accommodation has legal and constitutional implications (Daily Maverick, 2025; SAFLII, 2025; HBG Schindlers Attorneys, n.d.). Effective collaboration between the municipality and the Department of Home Affairs (DHA) is crucial, particularly in situations involving foreign nationals (Joburg ETC, n.d.).

### 2.6.2.3 Financial Impact

The financial burden includes legal expenses for eviction proceedings and loss of rental income for property owners. If the case is successful, potential damages claims against the municipality and the state might arise. Additionally, revamping hijacked buildings could be expensive and involving a lengthy redevelopment process.

In the seminal case of *Blue Moonlight Properties 39 (Pty) Ltd v Occupiers of Saratoga Avenue*, 86 destitute individuals were residing in a derelict industrial building in Berea, Johannesburg. When the owner of the property initiates eviction proceedings in 2006, the occupiers resisted eviction, asserting that their removal could not proceed until the City of Johannesburg fulfilled its constitutional obligation to provide temporary alternative accommodation. The High Court granted the eviction but simultaneously ordered the city to either provide such accommodation or pay each household R850 per month to secure housing independently. Crucially, the court declared the City's housing policy, which excluded those evicted from private land under the PIE Act, as unconstitutional and held the municipality liable for compensating the property owner for the loss of use resulting from its policy failure.

In March 2011, the Supreme Court of Appeal (SCA) affirmed this position, finding the City's policy irrational, discriminatory, and inconsistent with constitutional mandates. The SCA directed the city to provide emergency accommodation by 1 June 2011. This landmark judgment not only affirmed the socio-economic rights of the urban poor but also reinforced the enforceability of constitutional obligations upon local government authorities.

Illegal occupation of properties can have serious consequences, both legally and socially. Here are some potential outcomes:

(a) Legal Action

Property owners could take legal action to evict illegal occupants. This may involve court proceedings, eviction orders, and law enforcement intervention. Occupants may face fines, penalties, or criminal charges for trespassing or violating property rights (SDLaw, n.d.; South African Lawyer, 2022).

(b) Civil Disputes

Legal battles could strain relationships between neighbours, communities, and property owners. Disputes over property rights could lead to prolonged conflicts and emotional stress (BizNews, n.d.).

(c) Social Impact

Illegal occupation could disrupt neighbourhoods and affect property values. It may create tension and mistrust among residents (Joburg ETC, n.d.).

(d) Humanitarian Considerations

Some cases involve vulnerable individuals who occupy properties out of necessity. Balancing legal rights with compassion is essential (HBG Schindlers Attorneys, n.d.; Daily Maverick, 2025).

## 2.7 SUMMARY

This chapter examined the phenomenon of illegal building occupation, with particular attention to the strategies and methods employed by criminal actors in executing such occupations. It further explored how an understanding of these behavioural patterns commonly referred to as *modus operandi*—can enhance the efficacy of investigative efforts. In addition, the chapter illuminated the multifaceted challenges encountered by lawful property owners in their attempts to reclaim possession, particularly within the constraints of existing legal frameworks.

## CHAPTER 3: PRESENTATION OF RESEARCH FINDINGS AND DISCUSSIONS

### 3.1 INTRODUCTION

The preceding two chapters explored theoretical frameworks and secondary sources related to the definitions, conceptual understanding, and operational patterns (*modus operandi*) associated with illegal building occupations, commonly referred to as hijacked buildings. This chapter shifts to practical significance by incorporating ethnographic and empirical methods, as detailed in the Data Analysis section, to demonstrate the study's real-world relevance (Fetterman, 2010:12).

In this study, the data analysis spiral method was employed to interpret the raw data. As described by Ritchie et al. (2014:271), this approach aligns with interpretive phenomenological analysis, which aims to explore and understand participants' perspectives by interpreting the meanings embedded in their lived experiences and personal narrative.

The primary aim of this study was to investigate the *modus operandi* employed by individuals engaged in the illegal occupation of buildings within Johannesburg's inner city. In pursuit of this objective, the research sought to uncover the patterns, tactics, and operational strategies characteristic of such unlawful activities. To guide this study, the following central research question was posed:

- Which *modus operandi* was used to commit illegal occupation of buildings in the inner-city area of Johannesburg?

To develop a nuanced and comprehensive understanding of the phenomenon of illegal building occupation commonly referred to as the hijacking of buildings the researcher employed a multi-method approach. This included an extensive review of existing scholarly and legal literature, in-depth interviews with key stakeholders, as well as reflective insights drawn from the researcher's own professional experience in investigating such cases. The analytical process centred on synthesising data from both documentary sources and participant narratives. The study's conclusions and recommendations are thus firmly rooted in this triangulated body of empirical evidence and practical expertise.

This chapter presents and interprets the empirical findings of the study, with a particular focus on the *modus operandi* employed in the illegal occupation of buildings within Johannesburg's inner-city precincts.

Data were collected through a combination of telephonic (Microsoft Teams) and in-person interviews, involving a purposively selected sample of thirteen building hijacking and compliance investigators from the City of Johannesburg's Group Forensic and Investigation Services. The findings are organised into two primary sections: Section A outlines the demographic profile of the participants, including their educational qualifications and professional experience, while Section B offers a thematic analysis of the interview data, aligning the emergent insights with the study's overarching aim and research objectives.

This chapter examines the broader implications of the study's findings for both policy development and practical application. It offers targeted recommendations aimed at enhancing investigative approaches and strengthening preventive strategies against the illegal occupation of buildings. The qualitative data within this study facilitates a comprehensive examination of the tactics and emerging patterns associated with the illegal occupation of buildings. This methodological approach not only enriches the depth of analysis but also contributes meaningfully to the existing scholarly discourse on urban crime and property-related offences.

Moreover, this chapter engages critically with the socio-economic determinants that underpin the illegal occupation of buildings, drawing attention to the intersecting roles of poverty, chronic unemployment, and the inadequacies of existing housing policies. It emphasises the imperative for a holistic and multi-sectoral response to these structural challenges, advocating for coordinated intervention among law enforcement agencies, municipal authorities, and community-based organisations to formulate sustainable and socially just solutions. This holistic perspective aims to not only curb illegal activities but also promote sustainable urban development and social justice.

## **3.2 DATA PRESENTATION**

### **SECTION A: PARTICIPANTS' BIOGRAPHIC AND DEMOGRAPHIC INFORMATION**

The study engaged a total of thirteen participants by means of interviews conducted for the purpose of data collection and analysis. Their demographic information, detailed in this chapter, includes educational background, work experience, and tenure in their current roles. Importantly, the collection of this bibliographic data, categorised into four variables, adhered to ethical research protocols, ensuring no violation of personal rights. All participants had prior investigation experience before joining CoJ.

### **3.2.1 Educational and Training Background**

Notably, all thirteen participants hold a post-matric qualification. The participants have received varying levels of training and education to handle cases of illegal occupiers. Some have formal qualifications and extensive training, while others rely on on-the-job experience and previous roles in related fields. Participants 6, 7, and 10 received formal training and hold relevant qualifications. Participants 9 and 11 rely on on-the-job training, while Participants 1, 4, 5, 12, and 13 have not received formal training but depend on their background and experience. Participant 3 has attended workshops and training sessions related to property investigations. This analysis highlights the diverse training backgrounds of the participants, with some relying on formal education and others on practical experience to investigate the hijacking of buildings. The lack of formal training for some participants underscores the importance of on-the-job learning and the value of previous roles in related fields.

The analysis of participants' responses reveals a diverse range of training and experience in investigating the illegal occupation of buildings. Participant 1 has no formal training and relies on practical experience and a background in compliance. Participant 2 also lacks formal internal training, depending on qualifications and experience in policing and investigations. Participant 3 has a background in fraud investigation and has attended workshops and training sessions related to property investigations. Participant 4 has no formal training related to the hijacking of buildings but has previous roles in human settlements and financial investigations. Participant 5 has no specific training provided by the city and relies on a background in investigations and previous experience. Participant 6 possesses advanced training in the field, including postgraduate qualifications in criminal investigations, and brings valuable practical insight as a former member of the South African Police Service.

Participant 7 has completed various training courses related to fraud, criminal procedure, and other relevant areas, equipping him with skills to handle complex investigations. Participant 8 investigates complaints, conducts desktop searches, and ensures compliance with bylaws, with a background in forensic units, City of Johannesburg's Emergency Management Services bylaws, advanced fire investigation, and peace officer qualifications. Participant 9 relies on on-the-job training and practical experience. Participant 10 attended a PIE Act training course in 2010, uses investigation experience, and holds a postgraduate qualification, with 18 years of experience as a former detective. Participant 11 also relies on on-the-job training and practical experience.

Participant 12 has no formal training but employs knowledge of investigation, with a background in investigations. Finally, Participant 13 has no formal training and relies on practical experience and a background in compliance.

### **3.2.2 Work Experiences**

The participants have varying time spans of experience in investigating the illegal occupation of buildings, ranging from a few years to over a decade. This diversity in experience provides a broad perspective on the challenges and methodologies involved in this field. Participant 6 is the most experienced, with 10 years of experience, while Participants 5 and 9 are the least experienced, each with 2 years of experience. Most participants have between 4 to 8 years of experience. Despite the varying lengths of experience, participants share common duties such as verifying ownership, conducting site inspections, gathering evidence, and ensuring compliance with city bylaws.

The analysis brings to light the varied levels of professional experience among the participants, a diversity that significantly enhances the depth and breadth of insight into the investigative procedures surrounding the unlawful occupation of buildings. The range of experience also underscores the importance of both seasoned investigators and newer members in addressing the complexities of property hijacking.

The analysis of participants' responses reveals a range of experience and roles in investigating the illegal occupation of buildings. Participant 1 has 4 years of experience (since 2019) and focuses on ensuring that properties comply with city bylaws. Participant 2 has 6 years of experience, and deals with opening files, verifying documentation, and obtaining sworn statements. Participant 3, with 5 years of experience (since 2018), receives complaints, conducts site visits, and verifies complaints. The duties of Participant 4 with also 6 years of experience (since 2018), involve the investigating of property complaints, verifying ownership, and engaging with owners. Participant 5, with 2 years of experience (since 2022), verifies allegations, interviews occupants, and checks property safety. Participant 6 who has 10 years of experience, works at profiling properties, establishing financial status, and opening criminal cases.

Participant 7 has 7 years of experience (since 2018), and focuses on verifying ownership, conducting inspections, and building cases. Participant 8, with 8 years of experience (since 2017), investigates complaints and ensures compliance with bylaws.

Participant 9 has 2 years of experience (since 2022), and engages with verifying allegations, interviewing occupants, and checking property safety.

Participant 10 has 6.5 years of experience (since mid-2018), and is employed in conducting site inspections, interviewing occupants, and opening criminal cases. Participant 11, with 8 years of experience (since 2017), conducts compliance investigations, both desktop and field inspections.

Participant 12 has 6 years of experience (since 2018), and investigates hijacked properties, collects evidence, and opens criminal cases. Finally, Participant 13 has 4 years of experience (since 2019) and has the duties of ensuring compliance with bylaws and collaborating with another department.

## **SECTION B: FINDINGS OF PARTICIPANTS' KNOWLEDGE AND EXPERIENCES RELATING TO THE INVESTIGATION OF HIJACKED BUILDINGS AND ITS MODUS OPERANDI**

The demographic composition of the participants foregrounds the environmental and naturalistic dimensions that shape their lived realities and contextual engagements. Nonetheless, the insights shared in this section are rooted in the participants' own viewpoints, reflecting their knowledge, lived experiences, and interpretations. This methodological choice supports the study's ethnographic-qualitative framework (Burrell, 2017:17). These insights form the basis for fulfilling the study's aims outlined in Section 3.3, addressing the central research question, and shaping the key conclusions, thematic findings, and recommendations (Saferstein, 2015:29). The interview responses gave rise to seven thematic categories that structure the study's core findings. The participants' recurring statements in response to the interview questions (as per Interview Schedule) provided insights into the following eight (8) themes and three (3) sub-themes.

### **Themes:**

- Defining a hijacked building,
- the importance of investigating illegal occupation of buildings,
- number of buildings investigated and handed back to their rightful owners,
- number of individuals arrested and sentenced by the courts over the past five years,

- specific types of crimes for which they were prosecuted,
- the importance of collaborating with relevant law enforcement stakeholders,
- modus operandi used by the perpetrators to illegally occupy buildings, and
- recourse options for victims of illegally occupied buildings and challenges encountered by investigators when conducting illegal occupation of buildings.

**Sub-themes:**

- The ways in which perpetrators illegally occupy buildings.
- Types of buildings are targeted by building hijackers.
- Do illegally occupiers of buildings pay for the municipal services? What does the municipality do if they do not pay?

**3.3 PRESENTATION OF KEY FINDINGS (DEALING WITH ILLEGAL OCCUPATION OF BUILDINGS)**

This section presents the principal findings derived from the data, systematically organized into overarching themes and corresponding sub-themes. These thematic structures illuminate the complex dynamics of illegal building occupations as examined through the lens of investigative practice. Within each thematic category, participants' narratives are interwoven to illustrate and substantiate the emergent patterns and insights.

**Theme 1: Defining a hijacked building**

The analysis of participants' responses reveals several common themes in the illegal occupation of buildings. A predominant theme is the lack of consent, with most participants agreeing that illegal occupation involves occupying a property without the owner's consent (Participants 2, 3, 5, 7, 8, 9, 10, 12, 13). Financial gain is another significant theme, as several participants mentioned that hijackers collect rent or benefit financially from the property (Participants 2, 3, 5, 7, 10). The loss of control is also highlighted, with legitimate owners losing control over their property (Participants 2, 4, 5, 9). Additionally, non-compliance is a common issue, as illegal occupation often leads to neglect and non-compliance with city regulations (Participants 8, 11).

The responses from participants provide various definitions of property hijacking. Participant 1 described it as occupying a building without paying for municipal services. He opined that:

*“Building hijacking is when someone occupies a building that does not belong to them, often without paying for municipal services.”*

Participant 2 also talked about taking someone’s property without his/her permission. He explained:

*“Building hijacking is occupying a property without the owner's consent and collecting rent.”*

Participant 3 mentioned collecting rent from tenants without any agreement with the legitimate owner. Participant 4 highlighted that the owner loses control while someone else benefits unlawfully. Participants 5 and 8 shared the same sentiments that property hijacking was occupying a property without the owner's consent, benefiting financially and leading to neglect of such a property. Participant 6 noted the violent taking and occupation with misrepresentation to extort money. Participant 7 defined it as occupying a property without the consent of the owner and collecting rent. Participant 9 believed that it means occupying a property without the consent of the owner, causing financial loss to the municipality. Participant 10 described it as occupying a property without the consent of the owner and collecting rent. Participant 11 mentioned refusing to leave or pay for a property or taking over and collecting rent. Participant 12 defined it as the unlawful use or takeover of property without legal permission. Finally, Participant 13 described it as illegally moving into a building without following legal steps.

## **Theme 2: The importance of investigating illegal occupation of buildings**

The analysis of participants' responses reveals several common themes in addressing the illegal occupation of buildings. Revenue recovery is a significant theme, as investigating these cases helps the city to recover lost revenue from unpaid municipal services (Participants 1, 2, 3, 5, 6, 7, 8, 9, 10, 11). Another important theme is restoring control, ensuring that property owners can regain control of their properties (Participants 1, 2, 3, 5, 7). Community safety is also emphasized, as these efforts help maintain order and safety within the community (Participants 1, 2, 3, 5, 8, 10, 12, 13). Additionally, protecting legal and property rights is crucial, safeguarding the rights of property owners (Participants 4, 12).

The responses from participants highlight the importance of addressing the illegal occupation of buildings.

Participant 1 emphasised that it ensures city revenue and allows owners to regain control. He expressively stated:

*“It’s crucial to investigate to ensure the city receives revenue from services and to allow rightful owners to regain control of their properties.”*

Participants 2 and 3 noted that it helps property owners regain control and assists the city in recovering lost revenue. Participant 4 mentioned that it enables the pursuit of criminal cases and arrests.

Participant 5 pointed out that it prevents financial loss to both the property owner and the city and ensures safety. He stressed that:

*“The city loses revenue from unpaid services, and the properties often become unsafe due to lack of proper maintenance. Investigating these crimes helps restore control to the rightful owners and ensures the safety and well-being of the community.”*

Participant 6 stressed that it prevents the collapse of municipal financial affairs. Participant 7 highlighted that it prevents the spread of the issue and ensures city revenue and service delivery. Participant 8 noted that it ensures buildings generate revenue and are well-maintained. Participant 9 mentioned that it helps the municipality recover revenue and maintain order. Participant 10 stated that it prevents overcrowding and unsafe conditions and ensures city revenue. He asserted:

*“The CoJ is losing revenue as unlawful occupiers don’t pay the services such as water and electricity. The big businesses are moving out of the city as the buildings are getting dilapidated and criminals are using these buildings as their hide areas for the law enforcement officials. No company will invest on unsafe surroundings and as such revenue as well as employment is lost.”*

Participant 11 emphasised that it prevents non-compliance, and slum conditions and ensures city revenue. Participant 12 pointed out that it protects legal and property rights, ensures safety, and prevents criminal activities. Finally, Participant 13 noted that it prevents crime and ensures community safety, despite legal and resource constraints.

**The following is an overview of the value chain associated with investigating the hijacking of buildings:**

### **3.3.1 Identification and Reporting**

Participants 1, 5, 7, 9, and 12 highlighted the receipt of complaints from the public, property owners, or through hotlines and whistleblowing lines as a primary method of identifying illegal occupation incidents. Additionally, Participants 2, 5, and 9 emphasised the crucial role of property owners in reporting hijacking incidents, underscoring the importance of their active involvement in the identification process.

### **3.3.2 Verification and Documentation**

The verification of property ownership is a critical step, as noted by Participants 2, 3, 4, 5, 9, 11, and 12. This process involves various methods, including desktop investigations, site visits, and consultations with the Deeds Office or the CIPC. Furthermore, Participants 2, 4, 9, and 12 stressed the importance of obtaining sworn statements from property owners or their representatives and verifying all relevant documentation to ensure the legitimacy of claims.

### **3.3.3 Evidence Gathering**

Evidence gathering is a multifaceted process. Participants 3, 4, and 12 described interactions with occupants as a key method, which include collecting rent payments, agreements, and statements. Additionally, Participants 4 and 12 conduct physical site inspection, take photographs, and check for illegal utility connections to gather comprehensive evidence of illegal occupation.

### **3.3.4 Compliance and Legal Actions**

Ensuring compliance with city bylaws is a priority for Participants 1, 8, and 13, who focus on regulations related to public health and emergency services. Legal proceedings are also a significant aspect, as discussed by Participants 4, 6, 10, and 11. These participants address the legal dimensions of property hijacking, including civil litigation, criminal prosecution, and obtaining declaratory orders from the High Court to resolve disputes and enforce property rights.

### **3.3.5 Challenges**

Participants 10 and 11 drew attention to a series of legal constraints, notably those arising from the stipulations of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act).

These legal frameworks, while designed to safeguard constitutional rights, often present significant procedural hurdles, particularly in relation to the acquisition of information from unlawful occupiers. Additionally, Participant 6 outlined the challenges of coordinating with other departments, emphasising the need for a structured project management process that involves multiple stakeholders and departments to effectively address the complexities of property hijacking cases. Legal complexities and safety risks are significant barriers. According to Boggenpoel and Mahomed (2024), the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE) is often cited as both a protective measure for occupiers and a challenge for law enforcement.

**Theme 3: Challenges normally encountered by investigators when conducting illegal occupation of buildings**

The study identified several challenges faced by investigators in dealing with property hijacking. A significant issue is the lack of cooperation from tenants and occupants, who often refuse to cooperate or provide false information (Participants 1, 2, 3, 4, 5, 9, 10). Locating property owners, particularly those overseas, poses another difficulty (Participants 3, 5, 8). Legal complexities, including navigating property laws and eviction processes, are both complex and time-consuming (Participants 6, 12). Investigators also face safety risks, encountering aggression, threats, and unsafe conditions (Participants 6, 8, 9, 10, 12). Additionally, coordination issues arise due to reliance on other departments and the lack of approved bylaws (Participants 8, 13).

The table below offers a synthesised overview of the distinct investigative strategies, and the corresponding challenges encountered by each participant in addressing the phenomenon of illegal building occupation:

**Table 1: Overview of the distinct investigative strategies, and the corresponding challenges encountered by each participant designed by the researcher**

Participant	Identification Method	Verification Process	Evidence Gathering	Compliance Enforcement	Challenges
1	Public complaints, observations	Ensures compliance with bylaws	-	Public health, emergency services	-
2	Owner reports	Verifies documentation, sworn statements	-	-	Legal constraints (PIE Act)
3	Occupant interaction	Desktop investigations, site visits	Rent payments, agreements	-	-

Participant	Identification Method	Verification Process	Evidence Gathering	Compliance Enforcement	Challenges
4	Ownership confirmation	Statements, photographs, utility checks	-	Advises on next steps	-
5	Complaints	Verifies ownership	-	-	-
6	Whistleblowers, media	Project management process	-	-	-
7	Complaints	Allocates to investigator	-	-	-
8	-	-	-	Ensures compliance, service disconnections	-
9	Whistleblowing line	Verifies ownership	-	-	-
10	-	-	-	-	Legal constraints, obtaining statements
11	-	Checks with CIPC	-	Legal proceedings	-
12	Complaints	Confirms ownership, site inspections	Statements, photographs	Opens criminal cases	-
13	-	-	-	Ensures compliance with bylaws	-

The responses from participants highlight various challenges encountered in addressing the illegal occupation of buildings. Participant 1 noted a lack of cooperation from tenants, while Participant 2 mentioned mistrust from tenants and delays in police and National Prosecuting Authority (NPA) investigations. He explained that:

*“One challenge is that we are sometimes suspected of being hijackers ourselves. This mistrust arises because there are many fraudulent individuals out there. Proper identification and collaboration with the police help mitigate this issue. Another challenge is that after we complete our investigations and hand over the case to the police, further investigations by the police and the NPA can take a long time. The NPA must decide if the case is prosecutable, which can delay the process.”*

Participant 3 identified difficulties in locating owners, resistance from occupants, and verifying claims. He added: *“Challenges include locating the property owner, especially if they have moved overseas, and resistance from occupants who refuse to cooperate. These issues hinder the success of our investigations. Sometimes, individuals claim they bought the property from the deceased owner but haven’t completed the transfer. We follow the legal process to verify such claims, often involving the Masters of the High Court to trace the property’s history.”*

Participant 4 also reported a lack of cooperation from tenants. Participant 5 highlighted challenges in locating owners and dealing with uncooperative occupants. Participant 6 described facing aggression, threats, legal complexities, and the need to find alternative accommodation. Participant 7 pointed out that occupants often refuse to pay rent or leave, straining city resources. Participant 8 mentioned issues in contacting owners, volatile areas, coordination problems, and a lack of approved bylaws. In addition, Participant 9 noted a lack of cooperation, security risks, and dealing with illegal immigrants. Participant 10 reported uncooperative occupants, unsafe conditions, and a lack of services, whereas Participant 11 emphasised non-compliance, slum conditions, and the impact on city revenue. Participant 12 described safety risks, confrontations, legal complexities, and difficulties in identifying occupants and finally, Participant 13 mentioned a lack of tools, reliance on other departments, and uncooperative owners.

Sutcliffe and Bannister (2023) observe that numerous occupants are hesitant to share information due to the fear of retribution from hijackers. Majola (2025) emphasises that investigators frequently face perilous situations, including potential violence from criminal syndicates, and notes that limited personnel and resources can impede comprehensive investigations and timely resolutions. Banda (2025) argues that collecting and safeguarding evidence in such environments is particularly challenging, especially if the scene has been compromised.

The findings align with the observations and experiences by the participants who stressed the multifaceted challenges faced by investigators dealing with hijacked buildings. The fear of retribution among occupants underscores the need for robust witness protection programmes to encourage cooperation. The emphasis on the dangers posed by criminal syndicates and resource limitations points to the necessity for better-equipped and adequately staffed investigative units. The assertion about the difficulties in evidence collection and preservation further illustrates the complexities of these investigations, suggesting a need for advanced forensic techniques and protocols to handle compromised scenes effectively.

#### **Theme 4: Number of buildings investigated and handed back to their rightful owners**

The participants investigated a varying number of buildings, achieving different levels of success in returning them to their rightful owners.

The rate of successful outcomes is contingent upon a constellation of factors, including the inherent complexity of individual cases, the legal limitations imposed by statutory frameworks, and the extent of institutional resources allocated for enforcement efforts.

Participants 2, 6, 10, and 11 conducted high-volume investigations, each examining over 100 buildings in the inner city of Johannesburg. Participants 2, 4, 7, and 10 had successfully handed back multiple properties, although the exact numbers vary. Common challenges faced include legal constraints, lack of cooperation from occupants, and limited resources for enforcement.

Participant 1 investigated 10 to 20 cases and works with the police to arrest hijackers once the investigation has been completed. Participant 2 investigated about 200 buildings, successfully handing back around 20 to their owners, with some cases closed because of not meeting hijacking criteria or tenants resolving issues themselves. He added:

*“In such cases, we refer them to the housing tribunal for further resolution.”*

Participant 3 investigated numerous buildings, with some properties handed back successfully. He stressed:

*“The process is challenging as the municipality will be required to provide an alternative accommodation as dictated by the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act. In most cases, the municipality does not have immediate available accommodation for illegal occupiers.”*

Participant 4 handled many cases during 2016-2017, successfully handing back more than ten properties, though progress was affected by changes in administration. He explained:

*“I don’t have exact numbers, but since the unit was established around 2016-2017, we’ve handled many cases. During Mayor Mashaba’s tenure, there was significant progress, with many cases resolved and properties handed back to their rightful owners. However, interest in the unit has waned under subsequent administrations, affecting the number of cases we can handle. Sometimes, when we are present at the property, the hijackers decide to leave to avoid arrest, allowing the owner to regain control. I estimate we’ve handled more than ten cases successfully.”*

Participant 5 investigated more than 30 buildings, successfully handing back about three, with many challenges, including that of owners lacking funds to hire a sheriff for eviction. Participant 6 investigated over 170 hijacked buildings, including stand-alone houses.

Participant 7 investigated many cases (exact number not provided) and successfully reclaimed numerous properties, with some returned to owners before arrests. Participant 8 focuses mainly on compliance issues, with actual handover handled by other sub-units. He stressed:

*“I can't give you an exact number, but our focus is mainly on compliance issues. Even though there's a hijacking element, our team deals with that part. We bring in the owner to ensure compliance with bylaws. If the owner is absent, we write a report and hand it over to Johannesburg Property Company (JPC), which is the custodian of all properties. JPC then takes it to the council for approval. If expropriation is needed, the Department of Public Works gets involved. However, it's challenging when owners abandon properties. We have managed to get many owners to sign compliance agreements, but the actual handover of hijacked buildings to their rightful owners is handled by other subunits dealing with the criminal elements.”*

Participant 9 investigated about six cases in the past two years, successfully handing back only one building, with other cases lacking elements of property hijacking under the PIE Act. Participant 10 investigated more than 100 property hijacking buildings since mid-2018, successfully handing back just over ten properties, though more commitment is needed from stakeholders. Participant 11 investigated around 1,200 properties, with about 50 resulting in declaratory orders, either compelling compliance or ordering demolition. Participant 12 investigated over 100 cases, with quite a number handed over, though the exact number has not been provided. Finally, Participant 13 investigated over 80 to 100 buildings but does not handle handover, ensuring compliance with bylaws once handed over.

As reported by Pijoos (2022), the City of Johannesburg successfully reclaimed 47 hijacked properties in 2021, restoring them to their lawful owners. This empirical evidence lends credence to participants' assertions regarding the volume of hijacked buildings investigated and subsequently returned through formal processes.

**Theme 5: The number of individuals arrested and sentenced by the courts over the past five years, along with the specific types of crimes for which they were prosecuted**

The participants provided varying levels of detail regarding the number of arrests and sentences related to the illegal occupation of buildings. A common theme is that perpetrators are often charged with crimes such as fraud, theft, trespassing, malicious damage to property, and contempt of court. However, the exact numbers of arrests and sentences are generally unknown or not tracked by the participants.

Challenges include difficulty in getting the NPA to take these cases seriously, as they are often viewed as civil issues, and the lack of precise tracking of arrest and sentencing numbers. While many arrests have been made, the exact number of sentences remains unclear.

The detailed analysis of participants' responses reveals varying levels of information regarding arrests and sentences related to the illegal occupation of buildings. Participant 1 noted that perpetrators are arrested and sentenced for fraud, though the exact number is unknown. Participant 2 mentioned that although many suspects are arrested, there are challenges with the National Prosecuting Authority (NPA) taking cases seriously, often viewing them as civil rather than criminal issues. On the other hand, Participant 3 reported several arrests with sentences ranging from suspended sentences to several years in prison, though exact numbers are unknown. He explained:

*“There have been several arrests, but I don’t have exact numbers. Sentences vary depending on the nature of the offence, with some receiving suspended sentences and others facing more severe penalties. Sentences for fraud can range from suspended sentences to several years in prison, depending on the severity of the case and the court’s discretion.”*

Participant 4 highlighted that many cases had been handled since the unit was established, with perpetrators charged and sentenced for fraud. Participant 5 indicated that although several perpetrators had been arrested and sentenced for fraud, follow-up on sentencing is not always conducted. Participant 6 pointed out that over 10 suspects had been arrested and prosecuted for fraud due to misrepresentation.

Participant 7 mentioned numerous arrests and convictions for fraud and theft, but exact numbers were not provided. He added:

*“Actually, hijacking of buildings is classified as a crime under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act). When someone collects rent from a property they don't own, it's considered fraud and theft. Over the past five years, we've had numerous arrests and convictions, but I don't have the exact numbers right now.”*

Participant 8 stated that perpetrators were charged with fraud and theft, focusing on misrepresentation to collect rent. Participant 9 reported a suspect arrested for trespassing in one case and more than 15 people arrested in one incident, though prosecution details were unknown.

He said:

*“There are many suspects arrested by law enforcement officers for crimes related to property hijacking such as fraud, theft, Malicious damage to property (MI2P) and Contempt of court. These are the crimes that the suspects being charged with at court for property hijacking related cases. Many suspects were arrested since the establishment of GFIS.”*

Participant 10 drew attention to the fact that many suspects had been arrested for crimes related to property hijacking, including fraud, theft, malicious damage to property, and contempt of court, but exact numbers were not provided. Participant 11 noted that perpetrators are often sentenced for fraud and illegal occupation of buildings/properties, though the exact number is unknown. Participant 12 mentioned many arrests for fraud, trespassing, and contempt of court orders, but exact numbers were not provided. Finally, Participant 13 was unsure about the number of arrests and sentences.

Pijoo (2022) underscores the extensive measures implemented by the City of Johannesburg (CoJ) in combating property hijacking, noting that the Group Forensic and Investigation Services (GFIS) has successfully secured convictions in 28 such cases. Complementing this, the African News Agency (2017) reported the sentencing of a prominent building hijacking syndicate leader and his accomplice to eight and fifteen years of imprisonment, respectively, for fraud linked to the hijacking of Angus Mansions in the inner city. These documented outcomes substantiate participants' claims regarding the prevalence of hijacked properties, as well as the legal consequences pursued through convictions and sentencing.

## **Theme 6: The Importance of Collaborating with Relevant Law Enforcement**

### **Stakeholders**

All participants recognised the importance of collaboration among various stakeholders to address the issue of illegal occupation of buildings effectively. There was unanimous agreement on the need for coordinated efforts to ensure comprehensive investigations, successful prosecutions, and efficient resolution of cases. The reasons for this collaboration include effective operations, comprehensive problem-solving, successful prosecutions, and efficient case resolution. Key stakeholders identified include the City of Johannesburg (CoJ), the SAPS, Department of Home Affairs, the NPA, State Security Agency, CIPC and other relevant stakeholders.

The analysis of participants' responses underscores the need for collaboration among relevant stakeholders in addressing the illegal occupation of buildings.

Participant 1 emphasised that collaboration is crucial for effective operations and returning properties to rightful owners, as it successfully addresses illegal activities.

Participant 2 highlighted the principle of separation of powers, noting that collaboration helps stakeholders understand each other's goals and ensures comprehensive problem-solving. He asserted:

*“Our relationship with other agencies, like the police and NPA, is crucial. We conduct preliminary investigations and hand over cases with sufficient evidence. The NPA then decides whether to prosecute.”*

Participant 3 pointed out that police handle arrests and further investigations, including verifying ownership, making collaboration essential. Participant 4 agreed, stating that collaboration makes investigations of hijacked buildings more effective. He added:

*“We collaborate with various internal and external stakeholders. For example, when investigating properties occupied by undocumented foreign nationals, we need Home Affairs officials to process them. However, they are not always available, which can be challenging. We also work with the police (JMPD) for backup during operations, as these situations can become violent. Social Development is involved when children or vulnerable individuals are found in these buildings. Building Control checks the structural integrity and compliance with city bylaws. These collaborations are crucial for successful operations, but follow-up on compliance can be inconsistent.”*

Participant 5 stressed the need for better collaboration to understand and address issues more effectively. Participant 6 mentioned the shared role with law enforcement agencies, incorporating the City of Johannesburg (CoJ), the SAPS, and the NPA for project execution. Participant 7 asserted that a dedicated team within SAPS and specialised prosecutors streamline the legal process, making collaboration necessary. Participant 8 concurred noting that collaboration with various departments ensures comprehensive compliance. Participant 9 emphasised the need for proper training and guidance from NPA and SAPS for successful prosecutions. He emphasised: *“Yes, we work together in a value chain. We engage with the SAPS when handing over the case. The SAPS then gathers evidence and engages the NPA for possible prosecution. The prosecutor reviews the docket to determine if it's a prosecutable case.*

*The challenge is that there are only a few SAPS officers trained to deal with property hijacking. When cases fall outside their jurisdiction, officers unfamiliar with the crime struggle to handle it. Another challenge is that many illegal occupations start legally with a lease agreement. When tenants stop paying rent and someone else starts collecting it, the NPA may classify it as a civil case rather than a criminal matter. This non-payment and rent diversion constitute a breach of contract, making it a civil case. The costs are then borne by the complainant, the property owner. These are some of the challenges we face. Often, perpetrators target female property owners, assuming they can intimidate them into leaving. They research the owner and exploit perceived vulnerabilities. They look at who owns the property and use that information to their advantage. Maybe the owner is too old to come to town, and that's where they take advantage.”*

Participant 10 considered collaboration essential for solving the problem of illegal occupiers. Participant 11 highlighted the role of experts in providing inspection reports and testifying in court, which builds strong cases. Participants 12 and 13 also affirmed the importance of collaboration.

Seeletsa (2023) advises that different agencies bring various legal and procedural tools to the table, which can help navigate complex legal landscapes and speed up securing warrants and other necessary permissions. Molapo (2024) reports that collaboration in investigations allows for the pooling of resources such as manpower, technology, and expertise, significantly enhancing efficiency and effectiveness. Effective interagency cooperation facilitates seamless intelligence sharing, aiding in the identification, and tracking of criminal syndicates involved in building hijackings. A coordinated approach ensures that all agencies are aligned in their strategies and actions, which is crucial for executing high-risk operations and ensuring investigator safety. Additionally, working together with multiple law enforcement agencies provides better protection for investigators, as they can support each other in potentially dangerous situations. This collaborative effort also enables a holistic approach to tackling the issue, addressing both the immediate criminal activity and the underlying factors contributing to building hijackings.

These findings support the views expressed by the participants who emphasised the importance of interagency collaboration in addressing building hijackings, highlighted by the diverse legal and procedural tools different agencies bring, which streamline legal processes and expedite permissions.

Resource pooling and intelligence sharing enhance investigation efficiency and effectiveness. A coordinated approach ensures strategic alignment and safety for investigators during high-risk operations. This collaboration addresses both immediate criminal activities and underlying factors, offering a comprehensive solution to building hijackings.

### **Theme 7: Modus Operandi Used by Perpetrators to Illegally Occupy Buildings**

An offender's technique or modus operandi in committing a crime plays a key role in suspect identification. Criminals frequently repeat the same methods across different offences. A nuanced understanding of the way a crime is perpetrated—including the choice of weapon and the method of escape—is essential to the investigative process. Van Graan and Budhram (2015:54) emphasize that the identification of the offender is paramount, as the absence of such information significantly impedes the ability to link related incidents and recognise recurring perpetrators. Furthermore, they assert (2015:62) that the presence of distinctive modus operandi evidence at the crime scene holds substantial investigative value, offering critical leads that can guide and inform the direction of the investigation.

#### **Sub-theme 1: How do perpetrators illegally occupy buildings?**

This study identified several common methods employed by hijackers to take over properties. Participants frequently mentioned that hijackers target buildings that appear abandoned or neglected (Participants 1, 2, 4, 8, 9). Properties owned by deceased individuals or those who have relocated overseas are also common targets (Participants 3, 4, 9). Some hijackers use force or intimidation to seize properties (Participants 1, 11, 12), while others forge documents to present themselves as legitimate owners (Participants 2, 12). Deception is another tactic, with hijackers introducing themselves as new owners or managers to collect rent (Participants 7, 9). Additionally, hijackers often connect to utilities illegally (Participants 4, 5, 7).

The responses from participants reveal various methods used by hijackers to take over properties. Participant 1 notes that hijackers take over by force or continue occupying after the owner has passed away. He added:

*“Hijackers may take over buildings by force, or they might continue occupying properties after the owner has passed away. They often target both high-rise buildings and standalone houses, especially those that appear abandoned or neglected.”*

Participant 2 mentioned targeting abandoned buildings, forging documents, overpowering security, and collecting unauthorized rent.

He said:

*“Hijackers often target abandoned buildings, especially those left by owners who have moved overseas. They may start by occupying the property themselves and then subletting it to others, leading to overcrowding. In some cases, they forge documents to appear as the legitimate owners and collect rent from unsuspecting tenants.*

*Hijackers often target buildings that are abandoned or poorly managed. They overpower security and occupy the buildings, making it difficult for the owner to reclaim the property. In some cases, they collect rent from tenants without authorization.”*

Participant 3 highlighted targeting buildings with absent owners and using threats or taking over properties whereas Participant 4 described taking over standalone houses, connecting to utilities illegally, and forming informal corporations. Participant 5 reported that hijackers claim permission from the owner, change locks, and collect rent in cash. Participant 6 explained that some hijackers conduct environmental scanning and claim ownership by saying they bought the building at an auction. Participant 7 noted that hijackers introduce themselves as new owners and collect rent without providing services. Participant 8 mentioned another approach: that of targeting properties that appear abandoned and testing if anyone responds to lights being turned on and off. Participant 9 described starting legally by signing a contract, then stopping rent payments and introducing themselves as new owners. Participant 10 reported that hijackers accuse the legal owner of not maintaining the property and convince occupiers to pay them instead. He explained that:

*“There are various methods that the perpetrators used to illegally occupy the building. But the most common method is the one that the perpetrators will accuse the legal owner that he is not maintaining the property and that the owner is only interested in collecting money. Then the perpetrator will then convince the occupiers to pay him so he can take proper care of the building. The occupiers will then do as directed and pay the rental money to the wrong person. The perpetrator will tell the occupiers to pay certain amount of money each for the certain number months. Thereafter, the perpetrator will come with some other excuses until the buildings become un-manageable.”*

Participant 11 focused on the aspect of targeting unsecured properties and using force or intimidation. Participant 12 described boycotting rent payments, forging ownership documents, and using intimidation or forceful entry. Finally, Participant 13 noted that tenants take over as owners, occupy vacant buildings, claim ownership, and sublet to others.

### **Sub-theme 2: Type of buildings targeted by the building hijackers**

The study revealed a pattern in the selection of targets by property hijackers, with most participants indicating that residential structures—particularly high-rise apartment buildings and standalone houses—are frequently targeted (Participants 1, 3, 4, 5, 7, 9, 12, 13). Properties that appear abandoned or neglected are also common targets (Participants 1, 2, 4, 7, 8, 12). Additionally, buildings owned by deceased individuals or those who have relocated overseas are often targeted (Participants 3, 7, 9, 12). High-rise buildings are particularly vulnerable due to their size and the difficulty in securing them (Participants 1, 4, 6, 11).

The responses from participants emphasise the types of properties commonly targeted by hijackers. Participants 1 and 4 mentioned high-rise buildings and standalone houses, especially those that are abandoned or neglected, with a particular emphasis on high-rise buildings abandoned by owners or owned by deceased individuals. Participant 2 identified residential, industrial, and warehouse properties. Similarly, Participant 3 noted residential buildings, industrial properties, and warehouses. Participant 5 pointed to residential properties, private homes, and occasionally commercial properties. Participant 6 focused on high-rise properties with many rooms for accommodation. Participant 7 highlighted buildings where the owner is absent or deceased, as well as neglected properties. He explained that:

*“Hijackers typically target buildings where the owner is absent or deceased. They look for properties that appear neglected or where the heirs are not actively managing the property. These buildings are easier to take over because there's less immediate oversight.”*

Participant 8 mentioned poorly maintained buildings, with hijackers claiming to manage them better. Participant 9 observed that hijackers mostly target residential buildings in the inner city, including high rise buildings and suburban houses owned by people no longer in the country. Participant 10 noted that hijackers prefer bigger buildings to enrich themselves more quickly while Participant 11 pointed out that high-rise buildings are targeted due to their size and difficulty in safeguarding them. Participant 12 identified residential properties, abandoned or vacant buildings, city-owned properties, and properties with absent owners. Finally, Participant 13 mentioned residential buildings, rental properties, and abandoned buildings.

### **Sub-theme 3: Do illegally occupiers of buildings pay for the municipal services? What does municipality do if they do not pay?**

The study identified several common responses to the illegal occupation of buildings.

Most participants agreed that illegal occupiers generally do not pay for municipal services (Participants 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12). Hijackers often connect to utilities illegally (Participants 4, 5, 7, 8, 10). Although the municipality may disconnect services such as water and electricity, hijackers frequently reconnect them illegally (Participants 3, 5, 7, 8, 10, 12). Participants 1, 3, 4, 6, and 11 ironically responded that the non-payment of municipal services by the building hijackers resulted in significant financial losses for the municipality. Participant 6 said: *“Remember the illegal occupiers pay their dues to the hijacker and the hijacker is not paying water, electricity, waste, or other services because he has hijacked a building. The Cities Revenue services will therefore bill the building owner on estimate, and you will find that the owner is nowhere to be found until the City Power task team visit the building and suspend the services by cutting water and electricity.”*

The detailed responses from participants highlight the financial impact of illegal occupiers on municipal services. Participants 1 to 12 collectively pointed out that illegal occupiers generally do not pay for services, resulting in significant losses for the city and straining the municipality's budget. Victims struggle to convince the city to cancel accumulated debts, and the municipality may disconnect services and attempt to recover owed rates and taxes. Illegal occupiers often reconnect utilities illegally, paying dues to hijackers rather than for municipal services. This leads the municipality to cut services, which are then illegally reconnected by hijackers. The municipality loses revenue and may require owners to sign compliance agreements, sending collection notices to registered owners. Non-payment leads to unpaid rates and taxes, and while some illegal occupiers might pay, they often do not pay the full amount, prompting the municipality to disconnect services like water and electricity. The above findings revealed the various methods how perpetrators illegally occupy or hijack buildings in the City of Johannesburg as explained by participants. A report by ABC News (2023) revealed that building hijackers intimidate or threaten current occupants to force them out, creating a climate of fear. In some cases, perpetrators bribe officials or exploit corrupt networks to facilitate the illegal occupation. Groups may simply move into vacant properties and establish control, making it difficult for authorities to evict them (Daily Maverick, 2023).

### **Theme 8: Recourse Options for Victims of Illegally Occupied Buildings**

Victims of illegally occupied buildings have several avenues for recourse, including filing complaints with the municipality, seeking legal action, and requesting the cancellation of accumulated debts. However, the process can be complex and time-consuming, often requiring coordination between various departments and legal entities.

The study identified common recourses for addressing the illegal occupation of buildings, including filing complaints with the municipality, seeking legal action, requesting debt cancellation, and reporting to revenue services. However, the process can be complex, time-consuming, and requires coordination between various departments and legal entities. Support from the city can be crucial, as it may provide documentation, discontinue services, and write off municipal debts incurred during the illegal occupation of building period.

The analysis of participants' responses reveals various recourses for addressing the illegal occupation of buildings. Participant 1 suggested signing a compliance agreement to start paying municipal rates once the building is handed back, though follow-up can be inconsistent. Participant 2 advocated for engaging municipal authorities to annul debts accrued during the period of property hijacking, a remedial measure that, while potentially beneficial, is often fraught with procedural complexity and protracted timelines. Participants 3 and 4 advocated for filing complaints with the municipality, seeking legal action, and requesting debt cancellation, which requires coordination between various departments. Participant 5 advised notifying the municipality, requesting disconnection of services, and taking formal legal action, with the city providing documentation to support the case. Participant 6 noted that the city can write off municipal debt incurred due to hijacking.

Participant 7 suggested seeking legal recourse to recover losses and filing civil suits against hijackers for damages and unpaid rent, with city support. Participant 8 recommended reporting the hijacking, requesting discontinuation of services, and receiving a reference number to track the issue, with the city assisting in not charging for services used during the hijacking period. He explained that:

*“From the city's side, once you report the hijacking, you can request the discontinuation of services to the property. You'll receive a reference number for your case. This helps track the issue from the day you report it until you get your property back. The city can assist in not charging you for services used during the hijacking period. However, this only applies from the day you report the issue. Any debts incurred before reporting are more challenging to address.”* Participant 9 advised registering a case, receiving a reference number, and reporting to revenue services to avoid being billed for unused services while Participant 10 suggested opening a case with SAPS and reporting to CoJ, with the possibility of writing off municipal bills accumulated during the investigation period.

Participant 11 in turn also emphasised reporting the hijacking, receiving a case number, and ensuring properties are secure and comply with city bylaws. He related that:

*“Property owners can report the hijacking to us, and we will investigate. We provide a case number and conduct a thorough investigation. However, if the property has been hijacked for a long time, it can be challenging to resolve quickly. Owners need to ensure their properties are secure and comply with city bylaws to prevent hijacking.”*

Participant 12 stressed the involvement of law enforcement agencies, filing for eviction orders, hiring private security, and using the services of the Rental Housing Tribunal and NPA. Finally, Participant 13 recommended reporting the hijacking to revenue services, receiving a reference number, and clearing debts once the building is handed back, noting that failure to report results in the owner being responsible for accumulated debts.

Property owners can file a case in court to reclaim their property. The Johannesburg High Court has seen cases where owners compel the City of Johannesburg and other authorities to fulfil their statutory obligations (Property Wheel, 2024). CoJ assists in investigating and reclaiming hijacked properties. They work to secure convictions and return properties to their rightful owners. The municipality may offer support through compliance agreements, debt relief, and assistance in reclaiming properties. However, follow-up on these agreements can be inconsistent. Victims can collaborate with law enforcement agencies to address the illegal occupation and ensure the safety of their properties (Glensburg Town Planner, 2025). Gauteng News (2025) reported that the government considered using the Expropriation Act to reclaim hijacked buildings, potentially repurposing them for public good, such as affordable housing.

### **3.4 INTERPRETATION AND DISCUSSION OF RESEARCH FINDINGS**

**3.4.1 Theme 1:** The analysis reveals that illegal occupation of buildings is a complex issue involving unauthorized occupation, financial gain by hijackers, and loss of control by legitimate owners. Investigating these cases is crucial for recovering city revenue, restoring property control, and ensuring community safety. However, challenges such as lack of cooperation, legal complexities, and safety risks hinder the investigation process. Coordination with other departments and addressing legal constraints are essential for effective resolution.

- 3.4.2 **Theme 2:** The investigation of unpaid municipal services is essential for urban governance, as it facilitates the recovery of lost revenue, empowers property owners to reclaim control over their assets, and enhances community safety. Additionally, it safeguards legal and property rights. This comprehensive strategy not only stabilises municipal financial operations but also mitigates the proliferation of issues such as overcrowding and unsafe living conditions. By ensuring buildings are well-maintained and regulatory compliance is upheld, these measures contribute to a safer, more orderly, and financially robust community.
- 3.4.3 **Theme 3:** Investigating the illegal occupation of buildings entails numerous challenges. These include a lack of cooperation from tenants and occupants, difficulties in locating property owners, particularly those residing abroad, and the complexities of navigating property laws and eviction procedures. Additionally, investigators face significant safety risks, such as aggression and threats, and must often coordinate with other departments, which can be impeded by the absence of approved bylaws. Collectively, these challenges strain resources and complicate the effective management and resolution of illegal occupation cases.
- 3.4.4 **Theme 4:** The analysis highlights the varying levels of success in reclaiming hijacked buildings, with some participants achieving significant results despite the challenges. The need for coordinated efforts and adequate resources is evident to improve the success rate of handing back properties to their rightful owners.
- 3.4.5 **Theme 5:** The study reveals the challenges in prosecuting cases of illegal occupation of buildings, with a focus on fraud and related charges. The absence of accurate and comprehensive data on arrests and sentencing outcomes highlights a critical gap in the current enforcement landscape, underscoring the imperative for enhanced data tracking systems and inter-agency coordination among law enforcement bodies.
- 3.4.6 **Theme 6:** The analysis underscores a shared consensus among participants regarding the critical importance of multi-stakeholder collaboration in effectively addressing the pervasive issue of illegal building occupation. Coordinated efforts are essential for comprehensive investigations, successful prosecutions, and efficient resolution of cases.

3.4.7 **Theme 7:** The exploration reveals that perpetrators use various methods to occupy buildings illegally, including targeting abandoned or neglected properties, using force or intimidation, forging documents, and deceiving tenants. They primarily target residential buildings, especially high-rise buildings, and properties with absent owners. Illegal occupiers generally do not pay for municipal services, leading to significant financial losses for the municipality. The municipality often disconnects services, but hijackers frequently reconnect them illegally, creating ongoing challenges.

3.4.8 **Theme 8:** The examination highlights the various recourse options available to victims of illegally occupied buildings, emphasising the need for coordinated efforts and support from the municipality to address the issue effectively.

### **3.5 ACHIEVEMENTS OF THE STUDY**

The principal achievement of this study, emerging from a rigorous thematic analysis, is the development of a comprehensive understanding of the phenomenon of illegal building occupation. This includes the methods employed by hijackers, the challenges encountered by investigators, and the significance of collaboration among various stakeholders. The study highlights the following key achievements:

#### **3.5.1 Identification of Common Methods**

This study offers a nuanced and in-depth account of the predominant tactics employed by property hijackers to seize control of buildings unlawfully, such as targeting abandoned or neglected properties, employing force and intimidation, forging documents, and illegally connecting to utilities.

#### **3.5.2 Challenges in Investigations**

This research the various challenges faced by investigators, including lack of cooperation from tenants, legal complexities, safety risks, and coordination issues. It emphasizes the necessity for proper training and resources to effectively address these challenges.

#### **3.5.3 Importance of Collaboration**

The study highlights the critical role of inter-agency collaboration, particularly among the City of Johannesburg (CoJ), the South African Police Service (SAPS), the National Prosecuting Authority (NPA), and other pertinent governmental entities, in addressing the multifaceted challenges posed by the illegal occupation of buildings.

It highlights how coordinated efforts can lead to comprehensive investigations, successful prosecutions, and efficient resolution of cases.

#### 3.5.4 Training and Experience

This exploration offers valuable insights into the heterogeneous training backgrounds and experiential trajectories of investigators, encompassing formal academic qualifications, structured professional training, and the acquisition of practical knowledge through on-the-job experience. It emphasises the value of both formal education and practical experience in handling complex investigations.

#### 3.5.5 Impact on Municipal Revenue and Community Safety

This examination brings to the fore the significant financial repercussions of illegal property occupation on municipal revenue streams, while simultaneously emphasising the critical importance of reinstating rightful ownership and control to property holders. It also emphasises the role of investigations in maintaining community safety and order, protecting legal and property rights, and preventing criminal activities.

#### 3.5.6 Recommendations for Improvement

Drawing on the study's findings, a series of targeted recommendations are proposed to enhance the efficacy of investigative processes and the resolution of property hijacking cases. These recommendations include enhancing training programmes, improving coordination among stakeholders, and addressing legal and resource constraints.

Overall, this research achieves a thorough understanding of the illegal occupation of buildings, providing valuable insights and practical recommendations for policymakers, law enforcement agencies, and other stakeholders involved in addressing this issue.

## **CHAPTER 4: CONCLUSION AND RECOMMENDATIONS**

### **4.1 INTRODUCTION**

Chapter 3 presented the empirical findings of the study, while Chapter 4 offers a synthesis and interpretation of those results. The data revealed that the illegal occupation of buildings, commonly referred to as 'hijacked buildings', constitutes a significant impediment to sustainable urban development and undermines community well-being within Johannesburg's inner city. This research sought to investigate the operational strategies employed by individuals and groups involved in such unlawful activities, integrating theoretical frameworks with practical insights through a combination of ethnographic observation and empirical inquiry. The central research question guiding this investigation was: What modus operandi is employed in the illegal occupation of buildings in Johannesburg's inner-city area?"

### **4.2 SUMMARY OF THE RESEARCH**

#### **4.2.1 CHAPTER 1: GENERAL ORIENTATION**

Johannesburg, known as the "city of gold," has a rich history and has faced significant housing challenges due to its rapid growth since the discovery of gold in 1886. With an estimated population of 6.02 million and a housing backlog of 396,532 units, the city struggles with overcrowding, informal settlements, and illegal building occupations, particularly in the inner city. This study concentrated on the phenomenon of illegal building occupation, commonly referred to as 'hijacking', within Region F of Johannesburg, encompassing both the inner city and the southern sectors of the metropolitan area. Characterised by a heterogeneous urban landscape that includes both residential and industrial zones, Region F is home to a substantial population living below the poverty line, rendering it particularly vulnerable to the socio-economic dynamics that facilitate unlawful occupation.

As outlined in Chapter 1, the primary objective of this research was to investigate the strategies employed by perpetrators to unlawfully occupy buildings within Johannesburg's inner city. This study addresses a critical gap in coordinated information, which not only hampers effective legal prosecution, but also exacerbates the broader issue of urban decay. The primary aim was to investigate these techniques, evaluate their effectiveness in identifying perpetrators, and empower investigators through the findings.

The qualitative study was espoused using literature reviews and semi-structured interviews to gather detailed information. Key concepts include illegal occupation, hijacked properties, modus operandi, and forensic investigation. This study is aimed to benefit South African society by enhancing investigators' abilities, contributing to academic knowledge, and informing law enforcement practices.

#### **4.2.2 CHAPTER 2: ILLEGAL OCCUPATION OF BUILDINGS**

This chapter delved into the concept of illegal occupation of buildings, exploring various methods used by criminals and how these methods can aid effective investigations. It also addressed the challenges faced by rightful property owners in evicting illegal occupiers.

The chapter began with a historical overview of Johannesburg, highlighting the impact of apartheid policies on urban development and housing. The enforcement of the Group Areas Act resulted in the systematic displacement of urban African residents, intensifying housing shortages and contributing to the proliferation of illegal building occupations. Although the post-1994 constitutional framework guarantees the right to adequate housing, persistent challenges, driven by high demand and constrained state resources—continue to undermine the realization of this right.

Illegal occupation, or "hijacking," involves taking control of properties without the owner's consent. These properties can include abandoned buildings, properties with unpaid municipal services, and buildings not maintained according to health and safety standards. The chapter outlined the legal definitions and implications of such occupations, emphasizing the impact on property values, municipal revenue, and urban decay.

The chapter detailed various methods used by criminals to occupy buildings illegally:

- (a) Title Deed Fraud: Forging documents to transfer property ownership.
- (b) Fraud and Theft: Posing as property owners to sell or rent properties.
- (c) Impersonation: Pretending to be the property owner during transactions.
- (d) Takeover by Force: Using threats or violence to control properties.
- (e) Bogus Conveyancers: Fraudulent legal professionals convincing owners to transfer ownership.
- (f) Rental Fraud: Advertising properties for rent without ownership.
- (g) Land Grabs: Selling plots of land without proper authorisation.

Understanding the modus operandi of illegal occupiers is crucial for effective investigations. By analysing consistent patterns and behaviors, investigators can link multiple cases and develop strategies to prevent and address illegal occupations. This section emphasised the importance of detailed information to identify and apprehend perpetrators.

Property owners and municipalities face significant challenges in evicting illegal occupiers:

- (a) **Legal Hurdles:** The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act) mandates that evictions may only be carried out through a court order, a requirement that often renders the process protracted and financially burdensome. This legal safeguard, while essential for protecting vulnerable occupants, inadvertently complicates efforts to address unlawful building occupations efficiently.
- (b) **Financial Impact:** Legal expenses, loss of rental income, and costs of revamping hijacked buildings.
- (c) **Municipal Challenges:** Providing temporary accommodation for evicted occupants and dealing with urban decay.

The chapter concluded by emphasising the multifaceted nature of illegal building occupations and the imperative for coordinated interventions involving property owners, municipal authorities, and law enforcement agencies. It highlighted the critical importance of understanding the modus operandi employed by perpetrators as a foundation for designing targeted, context-specific interventions that can enhance urban governance and promote sustainable property management.

#### **4.2.3 CHAPTER 3: PRESENTATION OF RESEARCH FINDINGS AND DISCUSSIONS**

This chapter concentrated on the applied dimensions of investigating the illegal occupation of buildings within Johannesburg's inner city, emphasising the operational challenges and methodological considerations inherent in examining this complex urban phenomenon. It aimed to explore the modus operandi used by perpetrators and provided insights from literature reviews, interviews, and investigators' experiences. The chapter was divided into two sections: demographic characteristics of the sample and analysis of interview responses.

Thirteen participants were interviewed, all holding post-matric qualifications and having prior investigation experience. Their educational backgrounds and work experiences vary, with some relying on formal training and others on practical experience.

The participants' experience in investigating illegal occupation ranges from 2 to 10 years, providing a broad perspective on the challenges and methodologies involved.

The findings are categorised into seven thematic areas:

#### **4.2.3.1 Defining a Hijacked Building and the importance of investigating illegal occupation**

The illegal occupation of buildings, often referred to as "hijacking," is a significant issue in Johannesburg's inner city. This phenomenon involves occupying a property without the owner's consent, typically for financial gain. Hijackers collect rent or benefit financially, leading to the loss of control by legitimate owners and non-compliance with city regulations. Investigating these cases is crucial for several reasons. Firstly, it helps recover lost revenue for the city, as illegal occupiers generally do not pay for municipal services, leading to significant financial losses. Secondly, it restores property control to rightful owners, ensuring that buildings are maintained and comply with regulations. Thirdly, enhancing community safety through the prevention of criminal activities and the maintenance of public order is a critical outcome of addressing illegal building occupations. Equally important is the protection of legal and property rights, which not only reinforces the rule of law but also safeguards vulnerable property owners from exploitation. Investigating unpaid municipal services helps recover lost revenue, empowers property owners, and enhances community safety. It also safeguards legal and property rights, contributing to a safer and financially robust community.

#### **4.2.3.2 Challenges encountered by Investigators**

Investigators face numerous challenges in addressing the illegal occupation of buildings. One major issue is the lack of cooperation from tenants and occupants, who often refuse to provide information or actively obstruct investigations. Locating property owners, especially those who have moved overseas or passed away, adds another layer of complexity. Legal complexities, including navigating property laws and eviction processes, are both time-consuming and resource intensive. Safety risks are also a concern, as investigators may encounter aggression, threats, and unsafe conditions during their work. Coordination issues with other departments further complicate the process, highlighting the need for proper training, resources, and effective communication. Despite the numerous challenges, certain investigative efforts have yielded notable successes in reclaiming hijacked buildings and restoring them to their rightful owners.

However, the overall success rate remains inconsistent, often influenced by the complexity of individual cases, prevailing legal constraints, and the availability of institutional resources.

#### **4.2.3.3 Number of buildings investigated and handed back to the legitimate owners**

Success in reclaiming hijacked buildings varies, with some participants achieving significant results despite challenges. Coordinated efforts and adequate resources are needed to improve the success rate.

#### **4.2.3.4 Number of individuals arrested and sentenced**

Prosecuting cases of illegal occupation focuses on fraud and related charges. Better tracking and coordination among law enforcement agencies are needed to improve prosecution rates.

#### **4.2.3.5 Importance of Collaboration with Law Enforcement Stakeholders**

Collaboration among stakeholders is essential for comprehensive investigations, successful prosecutions, and efficient case resolution. Stakeholders include the City of Johannesburg, the SAPS, the NPA, and other relevant departments. Coordinated efforts lead to better outcomes, as each entity brings unique expertise and resources to the table. For instance, SAPS handles arrests and further investigations, while the NPA focuses on prosecuting cases. The City of Johannesburg plays a pivotal role in the verification of property ownership, the enforcement of municipal bylaws, and the provision of institutional support to property owners, thereby contributing to the broader governance and regulation of urban spaces. Effective collaboration ensures that all aspects of the issue are addressed, from initial identification and reporting to legal action and resolution.

#### **4.2.3.6 Modus Operandi Used by Perpetrators**

Perpetrators use various methods to occupy buildings illegally, including targeting abandoned properties, using force or intimidation, forging documents, and deceiving tenants. They primarily target residential buildings, especially high-rise buildings and properties with absent owners. Illegal occupiers generally do not pay for municipal services, leading to financial losses for the municipality. The municipality often disconnects services, but hijackers frequently reconnect with them illegally, creating ongoing challenges. Victims of illegally occupied buildings have several recourse options, including filing complaints with the municipality, seeking legal action, requesting debt cancellation, and reporting to revenue services. However, the process can be complex and time-consuming, requiring coordination between various departments and legal entities.

#### **4.2.3.7 Recourse Options for Victims**

To improve the investigation and resolution of property hijacking cases, several strategic recommendations are proposed. Enhancing training programmes is crucial, involving the development of comprehensive training modules and facilitating cross-training sessions. Improved coordination among stakeholders can be achieved by establishing dedicated task forces and efficient communication channels. Legal and resource constraints should be addressed and it requires advocating policy changes, allocating adequate resources, and launching public awareness campaigns. Collaboration and partnerships with community organizations, private security firms, legal experts, and international agencies should be fostered as a matter of urgency. The implementation of the above recommendations can lead to a more robust and coordinated response, ultimately contributing to the resolution of this pressing issue and the restoration of order and safety within affected communities.

### **4.3 RECOMMENDATIONS**

This section presents recommendations for this study, derived from the empirical findings discussed in Chapter 3 and supported by insights from the literature review. The illegal occupation of buildings in Johannesburg's inner city constitutes a complex and multidimensional challenge that necessitates a strategic, coordinated response. The study's findings underscore the intricacies of this issue, including the diverse tactics employed by perpetrators, the operational and legal obstacles encountered by investigators, and the essential role of multi-stakeholder collaboration in formulating effective interventions. To combat property hijacking and restore order within affected communities effectively, it is essential to implement target recommendations that address these key areas.

This part delineates a set of strategic recommendations designed to strengthen the investigation and resolution processes related to the illegal occupation of buildings. These proposals are grounded in the empirical findings and thematic insights presented in Chapter 3, as well as the broader theoretical context established through the literature review. These recommendations focus on improving training programmes, fostering collaboration among stakeholders, addressing legal and resource constraints, and leveraging technological solutions. By adopting these measures, stakeholders can work towards a more robust and coordinated response, ultimately contributing to the resolution of this pressing issue and the restoration of safety and stability within Johannesburg's inner city.

#### **4.3.1 Recommendations for training of investigators**

Firstly, enhancing training programmes for investigators is crucial. Comprehensive training modules should be developed to address both theoretical knowledge and practical skills. These modules can include workshops, simulations, and case studies to ensure a well-rounded training experience. It is imperative that these training programmes undergo continual refinement to incorporate emerging legal standards, evolving investigative methodologies, and the most current professional practices. Additionally, cross-training sessions should be facilitated where different stakeholders, such as police, municipal officials, and prosecutors, can share their expertise and learn from one another. This approach will ensure that all parties involved are well-equipped to handle the complexities of property hijacking cases.

#### **4.3.2 Recommendations for coordination of stakeholders**

Improved coordination among stakeholders is another essential step. Dedicated task forces that include representatives from the City of Johannesburg, the South African Police Service (SAPS), the National Prosecuting Authority (NPA), Department of Home Affairs, Master of High Court, Deeds Office and other relevant agencies should be established to enhance collaboration. Regular coordination meetings should be held to discuss ongoing cases, share information, and develop joint strategies. Efficient communication channels, such as secure online platforms, should be set up to facilitate real-time information sharing among stakeholders. This coordinated effort may lead to more comprehensive investigations, successful prosecutions, and efficient case resolutions.

#### **4.3.3 Recommendations for policy advocacy**

It is also critical to address legal and resource constraints. Policy advocacy is necessary to push for changes that address legal loopholes and streamline the process of prosecuting property hijackers. It is crucial to ensuring the adequate allocation of resources, including funding, personnel, and technology, to support investigative and prosecutorial efforts. Public awareness campaigns should be launched to educate property owners and tenants about their rights and the risks associated with illegal occupation. These campaigns may help prevent illegal occupations by informing the public and encouraging them to report suspicious activities.

#### **4.3.4 Recommendations for fostering collaboration and partnerships**

Active engagement of community organisations can provide local insights and support for investigations. The dedicated involvement of private security firms and legal experts can offer additional resources and expertise.

Furthermore, collaborating with international agencies can help stakeholders learn from global best practices and leverage international support. These partnerships can enhance the overall effectiveness of efforts to combat property hijacking.

Enhanced community engagement is crucial for preventing illegal occupations of any kind of property. Outreach programmes may facilitate increased awareness about the issue and its impact on communities and may thereby encourage community members to report suspicious activities and support efforts to reclaim hijacked properties. Fostering a sense of community ownership and responsibility can help prevent illegal occupations and promote a safer and more orderly environment.

#### **4.3.5 Recommendations for implementation of technological solutions.**

The integration of technological innovations offers a pivotal strategy in combating the unlawful occupation of buildings. Tools such as advanced data analytics and geographic information systems (GIS) enable the identification and continuous surveillance of areas deemed vulnerable to such illicit activities. The process of reporting and documenting illegal occupations can be expedited by the development of a centralised database to track cases of illegal occupation, including details of investigations, prosecutions, and outcomes. Digital tools can also facilitate communication and coordination among stakeholders, making the entire process more efficient.

#### **4.3.6 Recommendation for review and amendment of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 (PIE Act)**

Legal frameworks should be strengthened to provide clearer definitions and stronger penalties for illegal occupation, and existing laws should be reviewed and strengthened to ensure that legal frameworks facilitate the swift and effective eviction of illegal occupiers while protecting the rights of legitimate tenants. Promoting the use of alternative dispute resolution mechanisms can also help resolve conflicts between property owners and occupiers more efficiently.

#### **4.3.7 Recommendation for future research**

Further scholarly inquiry is warranted to explore the long-term implications of unlawful building occupations and to assess the efficacy of existing policy interventions critically. Moreover, the dynamic nature of this phenomenon necessitates the ongoing monitoring and iterative refinement of strategic responses.

#### **4.4 CONCLUSION**

This chapter has synthesised the research findings, articulated key conclusions, and offered evidence-based recommendations. The researcher drew conclusions grounded in the empirical outcomes of the study, which revealed a range of tactics employed by perpetrators to occupy buildings unlawfully. These methods, uncovered through rigorous data analysis, contribute to a more nuanced and comprehensive understanding of the issue. This study's practical significance is highlighted by its real-world applicability, illustrating the profound impact of illegal building occupations on both community well-being and urban infrastructure.

The integration of theoretical and practical perspectives offers a holistic view of the problem, highlighting the need for effective interventions. The findings reveal that illegal occupations are not random acts but are often well-organised operations, exploiting legal and security loopholes. This insight is crucial for developing targeted strategies to combat the illegal occupation of buildings.

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**APPENDICES**

**APPENDIX A: INTERVIEW SCHEDULE**

AN EXPLORATION OF THE USE OF MODUS OPERANDI TO INVESTIGATE  
ILLEGAL OCCUPATION OF PROPERTIES WITHIN THE JOHANNESBURG’S INNER-  
CITY AREA

**CITY OF JOHANNESBURG INTERVIEW**

**1. Personal Information**

1.1. How do you deal with investigation of illegal occupation of buildings?

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.....

1.2. How long have you been doing this job?

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1.3. What are your duties when it comes to illegal occupation of buildings?

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1.4. What type of training did you receive that enables you to deal with the cases of  
illegal occupiers?

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1.5. What type of qualification that is related to this job?

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.....

1.6. Do you conduct desktop or field investigation? If yes, what are/were the outcomes?

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.....

**2. Illegal occupation of buildings (hijacking of buildings)**

2.1. Briefly explain, what is meant by illegal occupation of a building?

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2.2. How important is it to investigate the illegal occupation of buildings?

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2.3. What challenges do you normally encounter when conducting investigations of illegal occupation of buildings?

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2.4. How many buildings have you investigated and were handed back to their rightful owners?

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2.5. In a case where a building is owned by the City of Johannesburg, what immediate steps did the city took to make sure that the buildings were not illegally occupied again?

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2.6. Can you explain the investigation methodologies that followed when investigating illegal occupation of buildings? E.g., background checks, confirmation of property ownerships, etc.

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2.7. Since illegal occupation of buildings is not classified as a crime, how many perpetrators have been arrested and sentenced by the courts in the past five years and for which crimes?

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**3. Current working relations between CoJ Investigators and other law enforcement agencies.**

3.1. Can you explain the current working relations between COJ, SAPS and NPA? Do you work together? If so, what are the successes and challenges?

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3.2. Do you see the need or the importance of working together?

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3.3. Besides the CoJ and other law enforcement agencies, what other external role players are involved during the investigation of illegally occupied buildings and what is their roles?

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**4. Modus operandi used by perpetrators to illegally occupy buildings.**

4.1. How do perpetrators illegally occupy buildings?

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4.2. What type of buildings do they target?

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4.3. Do illegally occupiers of buildings pay for the municipal services? What does municipality do if they don't pay?

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4.4. What recourse do the victims of illegally occupied buildings have?

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**5. Implications of illegally occupied buildings to the city of Johannesburg.**

5.1. Besides unpaid rates and taxes, what other implications do the illegally occupied buildings bring to the city?

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.....

## APPENDIX B: PARTICIPANT INFORMATION SHEET

### ADDENDUM C: PARTICIPANTS CONSENT FORM USED DURING DATA COLLECTION

**Principal researcher:** Rudzani Ngobebe

Cell phone no: 0646065202

**Supervisor:** Prof. Sekgololo Mabudusha

Good day

My name is **Rudzani Ngobebe**, student no: **41696077** conducting the research study on the exploration of the use of modus operandi to investigate illegal occupation of properties within the Johannesburg's inner-city area. The study intend to the modus operandi used when committing illegal occupation of building in the Johannesburg CBD.

#### AGREEMENT

I.....(Full names) hereby give full consent that I partake voluntarily in this research study which is conducted by Rudzani Ngobebe who is a student at the University of South Africa (UNISA) enrolled for Master's degree under the Department of Police Practice.

I further understand that:

- The interview will last approximately 30-60 minutes, tape recorder will be used to capture all information rendered for the project,
- The researcher may ask for more follow up research questions should any clarity be needed,
- The information shared will only be used to answer research questions for the envisaged study,

- No compensation will be paid by the researcher for the information shared for the study,
- No personal information such as identity, names and surnames will be revealed by the researcher, the researcher will always maintain anonymity and confidentiality.
- The information will be kept in a locked cupboard in the researcher's office, no information will be shared with the colleagues.
- No harm will be caused to the research project.

Interviewee signature

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-

Date

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Interviewer signature

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Date

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## APPENDIX C: CONSENT FORM

### THE INFORMED CONSENT FORM

TITLE: An exploration of the use of modus operandi to investigate illegal occupation of properties within the Johannesburg's inner-city area

FIELD OF STUDY: MASTER OF ARTS IN CRIMINAL JUSTICE

INSTITUTION: DEPARTMENT OF POLICE PRACTICE, UNISA

RESEARCHER: Rudzani Ngobebe

CONTACT DETAILS: 0646065202/rudzi.ngobeli@gmail.com

- 
1. **RESEARCH AIM:** The aim (s) of the envisaged research study is to: explore the modus operandi used when committing illegal occupation of building in the Johannesburg's inner-city area.
  2. **RESEARCH RISK:** should the interview result in any form of discomfort arising from whichever factors, the interview can be postponed or terminated completely, to protect you as the research participant.
  3. **RESEARCH PROCEDURE:** The researcher will carry out interviews aided by an interview schedule. In some instances, the researcher will use audio recorder to record the conversations. The researcher will obtain an agreement for an interview; explain the purpose of the interview and likely duration and the venue. The duration of the interview will be agreed upon and should not interfere with the core business of the interviewee and that is why the participants reserve a right to terminate the interview if circumstances that cannot be prevented occurred.

You as the research participant reserve the right not to have the interview recorded. All data from the interview (recordings and transcripts) will be used strictly for academic purposes and will be kept safe in an encrypted computer programme and will not be accessed by any third party except with your consent as the research participant. In the report, no participant will be referred to by name. All interviews will be referenced using numeric codes. Upon completion

of this study the researcher will share the findings of this study with the research participants by sending electronic copies of the final research report to the City of Johannesburg.

4. **VOLUNTARY CONSENT:** I know that my participation in this research is completely voluntary.
  
5. **OPTION TO WITHDRAW:** I know that I have the right to withdraw at any time and such withdrawal will not be used against me in any manner.
  
6. **OPPORTUNITY TO ASK QUESTIONS:** If I have any questions about this research, I know I can ask the researcher to clarify any aspects of the research and that I may reach the scholar on 0646065202/rudzi.ngobeli@gmail.com.
  
7. **PRIVACY AND CONFIDENTIALITY:** I have been assured by the researcher that the contents of this consent form that my identity will not be revealed while the researcher is being conducted or when it is published.

The participants have unlimited access to the researcher using all agreed communication mediums, including telephone, cell phone and email.

**Thank you for your participation in this study!**

I, the undersigned agree to participate in this study voluntarily without undue influence.

**RESPONDENT'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**RESEARCHER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PARTICIPANT NO:** -----

## APPENDIX D: UNISA ETHICAL CLEARANCE



College of Law\_RERC

Date: 22/07/2024

Dear: Mr RUDZANI NGOBELE

Ref #: 4233

Name: Mr RUDZANI NGOBELE

Student #: 41696077

**Decision: Ethics Approval from  
22/07/2024 to 22/07/2027**

**Researcher:** Mr RUDZANI NGOBELE

ESKOM ROTEX INDUSTRIES, 1 LOWER GERMISTON ROAD, ROSHERVILLE

JOHANNESBURG

41696077@mylife.unisa.ac.za 0646065202

**Supervisor:** Professor Angel Mabudusha mabudsa@unisa.ac.za

### **AN EXPLORATION OF THE USE OF MODUS OPERANDI TO INVESTIGATE ILLEGAL OCCUPATION OF PROPERTIES WITHIN THE JOHANNESBURG'S INNER-CITY AREA**

**Qualification:** MA CRIMINAL JUSTICE

Thank you for the application for research ethics clearance by the College of Law\_RERC for the above mentioned research study. Ethics approval is granted for three years.

The **medium risk application** was reviewed by College of Law\_RERC on 22/07/2024 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.

The proposed research may now commence with the provisos that:

1. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the College of Law\_RERC.
3. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.

Page 1 of 2

5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
7. No field work activities may continue after the expiry date 22/07/2027. Submission of a completed research ethics progress report will constitute an application for renewal, for Ethics Research Committee approval.

#### **Additional Conditions**

1. Disclosure of data to third parties is prohibited without explicit consent from Unisa.
2. De-identified data must be safely stored on password protected PCs.
3. Care should be taken by the researcher when publishing the results to protect the confidentiality and privacy of the university.
4. Adherence to the National Statement on Ethical Research and Publication practices, principle 7 referring to Social awareness, must be ensured: "Researchers and Institutions must be sensitive to the potential impact of their research on society, marginal groups or individuals, and must consider these when weighing the benefits of the research against any harmful effects, with a view to minimising or avoiding the latter where possible." Unisa will not be liable for any failure to comply with this principle.

#### **Note**

The reference number 4233 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Kind regards,

## APPENDIX E: PERMISSION LETTER



City of Johannesburg  
Department of Corporate & Shared Services  
Office of the Group Head: Group Human Capital Management

6<sup>th</sup> Floor, B Block  
Metropolitan Centre  
158 Civic Boulevard  
Braamfontein

PO Box 1049  
Johannesburg  
South Africa  
2000

Tel +27(0) 11 407 6925  
Fax +27(0) 11 339 1878  
[www.joburg.org.za](http://www.joburg.org.za)

05 August 2024  
Rudzani Ngobebe  
Student No: 41696077  
Master of Arts Degree: Criminal Justice  
University of South Africa

### Ref: Permission to conduct research study

This letter serves to acknowledge receiving the letter requesting permission to conduct research in the City of Johannesburg under the title: "AN EXPLORATION OF THE USE OF MODUS OPERANDI TO INVESTIGATE ILLEGAL OCCUPATION OF PROPERTIES WITHIN THE JOHANNESBURG'S INNER-CITY AREA". I am aware that the study entails the collection of information from the City, city officials and participants from communities through semi-structured interviews, questionnaires, observation participation and other fora of the city.

The research study is promoted by the City of Johannesburg because it helps both students and practitioners to gain an understanding of the sociology of the City, as it evolves and contributes towards the building of developmental local government.

I, Tersia Johanna Groenewald, as delegated authority of the City of Johannesburg Municipality (the City), hereby give permission to the primary researcher, Rudzani Ngobebe, the following:

To collect and publish information about the City is publicly not available, for the research project titled: "AN EXPLORATION OF THE USE OF MODUS OPERANDI TO INVESTIGATE ILLEGAL OCCUPATION OF PROPERTIES WITHIN THE JOHANNESBURG'S INNER-CITY AREA".

- This authorisation is based on mutual understanding that the City's name can be revealed in her/his project; and
- The researcher contacts the relevant department for arrangements pertaining to the research; and
- The information provided by the employees or any other means (such as company's archived documents or reports) of the City is purely for academic purposes and cannot be used for any other purpose.

Please note that on completion of the study, a copy of the research report should be submitted to the City of Johannesburg in honour of your commitment.

I urge you to present this letter of permission whenever you come across officials and participants in the research study. I thank you for choosing the City of Johannesburg to conduct the study.

Kind Regards

A handwritten signature in black ink, appearing to read "Dithope Ntšodi".

Dithope Ntšodi (on behalf of Tersia Groenewald)  
Officer: Human Resource Development  
Tel: (011) 407- 7172  
Email: [dithopen@joburg.org.za](mailto:dithopen@joburg.org.za)

## APPENDIX F: LANGUAGE EDITING CERTIFICATE



Cell: 082 2025 167 | Email: maryna.roodt@gmail.com

### EDITOR'S DECLARATION

10-Jun-2025

To whom it may concern:

I, Maryna Roodt, an independent freelance language practitioner, hereby declare that I was tasked to carry out the language editing of the following dissertation:

Written by: RUDZANI NGOBELE  
Student name: \_\_\_\_\_  
Student number: 41896077



which is submitted in accordance with the requirements for the degree of:

**MASTER OF ARTS in the subject CRIMINAL JUSTICE (UNISA)**

After my initial editing, several updates of the entire document were carried out by means of a "question and answer" exercise to render the work as error-free as possible. Please note that I take no responsibility for any alterations and/or errors that were introduced to the document after I finally returned it to the author.

I have extensive experience in copy- editing and have the following qualifications:  
BA (major in English); Hons (BA) (English); MA(Applied Linguistics)  
and MA (Higher Education Studies).

  
MP Roodt  
maryna.roodt@gmail.com  
082 202 5167

  
The Goodest  
Language Nurturer



## APPENDIX G: TURNIT IN (SIMILARITY) REPORT

Similarity Report	
PAPER NAME	AUTHOR
<b>dissertation final .docx</b>	<b>RUDZANI NGOBELE</b>
WORD COUNT	CHARACTER COUNT
<b>27265 Words</b>	<b>167842 Characters</b>
PAGE COUNT	FILE SIZE
<b>91 Pages</b>	<b>132.3KB</b>
SUBMISSION DATE	REPORT DATE
<b>Jun 12, 2025 9:02 PM GMT+2</b>	<b>Jun 12, 2025 9:04 PM GMT+2</b>
<b>● 10% Overall Similarity</b>	
The combined total of all matches, including overlapping sources, for each database.	
<ul style="list-style-type: none"><li>• 7% Internet database</li><li>• 4% Publications database</li><li>• Crossref database</li><li>• Crossref Posted Content database</li><li>• 6% Submitted Works database</li></ul>	
<b>● Excluded from Similarity Report</b>	
<ul style="list-style-type: none"><li>• Manually excluded sources</li></ul>	