

A Critical Analysis of Judicial Independence in a Turbulent South African Democracy

Lebo Collins Manzini¹

ABSTRACT

Judicial independence is the cornerstone of constitutional democracy and the rule of law. In South Africa, this principle is constitutionally enshrined to ensure that courts act as impartial guardians of legality and accountability. However, rising political instability, executive overreach, corruption, and the politicisation of judicial appointments have placed this independence under threat. This paper critically assesses the current state of judicial independence in South Africa, focusing on constitutional protections, internal vulnerabilities, and external pressures. It analyses recent political dynamics, landmark case law alongside comparative experiences from international jurisdictions, where judicial capture has undermined democracy. The paper further proposes reforms aimed at strengthening institutional resilience, improving transparency in judicial appointments, and insulating the judiciary from political manipulation. Employing a doctrinal methodology combined with comparative legal analysis, the study draws on constitutional provisions, statutes, case law, and secondary sources, including academic literature and policy reports. The paper contributes to the broader debate on sustaining South Africa's democratic framework by reinforcing the judiciary as an independent, credible arbiter in a politically volatile environment.

KEYWORDS Judiciary, Independence, Constitutional Democracy, Politicisation, Accountability.

¹ Admitted Attorney at the High Court of South Africa, LLB, LLM, University of Limpopo.

I. INTRODUCTION

Judicial independence is not just a principle but a constitutional imperative essential to South Africa's democratic governance. Section 165 guarantees that courts are independent and subject only to the Constitution.² Courts are further mandated to uphold constitutional supremacy, as confirmed in *S v. Dodo*, which reinforced the judiciary's role in safeguarding fundamental rights against legislative and executive encroachment.³ However, the judiciary's ability to fulfil this mandate is being tested by increasing political interference, judicial misconduct, and executive defiance. In *Economic Freedom Fighters v. Speaker of the National Assembly and Others*⁴ the Constitutional Court emphatically reaffirmed the supremacy of the Constitution and the binding nature of Public Protector findings, holding President Jacob Zuma accountable for breaching constitutional obligations.⁵ This case became a critical marker of judicial independence, showcasing the judiciary's role in asserting constitutional supremacy amidst intense political resistance.

Despite these, the judiciary still faces internal crises. High-profile misconduct cases involving Judges John Hlophe and Nikola Motata, together with delayed disciplinary action by the Judicial Service Commission (JSC), raised questions about accountability.⁶ In *Helen Suzman Foundation v. Judicial Service Commission*, the Constitutional Court addressed the JSC's discretion, but concerns about transparency and partisanship persist.⁷ Additionally, *President of the Republic of South Africa v. SARFU* established the objective standard for recusal, shaping the discourse on judicial impartiality.⁸ This judgment has shaped the discourse on judicial impartiality and continues to serve as a benchmark in assessing judicial conduct.

Siyo and Mubangizi emphasise that judicial independence operates on two levels, individual and institutional.⁹ As noted by Malan, independence exists not for judges' benefit but for public

² Constitution of the Republic of South Africa, 1996, § 165(2) (S. Afr.).

³ *S v. Dodo* 2001 (3) SA 382 (CC).

⁴ *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* 2016 (3) SA 580 (CC).

⁵ *Ibid.*

⁶ Judges Matter 'The Importance Of Hlophe And Motata's Impeachment Vote For Judicial Accountability' available at <https://www.judgesmatter.co.za/opinions/the-importance-of-hlophe-and-motatas-impeachment-vote-for-judicial-accountability/>, accessed on the 09 June 2025.

⁷ *Helen Suzman Foundation v. Judicial Service Commission* 2018 (4) SA 1 (CC).

⁸ *President of the Republic of South Africa and Others v. South African Rugby Football Union and Others* 2000 (1) SA 1 (CC).

⁹ L Siyo and JC Mubangizi 'the independence of south african judges: a constitutional and legislative perspective' (2015) PER 42.

confidence in impartial justice.¹⁰ However, as highlighted in the 2024 University of Cape Town's (UCT) News report, leadership transitions, misconduct hearings, and political tensions expose systemic vulnerabilities.¹¹ Section 174(3) grants the President broad discretion in judicial appointments, which, if politicised, could erode institutional autonomy.¹²

The judiciary is further tainted by corruption scandals uncovered by the Zondo Commission, implicating figures such as Magistrate Desmond Nair and Judge Nana Makhubele. Coupled with politicised appointments and public policy adjudication, these issues blur institutional boundaries and intensify political backlash.¹³ Potele suggests that the judiciary's expanded role in policy review, often driven by executive inertia, has fuelled accusations of judicial overreach, despite its constitutional duty to enforce legality.¹⁴ These developments underscore the urgent need for reform in judicial accountability mechanisms, especially within the JSC.

External threats also include media sensationalism and orchestrated social media campaigns vilifying judges. Such attacks exploit public legal illiteracy, enabling political actors to discredit legitimate judgments. Internally, delayed rulings, inconsistent jurisprudence, and inefficiencies further erode credibility. While judicial review is essential to constitutionalism, courts must balance enforcement with restraint to avoid perceptions of activism. As South Africa confronts political volatility and institutional strain, preserving judicial autonomy is imperative. This essay argues that despite demonstrated resilience, systemic threats persist. Through an analysis of constitutional provisions, case law, political dynamics, and reform strategies, this paper contributes to safeguarding one of the most vital institutions in South Africa's democratic framework. Against this backdrop, this study evaluates the current state of judicial independence in South Africa.

II. JUDICIAL INDEPENDENCE AND POLITICAL TURMOIL IN SOUTH AFRICA

¹⁰ K Malan 'reassessing judicial independence and impartiality against the backdrop of judicial appointments in south africa' (2014) PER 55.

¹¹ B Mbekezeli 'Issues facing the SA judiciary available at <https://www.news.uct.ac.za/article/-2024-01-22-issues-facing-the-sa-judiciary-in-2024>, accessed on 09 June 2025.

¹² Constitution of the Republic of South Africa, 1996, § 174(3) (S. Afr.).

¹³ The Magistrate Matters 'Why Judicial officers must at all times be beyond reproach' – The case of Mr Desmond Nair' available at <https://www.magistratesmatter.co.za/2021/08/04/the-case-of-mr-desmond-nair/>, accessed on 09 June 2025.

¹⁴ P N Potele 'The relationship between public policy and judicial review in South Africa's constitutional democracy' (2017) University of the Witwatersrand, Johannesburg, <https://hdl.handle.net/10539/26195>.

Judicial independence is the principle that judges must adjudicate cases free from external political or societal influence when upholding the rule of law.¹⁵ Section 165 guarantees this autonomy, prohibiting any interference in judicial functioning.¹⁶ This independence is both institutional, ensuring the judiciary as a whole functions autonomously, and individual, allowing judges to decide cases without fear, favour, or prejudice.¹⁷ International standards, including Article 10 of the Universal Declaration of Human Rights (UDHR), reinforce the need for an impartial judiciary.¹⁸ Siyo and Mubangizi highlight that independence is not just a formal safeguard but a lived reality requiring administrative support to function effectively.¹⁹ Powell also emphasised that judicial independence is not a privilege of the judiciary but a right of the people to an impartial forum for the resolution of disputes.²⁰ This independence must be real and perceived; the appearance of bias or influence can be as damaging as actual interference. These guarantees are found in Sections 174-177,²¹ but the effectiveness of these protections depends on consistent and principled

South Africa's political landscape since the end of apartheid has been characterised by factionalism and systemic corruption.²² The Zondo Commission reports exemplify how public institutions, including those tasked with safeguarding justice, can be manipulated for political gain.²³ Judges have come under personal and professional attack for rulings perceived as unfavourable to political elites. In *Southern Africa Litigation Centre v. Minister of Justice and Constitutional Development*, the state's failure to comply with a judicial order to detain President Omar al-Bashir highlighted the fragility of judicial authority in the face of executive defiance.²⁴ The impeachment proceedings of judges like John Hlophe and Nkola Motata reflect a judiciary under internal stress and external scrutiny.²⁵ According to Mbekezeli, a critical

¹⁵ Siyo and Mubangizi *supra* note 9.

¹⁶ Constitution of the Republic of South Africa, 1996, § 165 (S. Afr.).

¹⁷ Malan *supra* note 10.

¹⁸ See, for example, s 10 of the Universal Declaration of Human Rights (1948); s 14 of the International Convention on Civil and Political Rights (1966); a 6(1) of the European Convention on Human Rights (1950); a 25(1) of the American Convention on Human Rights (1969); and a 26 of the African Charter on Human and Peoples Rights (1981).

¹⁹ Siyo and Mubangizi *supra* note 9.

²⁰ CH Powell 'Judicial Independence and the Office of the Chief Justice' (2019) Volume 9, 497–519.

²¹ Constitution of the Republic of South Africa, 1996, §§ 174, 177 (S. Afr.).

²² Cameron 'Judge of the Constitutional Court of South Africa'. "Middle Temple and SA conference: Judicial Independence" available at <https://silo.tips/download/judicial-independence>, accessed on 10 June 2025.

²³ Public Affairs Research Institute 'The Zondo Commission: A bite-sized summary' available at <https://pari.org.za/wp-content/uploads/2022/09/PARI-Summary-The-Zondo-Commission-A-bite-sized-summary-v360.pdf>, accessed on 10 June 2025.

²⁴ *Southern Africa Litigation Centre v. Minister of Justice and Constitutional Development and Others* 2015 (5) SA 1 (GP).

²⁵ Judges Matter *supra*.

inflexion point for the judiciary is looming, with impending leadership transitions and growing tensions between the branches of state.²⁶ The judiciary's role as the ultimate guardian of the Constitution is jeopardised when political actors use populist rhetoric to portray judges as enemies of transformation. O'Regan, has warned that political interference in judicial appointments and court decisions erodes the separation of powers.²⁷ The threat is present in delays in appointments and attacks on Chapter 9 institutions, which show systemic attempts to weaken accountability.

The Constitution provides for judicial independence in terms of Section 165, which mandates impartiality.²⁸ Section 174 outlines judicial appointments and emphasises that appropriate, qualified and reflective of the country's diversity.²⁹ The JSC is tasked with safeguarding these appointments and ensuring accountability. However, the JSC's structure comprising political appointees alongside members of the judiciary and the legal profession has led to criticisms. In *Judicial Service Commission v. Premier of the Western Cape Province*, the court dealt with the improper constitution of the JSC, signalling procedural weaknesses in its operation.³⁰ Andrews provides that the appointment process needs insulation from partisan politics to maintain the credibility of the judiciary.³¹ Moreover, the failure to implement an independent court administration system suggests executive reluctance to relinquish control.³²

While Sections 176 and 177 provide mechanisms for judicial tenure, recent controversies show that the thresholds for impeachment are politically contested. The Constitution envisages that all arms of state will work in good faith to protect judicial independence, but political practice often deviates from this norm. Mhango notes that the fusion of party and state complicates the separation of powers, especially when dominant political forces perceive the judiciary as a threat.³³ International instruments such as the Bangalore Principles of Judicial Conduct and the United Nations Basic Principles on the Independence of the Judiciary advocate for structural

²⁶ Mbekezeli *supra*.

²⁷ K O'Regan 'Checks and Balances: Reflections on the Development of the Doctrine of Separation of Powers under the South African Constitution' (2004) Potchefstroom Electronic Law Journal, 1(1), 1–30.

²⁸ The Constitution.

²⁹ *Ibid*.

³⁰ In *Judicial Service Commission v. Premier of the Western Cape Province* 2011 (3) SA 538 (SCA).

³¹ P Andrews 'Pursuing Gender Equality through the Courts: The Role of South Africa's Women Judges' (2020) NYLS Legal Studies Research Paper No. 3614036.

³² Judges Matter 'Chief Justice Raymond Zondo's legacy as Chief Justice' available at <https://www.judgesmatter.co.za/opinions/chief-justice-raymond-zondos-legacy-as-chief-justice/>, accessed on 10 June 2025.

³³ M Mhango 'Executive accountability and the separation of powers: Introducing the political accountability doctrine in South Africa' (2021) Vol 35 No 1 (2021) Published 31 March 2021 ISSN 2523-2177.

safeguards that are not always effectively implemented in practice.³⁴ South Africa's legal architecture may be robust, but it requires constant vigilance and reform to withstand political tumult.

III. THREATS TO JUDICIAL INDEPENDENCE: THE CROSSFIRE

Executive overreach remains a grave threat to judicial independence in South Africa. Former President Jacob Zuma's administration often disregarded court rulings, undermining the rule of law. In *President of the Republic of South Africa v. Office of the Public Protector and Others*, the Court censured Zuma for failing to uphold constitutional obligations. Such defiance erodes legality and constitutional democracy.³⁵ Section 165(5) mandates compliance with court orders, and violations signal a crisis.³⁶ Calland provides that this attribute to executive impunity weakens parliamentary oversight.³⁷ International instruments obligate executives to respect judicial decisions.³⁸ Ignoring court orders, as in the Omar al-Bashir case, where officials defied an arrest warrant, sets a dangerous precedent, reducing the judiciary to a symbolic body without enforcement power.³⁹

Parliament sometimes undermines judicial independence through laws restricting judicial review or delays in amending unconstitutional statutes. In *Doctors for Life International v. Speaker of the National Assembly*⁴⁰, it was ruled that the parliament violated Section 59⁴¹ by failing to ensure public participation in law-making. Additionally, attacks on judges under parliamentary privilege damage judicial credibility, while budgetary constraints and hostile rhetoric further weaken the courts. Section 44 grants Parliament legislative authority but obligates respect for judicial autonomy.⁴² Internationally, legislative overreach in countries like Poland and Hungary shows how similar dynamics erode judicial checks. Parliament's inaction on implementing Zondo Commission recommendations illustrates complicity.⁴³ While judicial

³⁴ The Bangalore Principles of judicial conduct (2002) available at https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf, accessed on 10 June 2025.

³⁵ Public Protector and Others v. President of the Republic of South Africa and Others 2021 (6) SA 37 (CC).

³⁶ The Constitution.

³⁷ R Calland 'The Zuma years: South Africa's changing face of power. Cape Town: Zebra Press' (2013). ISBN: 978-1-77022-088-1.

³⁸ United nations available at <https://www.un.org/en/>, accessed on 11 June 2025.

³⁹ Public Protector case *supra*.

⁴⁰ Doctors for Life International v Speaker of the National Assembly and Others 2006 (6) SA 416 (CC).

⁴¹ Constitution of the Republic of South Africa, 1996, § 59 (S. Afr.).

⁴² Constitution of the Republic of South Africa, 1996, § 44 (S. Afr.).

⁴³ Zondo commission *supra*.

deference to the legislature is constitutionally required, it cannot amount to political subservience.

Populist attacks and media trials compromise judicial impartiality. Judges in politically sensitive cases face vilification and coordinated social media campaigns, creating an intimidating environment.⁴⁴ O'Regan warns that a misinformed public manipulated by political actors undermines trust in judicial outcomes.⁴⁵ In *EFF v. Gordhan*, media framing shaped perceptions of bias before judgment.⁴⁶ While Section 16⁴⁷ protects freedom of expression, it must be balanced against rights to dignity and fair trial under Sections 10 and 34.⁴⁸ Politicised narratives and accusations of bias weaken judicial legitimacy and obscure valid judicial critique. Digital platforms amplify these threats, requiring regulatory and educational measures to safeguard judicial integrity.

Corruption, notably during State Capture, severely compromised judicial integrity.⁴⁹ The Zondo Commission revealed efforts to co-opt the judiciary, citing figures for misconduct involving Passenger Rail Agency of South Africa (PRASA).⁵⁰ Transparency International links judicial corruption to democratic decline, with South Africa sliding in global rankings. Though Section 174 demands rigorous appointment standards, political bargaining has weakened safeguards.⁵¹ Accountability bodies like the JSC have failed to address credible misconduct robustly. International law, including the African Charter on Democracy, obliges transparency in judicial systems. Cases such as Magistrate Desmond Nair's corruption trial underscore vulnerabilities that threaten the bench's moral authority, diminishing its ability to check political power.⁵²

Prolonged secretive misconduct inquiries such as those involving Judges Hlophe and Motata reveal systemic accountability failures.⁵³ Hlophe's alleged attempt to sway Constitutional Court justices in favour of Zuma questioned judicial impartiality. Without self-regulation, independence risks devolving into impunity.⁵⁴ The *SARFU* case reinforced objective standards

⁴⁴ *Ibid.*

⁴⁵ O'Regan *supra* note 26.

⁴⁶ *Economic Freedom Fighters v. Gordhan and Others; Public Protector and Another v Gordhan and Others* 2020 (6) SA 325 (CC).

⁴⁷ Constitution of the Republic of South Africa, 1996, § 16 (S. Afr.).

⁴⁸ Constitution of the Republic of South Africa, 1996, §§ 10, 34 (S. Afr.).

⁴⁹ Zondo commission *supra*.

⁵⁰ *Ibid.*

⁵¹ The Constitution.

⁵² Magistrate matter *supra*.

⁵³ Judges matter *supra*.

⁵⁴ Malan *supra*.

for recusal and ethics, but uneven adherence persists.⁵⁵ Section 177 allows removal only for gross misconduct, creating high thresholds that foster protectionism.⁵⁶ Politically charged JSC deliberations further undermine credibility, as noted in *Freedom Under Law v. JSC*, where the Supreme Court of Appeal (SCA) stressed fair procedures.⁵⁷ International guidelines, like those from the Venice Commission, advocate transparent, appealable disciplinary systems.⁵⁸ Unless internal governance improves, judicial independence remains problematic.

IV. COMPARATIVE PERSPECTIVES: LESSONS FROM ELSEWHERE

Judicial independence is under threat globally, with several democracies facing political interference. In Poland, reforms allowing executive control over judicial appointments via the National Council of the Judiciary sparked European Union (UN) action. In *Commission v. Poland* (C-619/18), the EU Court of Justice ruled these reforms violated judicial independence.⁵⁹ Similarly, Hungary centralised judicial power, including lowering judges' retirement age to remove dissenting voices, prompting Article 7 Treaty on European Union (TEU) proceedings.⁶⁰ Poland illustrates how legal reforms can erode independence. Disciplinary measures against a judge's ruling against the executive created a chilling effect, violating impartiality under Article 6 of the European Convention on Human Rights.⁶¹ The UN Human Rights Committee condemned these actions. South Africa's JSC, though constitutionally protected, risks similar politicisation, as warned by Justice Johann Kriegler.⁶² Comparative lessons show that formal safeguards can be undermined through systemic

⁵⁵ SARFU *supra* note 7.

⁵⁶ The Constitution.

⁵⁷ *Freedom Under Law v Acting Chairperson: Judicial Service Commission and Others* (2011 (3) SA 549 (SCA)).

⁵⁸ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) 2010 available at <https://rm.coe.int/1680700a63>, accessed on the 13 June 2025.

⁵⁹ Marco Antonio Simonelli 'Thickening up judicial independence: the ECJ ruling in *Commission v. Poland* (C-619/18)' available at <https://www.europeanlawblog.eu/pub/thickening-up-judicial-independence-the-ecj-ruling-in-commission-v-poland-c-619-18/release/1#:~:text=On%20the%20October%202018,the%20newly%20fixed%20retirement%20age,> accessed on the 16 June 2025.

⁶⁰ Kim Lane Scheppele 'How to Evade the Constitution: The Case of the Hungarian Constitutional Court's Decision on the Judicial Retirement Age' available at < <https://www.icconnectblog.com/how-to-evade-the-constitution-the-case-of-the-hungarian-constitutional-courts-decision-on-the-judicial-retirement-age/#:~:text=In%20the%20judicial%20retirement%20age%20case%2C%20the%20Court%20did%20not,promotion%20ladder%20as%20they%20age> > accessed 22 June 2025.

⁶¹ Judicial independence in the case law of the European Court of Human Rights available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762305/EPRS_BRI\(2024\)762305_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762305/EPRS_BRI(2024)762305_EN.pdf), accessed on 22 June 2025.

⁶² Judicial Conduct Committee Ruling on Justice Kriegler is Something to Lament and Reflect on, not Celebrate available at <https://www.anchoredinlaw.net/2022/08/02/judicial-conduct-committee-ruling-on-justice-kriegler-is-something-to-lament-and-reflect-on-not-celebrate/>, accessed on 30 June 2025.

manipulation, necessitating vigilance, judicial activism, and international oversight.⁶³ Hungary's experience also warns South Africa. Prime Minister Orbán curtailed the Constitutional Court's powers and placed judicial administration under political control.⁶⁴ Scheppele notes that judicial capture often starts with technical reforms, then expands, making it difficult to detect.⁶⁵ South Africa's reliance on the Department of Justice for court administration reflects this vulnerability and undermines Section 165(4).⁶⁶

Germany's Federal Constitutional Court uses a bipartisan appointment process requiring supermajority support, promoting consensus and insulating courts from political capture. Its judiciary enjoys administrative and financial autonomy, enhancing institutional integrity. In Canada, judicial appointments now involve an independent advisory board and public consultation, increasing transparency. Countries like Canada and the Netherlands promote legal literacy through civil society programs, while in South Africa, groups such as Freedom Under Law and Judges Matter advocate for transparency.

V. THE SOUTH AFRICAN RESPONSE: NAVIGATING THE STORM

South Africa's judiciary has often acted as the final bulwark of constitutionalism. A landmark example is *Economic Freedom Fighters v. Speaker of the National Assembly*,⁶⁷ where the Constitutional Court held former President Jacob Zuma accountable for ignoring the Public Protector's remedial actions, reaffirming constitutional supremacy and the binding authority of Chapter 9 institutions.⁶⁸ Similarly, in *President of the Republic of South Africa v. Office of the Public Protector*,⁶⁹ the Court criticised the Public Protector while clarifying presidential accountability. During the Zondo Commission, courts impartially adjudicated challenges to subpoenas and witness testimony, strengthening public trust.⁷⁰ Call and highlight the judiciary's resilience during this turbulent period, reinforcing its role as a counterweight to

⁶³ *Ibid.*

⁶⁴ Viktor Orbán's grip on Hungary's courts threatens rule of law, warns judge available at <https://www.theguardian.com/world/2022/aug/14/viktor-orban-grip-on-hungary-courts-threatens-rule-of-law-warns-judge>, accessed on 01 July 2025.

⁶⁵ Scheppele *supra*.

⁶⁶ The Constitution.

⁶⁷ *Economic Freedom Fighters v. Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* 2016 (3) SA 580 (CC).

⁶⁸ *Ibid.*

⁶⁹ Public Protector case *supra*.

⁷⁰ Zondo Commission *supra*.

executive excesses and legislative inertia.⁷¹ Oversight in National Prosecuting Authority and Hawks cases further cemented judicial independence as a check on compromised institutions.

Despite systemic weaknesses, the judiciary has consistently demonstrated courage in politically sensitive cases. Judgments in *Glenister v. President of the Republic of South Africa* affirmed the need for effective anti-corruption mechanisms despite political resistance.⁷² In *Minister of Police v. Fidelity Security Services*, the Constitutional Court invalidated regulations exceeding executive authority, showcasing principled adjudication.⁷³ O'Regan notes that independence relies as much on perception as fact, and consistent integrity fosters public trust. Therefore, resilience is sustained through strong judicial education and ethical training, facilitated by bodies such as the South African Judicial Education Institute (SAJEI). While challenges persist, the judiciary's record in defending constitutional values remains a cornerstone of South Africa's democratic framework. Ultimately, the preservation of judicial independence depends on a complex interplay of constitutional design, political culture, institutional safeguards, and public support. International examples provide both warnings and models. South Africa's constitutional order is resilient, but not invincible. Learning from global experiences is not a matter of comparison but a constitutional imperative.

VI. CONCLUSION AND RECOMMENDATION

Judicial independence remains the bedrock of South Africa's constitutional democracy and a critical safeguard against the abuse of power. While the Constitution provides robust protections, political interference, systemic corruption, and weaknesses in accountability mechanisms continue to undermine the judiciary's autonomy. These challenges highlight that independence is not self-executing; it requires continuous vigilance, institutional reform, and public trust. The judiciary must maintain impartiality while avoiding perceptions of overreach, ensuring decisions are guided solely by the Constitution. Strengthening appointment processes, enhancing transparency, and reinforcing ethical standards are essential to insulating the judiciary from political capture. Civil society, legal practitioners, and international bodies also play a vital role in sustaining judicial integrity. Ultimately, the resilience of the judiciary determines the survival of democratic governance, making its independence not only a legal necessity but a moral and political imperative for South Africa's future.

⁷¹ Calland *supra*.

⁷² *Glenister v. President of the Republic of South Africa and Others*, 2011 (3) SA 347 (CC).

⁷³ *Minister of Police and Others v. Fidelity Security Services (Pty) Limited*, 2022 (2) SACR 519 (CC).

To secure judicial independence in South Africa, comprehensive reforms are essential. The Judicial Service Commission must be depoliticised through reduced political representation and transparent, merit-based appointments. Continuous judicial education, coupled with an independent court administration authority, will safeguard autonomy and professionalism. A uniform and expedited disciplinary system is necessary to address misconduct promptly and fairly, while increasing judicial diversity will enhance legitimacy. Public legal education campaigns and greater transparency in judicial communication can strengthen public trust. Civil society must remain vigilant through advocacy and litigation, and Parliament should enact laws that reinforce, rather than weaken, judicial independence. International cooperation and adherence to global best practices will further fortify this critical pillar of constitutional democracy.

