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The Administrative Adjudication of Road Traffic Offences Act in South Africa: A setup for success or failure

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Abstract: Road traffic safety is a pressing concern worldwide, with staggering numbers of fatalities and injuries occurring annually. The Administrative Adjudication of Road Traffic Offence (AARTO) Act in South Africa aims to promote responsible driving behaviour by implementing a points-based demerit system, where drivers accumulate points for traffic offenses. However, the effectiveness of this ACT in achieving its intended goals has been a subject of debate. Critics contend that the AARTO is inherently flawed and destined for failure due to its defective design and implementation. Key concerns include the ambiguity and inconsistency in applying the demerit point system, which creates confusion among motorists. Furthermore, the system's reliance on postal mail for notifications and communication has led to delays and inefficiencies in delivery and response times. These shortcomings have culminated in widespread disregard for the system and scepticism about its efficacy. Moreover, the opaque nature of this law has created an environment conducive to corruption among law enforcement officials, who may exploit the system's ambiguities for personal gain. This study was qualitative in nature. Despite this criticism, proponents of this Act argue that the system has the potential to be successful if certain adjustments are made. These include improving communication and notification systems, increasing transparency and consistency in the application of the demerit system, and enhancing public awareness and education about the system. By addressing these concerns and making necessary improvements, this Act can be set up for success and contribute to reducing traffic violations and enhancing road safety in South Africa. This research aims to explore the AARTO challenges and accomplishments.

Therefore, this article culminates the delinquencies and benefits of this Act on road safety in South Africa. The findings highlight corruption and fraud in the demerit points system and the conclusion articulates the improvement of driver behaviour and road safety.

Keywords: AARTO Act, corruption, demerit points system, fraud.

Introduction

The Administrative Adjudication of Road Traffic Offence (AARTO) Act, 1998 as amended act no 4 of 2019 was introduced in South Africa to improve road safety and reduce traffic violations (Schoeman & Kockott, 2021). According to the World Health Organisation (WHO), the global toll is alarming, with an estimated 1.9 million traffic-related deaths in 2020 and a projected 2.4 million by 2030 (WHO, 2023). South Africa is particularly hit hard, with an extremely high road fatality rate that claims thousands of lives each year. As reported by BusinessTech (2024), a staggering 11,883 fatalities were recorded in South Africa, having a devastating impact on families and communities that is immeasurable.

The significance of road traffic safety extends far beyond personal well-being, as it is intricately linked to economic growth, social development, and human prosperity. Safe and reliable transportation networks facilitate the free movement of people, goods, and services, thereby underpinning economic productivity and social cohesion. Conversely, substandard road traffic safety can have severe repercussions, including diminished economic output, increased healthcare expenditures, and reduced quality of life. Enhancing road traffic safety necessitates a

collaborative and multi-dimensional approach, involving the concerted efforts of government, civil society, and individual road users. A comprehensive road traffic safety strategy must incorporate effective legislation, rigorous enforcement, and targeted education initiatives. Road safety is defined as teaching people how to behave safely when driving or crossing the road (Dictionary Cambridge, 2025). Also, Sciencedirect (2025) refers to traffic safety as the measures and practices implemented to reduce the risk of accidents and injuries on the road. The definition adopted for this study is – Road traffic safety refers to the set of actions and mechanisms that ensure the safe free flow of traffic, preventing and minimising the damage caused by road traffic accidents with the primary objective of safeguarding the physical integrity of individuals using the road system.

In South Africa, the amended AARTO Act in 2019 was enacted to promote road traffic safety, reduce accidents, property damage and injuries to road users (Schoeman & Kockott, 2021). The key components of road traffic safety are as follows,

- Human Factor – Driver behavior, pedestrian awareness, and passenger safety.
- Infrastructure – Road design, maintenance, and safety features.
- Environment – Weather, trees, grass, ground
- Vehicle – Safety standards, maintenance, and inspection.
- Institutional, Legal, and Control Framework – Laws, regulations, enforcement, and education (Kockott, 2021).

The main aim of road traffic law enforcement (RTLE) is to educate road-users by promoting a culture of responsible road use which demonstrates concern and respect for other road users. RTLE focuses on the safe, free flow of traffic without compromising on safety, saving time, protection of the environment and fuel conservation. Effective RTLE occurs where the behavior of the road user is within the legal, engineering and ethical framework and where the right-of-way of all road users is respected (Kockott, 2021). Nevertheless, the efficacy of AARTO in achieving the aim of law enforcement and its own intended objectives remains a topic of debate, with some critics arguing that inherent design and implementation flaws compromise its potential for success.

Theoretical Framework

This study explored various literature to elaborate on the possible deficiency and success of the AARTO Act, as highlighted below.

Understanding the Demerit Point System

The demerit point system (DPS) is a mechanism used to penalize drivers for traffic violations. Drivers start with a clean slate (usually zero points) and accumulate points for offenses, with more serious violations resulting in more points. Accumulating too many points can lead to licence suspension or cancelation. This system is intended to discourage motorists from disobeying the law by putting their privilege to drive in jeopardy if they flout the law. If applied properly, this concept is arguably a good one (AARTO Explained, 2021).

a) The role of human factors in road traffic accidents

The Road Traffic Management Cooperation (RTMC) acknowledges the substantial impact of human factors on accident occurrences.
According to the RTMC, human factors contribute to 82% of accidents, while vehicle factors account for 10%, and road environment factors account for 8%. This highlights the critical need to address human behavior in road traffic safety initiatives (Schoeman & Kockott, 2021).

b) Road Traffic Law

Schoeman and Kockott (2021) explain that the National Road Traffic Act, 93 of 1996 and the rules of the road play a pivotal role in road safety and breaking those rules can, and often does, lead to disastrous consequences. Furthermore, it is a globally accepted fact that high proportion of crashes are preceded by the commission of one or more road traffic offences. It is also a fact that South Africa has a particularly poor road traffic safety record, which in turn results in an unacceptable high rate of road crash -related deaths and injuries.

c) The link between enforcement and road traffic safety

The RTMC emphasises the intrinsic connection between enforcing road traffic legislation and ensuring road traffic safety. The AARTO Act (1998) contributes to law enforcement and safety (Schoeman, 2024). According to Kockott (2021), law enforcement should set targets for improving road traffic safety. Furthermore, it should plan and

strategies to meet road traffic safety targets in the short, medium and long term. This sentiment is promoted by the International Transport Forum (2018) and supported by research on the prevalence of traffic law violations in driver behavior. In response, many countries have implemented progressive penalty points systems as a key feature of their traffic legislation (SWOV, 2017).

d) The objective and function of the DPS

As a law enforcement tool, the primary objective of the DPS is to address repetitive and high-risk offenses more stringently, as they significantly increase accident and injury risks (SWOV, 2017). By doing so, these systems aim to promote road traffic safety and reduce the incidence of accidents (Kockott, 2021). The DPS provides a means for monitoring traffic violations committed by drivers, including corrective measures (SWOV, 2017; Schoeman & Kockott, 2024). Beyond the prescribed sanction (e.g. punishment) for each traffic offence or traffic infringement (e.g., fines), demerit points are accrued to the driver, in line with the violation's severity In accordance with the number of points accumulated over a predetermined time-period, the driver is obligated to undergo "corrective measures," such as a driving improvement course, license suspension, or retaking a theory or practical driving test to reinstate the driver's license (Schoeman & Kockott, 2024).

According to SWOV (2017) – and other authors such as Castillo-Manzano and Castro-Nuno (2012), Goldenbeld, van Schagen and Vlakveld (2012), as well as van Schagen and Machata (2012), the points system contributes to road safety in three ways: (1) preventing unsafe behaviors due to the fear of accumulating demerit points, (2) correcting dangerous behaviors through remedial driver education, and (3) deterring traffic offenders.

Evaluating the Demerit Points System in use and its results

This paper examines the implementation and use of DPS in various countries, with a focus on its effectiveness in enhancing road traffic safety and applying corrective measures to repeat offenders. The AARTO Act adopted global existing DPS strategy to enhance road traffic safety and deter repeat offenders (Schoeman & Kockott, 2024). Research has extensively examined the effectiveness of DPS in various countries, categorising studies into three primary groups: those assessing changes in driver behavior or traffic violations, changes in accident rates, and those evaluating the efficiency of corrective measures. A review of existing literature reveals that the impact of DPS on road safety varies significantly across countries. However, determining the effect of a demerit points system is complex, as multiple factors are involved, including changes in enforcement and public campaigns, which coincide with the introduction of DPS. This complexity makes it challenging to establish the extent to which effects can be attributed to each factor.

a) Positives of the DPS

This article explores the benefits of the DPS in promoting road safety and reducing traffic accidents. From the perspective of driver behaviour modification, this study investigates how the DPS influences drivers' adherence to traffic regulations, reduces violations, and contributes to accident prevention. As a widely adopted traffic management tool, the DPS has demonstrated efficacy in deterring reckless driving behaviours by assigning demerit points to drivers who commit traffic offenses. Research indicates that this system not only fosters a safer driving environment but also encourages drivers to adopt defensive driving habits, culminating in a more responsible driving culture. According to Libera (2025), the DPS will also digitise traffic law enforcement to combat corruption. Currently, in South Africa, most parts of the country use handwritten infringement notices. With AARTO, the country is moving to electronic devices. When a violation is captured, it is immediately loaded onto a handheld gadget and fed into the system. This will reduce human interference and help eliminate bribery.

b) Driver behaviour

Research has shown that more than 80% of road crashes are due to human error and thus call for behavior-changing efforts (Libera, 2025). Road safety experts and scientists consider aspects of road users' behavior to be the main risk factor for road fatalities. These factors include drinking alcohol, speeding, not wearing seat belts, not wearing helmets when riding two-wheeled vehicles, not using child restraints, consuming illegal drugs, and being distracted by mobile phone use (Jameel & Evdorides, 2021). Research on the impact of DPS on driver behavior has yielded varied results. A demerit points system aims to influence driver behavior by assignment points for traffic violations, which can lead to penalties like fines or license suspension. This system is intended to deter reckless driving, promote safer road habits, and hold drivers accountable for their actions. As a deterrence purpose – by assigning points for traffic violations, it encourages drivers to follow traffic laws more closely to avoid accumulating points that lead to penalties (About AARTO, 2024).

A study in Israel reported a significant 70% decrease in committing traffic violations, and simultaneously, there was a decrease in drivers' accident involvement, on average, of 1% in severe accidents and of 11% in total injury accidents. The study results support the continued use of the DPS, to improve drivers' behaviors and road safety (Gitelman, Doveh, Korchatov, Elias & Hakkert, 2023). In contrast, a study in Australia found a more modest 6% reduction in repeated speed offenses, which was influenced by increased enforcement intensity that included a 43% increase in speed enforcement hours (Watson, Siskind, Fleiter, Watson & Soole, 2015). Additionally, the study noted a 4% reduction in the total number of offenses detected, representing a substantial 33% reduction in the rate of detection per enforcement hour. These findings highlight the need for holistic and context-specific evaluations of DPS effectiveness.

c) Traffic violations

A traffic violation occurs when one contravenes a known road traffic sign as stipulated in the National Road Traffic Act (NRTA) of 1996, its regulations and its amendments. These include but not limited to the following – Driver of motor vehicle to be licenced; and condition of vehicle to be roadworthy (Schoeman, 2024). Road user behaviour is an essential factor of increasing the rate of traffic accidents worldwide (Jameel & Evdorides, 2021). Most research examining the impact of the DPS on traffic violations were limited to a period of under two years, resulting in a lack of insight into longer-term effects. However, research that did investigate DPS impacts on traffic violations found a correlation between the introduction of this system and a reduction in serious traffic violations.

Nevertheless, the magnitude of this impact varied across studies and countries. Despite these variations, the overall trend suggests that DPS can contribute to a decrease in serious traffic offenses. Further research is needed to explore the long-term effects of DPS on traffic violations. According to Gitelman et al. (2023), A points system relies on the assumption that violating behaviour should be addressed more strongly if it is repetitive and refers to more dangerous offences, for example those increasing accident and injury risks. It presents a means for monitoring traffic violations committed by drivers, including corrective measures.

d) Traffic accidents and injuries

Research on the impact of DPS on traffic accidents and injuries has yielded promising results. A comprehensive analysis of the effects of the DPS on road accidents, outlining findings from various studies, reveals a significant reduction in accidents, casualties, and fatalities. According to Gitelman (2023), a meta-analysis of DPS effects on road accidents summarising findings of over 20 studies conducted in eleven countries showed that DPS introduction was associated with decreases of 15%-20% in the numbers of accidents, casualties and fatalities, but the impact typically disappeared in a period of less than 18 months, on average, apparently, due to the lack of sufficient enforcement. Similar findings were reported by Jameel and Evdorides (2021), who studied the points systems in European countries. Their research revealed that the impact of DPS on the number of accidents and casualties lasted between 6-12 months. The authors attribute this decline in effectiveness to the decrease in enforcement and media support over time, which had initially accompanied the implementation of DPS.

Evaluating the Demerit Points System impact on road traffic safety

The implementation of the DPS has been a worldwide adopted strategy to enhance road traffic safety and deter repeat offenders. Research has extensively examined the effectiveness of DPS in various countries, categorising studies into three primary groups: those assessing changes in driver behavior or traffic violations, those analysing changes in accident rates, and those evaluating the efficiency of corrective measures. A comprehensive review of existing literature reveals that the impact of DPS on road safety varies significantly across countries. Studies have reported varying degrees of success in reducing traffic violations and accidents. For instance, Italy reported a substantial 73% reduction in speeding offenses following the implementation of DPS, whereas Australia observed a more modest 6% reduction in repeated speed offenses. In contrast, the UAE found no significant impact on traffic speeds. These disparate findings underscore the need for nuanced and context-specific evaluations of DPS effectiveness.

Furthermore, research suggests that the introduction of DPS is associated with reductions in accidents, casualties, and fatalities, although these impacts often dissipate within 1-2 years due to inadequate enforcement and other support (Gitelman, 2023). The efficacy of supporting methods to the DPS, such as warning letters, improvement courses, and license suspension or revocation, has also been subjected to scrutiny. While some studies suggest that these measures can be effective in reducing traffic violations and accidents, others have found no significant impact. This ambiguity underscores the need for further research to determine the most effective corrective measures and optimise DPS implementation (Gitelman, 2023). Ultimately, the implementation of DPS represents a multifaceted approach to

enhancing road traffic safety, and sustained enforcement, contextual evaluation, and ongoing refinement of corrective measures are essential to maximising the effectiveness of DPS and promoting safer road environments.

Demerit Points System and Corruption

According to Arrive Alive (2025), corruption is essentially the abuse of entrusted power for personal gain. It involves exploiting a position of authority for private benefits, often in the form of bribes, embezzlement, or extortion" and can occur in various sectors, including government, business, and non-profit organisations. Fraser (2023) states that the public have little faith in AARTO. There are too many concerns of opportunities for corruption to creep into the system and too many instances where additional fees make the demerit system more of an income generator than a road safety strategy. According to Mphidi and Pheiffer (2025), corruption is a barrier to effective municipal policing in South Africa. The challenges not only undermine the municipal police department's ability to uphold its constitutional mandate of ensuring public safety but also erode public trust and confidence in law enforcement institutions.

a) Types of corruption

- Corruption manifests in various forms, including bribery, abuse of power, misconduct, and unethical behavior (Mphidi & Pheiffer, 2025). It takes many forms, that include:
- Petty Corruption: Small-scale corruption, such as bribery or extortion, that occur in everyday transactions.
- Grand Corruption: Large-scale corruption that involves high-level officials and significant amounts of money.
- Systemic Corruption: Corruption that is deeply ingrained in an organisation or society, often due to weak institutions or a culture of impunity.

Corruption happens when someone in a position of power takes advantage of their authority to benefit themselves, rather than serving the public interest. This has serious consequences, such as undermining trust in-law enforcement, distorting markets, and depriving citizens of a safe road traffic environment to participate in. Overall, corruption is a complex issue that requires a multifaceted approach to prevent and address.

b) Undesirable effects from implementing the DPS

According to SWOV (2017), DPS identified undesirable side effects in the following areas which should be considered, namely,

a) Driving without a driving licence – If a penalty (in this case not being allowed to drive anymore) can have a major impact on a motorist mobility, but if the enforcement of the penalty is weak, motorist will soon be inclined to ignore the penalty. In the UK, 40% of the drivers whose driving licenses were suspended due to the demerit points system, admitted in a survey to still drive. One might imagine that drivers without a licence would follow all the rules strictly so as not to get caught. Yet the survey showed that the crash rate of drivers without a driving licence was 3 to 9 times as high as the average crash rate for all drivers.

b) Hit-and-run crash – Another undesired side effect of a DPS is that the inclination to drive on after causing a crash will increase, to prevent receiving extra points. It is acknowledged that there are no known objective figures about the size of this undesirable side effect.

c) Buying and selling of points – Like offenses that are automatically detected (e.g. speed enforcement by camera or radar) and the driver cannot be identified, finding out who was the driver is done via the vehicle licensing registration system, identifying the registered licence holder of the specific vehicle. This led to paying other drivers, with no or few dedicated points, who are willing to take the blame for the offenses. Implemented DPS shows that getting rid of points mostly occurs within families and circles of friends, but there are also indications that money is involved. The stats about the size of this problem are lacking.

Research Methodology

This study employed a qualitative research approach through a desktop study, relying on contextual analysis of data sourced from relevant literature.

A comprehensive review of existing literature on the subject was conducted to examine the evaluation of the DPS, its influences and outcomes (positive and negative), types of undesirable effects, strategies to mitigate undesirable effects within the traffic law enforcement environment, identification and discussion of challenges, and provision of potential solutions. Given the nature of the data required, this study primarily relied on secondary data sources – desk research

focusing on existing reports and online sources. Documented and archival data were extracted from research papers, conference presentations, texts, periodicals, and other pertinent sources. The collected data was sourced from relevant sources and analysed contextually without necessarily involving any quantitative techniques.

The researchers read an overview of the literature on this subject from March 2022 to July 2023, this was done to examine the following facets: to explore corruption within the traffic law enforcement environment as well as identifying and discussing challenges and providing possible solutions. Predicated on the nature of data required in this study; the presented discourse relied mainly on secondary data sources in the process of amassing germane information. In this process, documented and archival data were extracted from regime gazettes, texts, periodicals, and other pertinent sources. Data generated from these sources were condensed and critically analysed through content and context analysis where germane and concrete information were distilled from the collections. The deductive synthesis was consequently applied in this process. Synthesised outputs from the analysis are presented as different sections in this study in accordance with the set-out aim of the discourse.

- Sample size and rationale behind using the sample size

Based on the estimated prevalence of bribery involving traffic law enforcement—approximately 870,000 adults affected in South Africa in 2024 (representing about 2% of the adult population)—a representative quantitative sample size of 384 respondents would be sufficient for this study. This sample size is calculated using a 95% confidence level and a 5% margin of error, which is widely accepted in social science research for large populations. The sample would comprise licensed motorists who have interacted with traffic law enforcement officials, as well as a smaller stratified sub-sample of traffic officers to capture institutional perspectives on bribery, corruption, and the Demerit Points System (DPS).

For a complementary qualitative component, 20–30 purposively selected participants (including traffic officials, policymakers, and road users) would be adequate to achieve data saturation and provide in-depth insights into bribery as a "win–win" phenomenon, DPS-related corruption, and fraud prevention mechanisms. This combined sample size ensures both statistical reliability and contextual richness, while remaining feasible and ethically manageable within the scope of this study.

The selected sample size is informed by both statistical and methodological considerations to ensure reliability, validity, and feasibility of this study. A quantitative sample of 384 respondents is appropriate given the large target population of road users in South Africa and the estimated prevalence of bribery in traffic law enforcement. At a 95% confidence level and a 5% margin of error, this sample size provides sufficient statistical power to generalise findings to the broader population without unnecessarily inflating data collection costs or complexity. Furthermore, the prevalence of bribery (approximately 2% of the adult population) necessitates a sample large enough to capture meaningful variation in experiences and perceptions related to corruption and the Demerit Points System.

In addition, the inclusion of a purposive qualitative sub-sample of 20-30 participants is justified by the need for depth and contextual understanding of complex behaviours such as bribery, fraud, and "win–win" corruption dynamics. Qualitative research literature suggests that this range is adequate to achieve data saturation, where no new themes, insights, or patterns emerge. Together, the combined sample size supports methodological triangulation, enhances the credibility and robustness of the findings, and ensures that both empirical trends and nuanced institutional insights are captured effectively (Ahmed, 2025).

- How internal biases of the collected data was mitigated

To mitigate internal biases associated with qualitative secondary data such as verbal, textual, and visual sources, several methodological safeguards were applied throughout this research process. Firstly – data triangulation was employed by sourcing information from a wide range of independent and reputable materials, including peer-reviewed journals, government gazettes, policy documents, conference proceedings, and institutional reports. This reduced the risk of over-reliance on a single narrative or perspective. Secondly – source credibility and context were critically assessed to identify potential author bias, institutional agendas, or political influences embedded within the data.

Textual and visual materials were analysed within their original socio-political and temporal contexts to prevent misinterpretation or selective reading. Thirdly – a systematic content and contextual analysis framework was used to ensure consistency in data extraction and interpretation, thereby limiting subjective researchers' influence. The deductive synthesis approach further supported bias mitigation by anchoring interpretations to established theoretical constructs rather than personal assumptions. Reflexivity was maintained throughout this study, with the researchers consciously acknowledging their positionality and remaining alert to preconceived views that could influence analysis.

Where possible, contradictory findings and alternative viewpoints were deliberately included to enhance analytical balance and transparency. Collectively, these measures strengthened the trustworthiness, credibility, and dependability of the findings while minimising internal bias inherent in qualitative secondary data analysis.

Findings and discussion

The following were discovered in this study, which might influence the failure or success of the AARTO in South Africa,

- Corruption and Fraud Activities

The 2022/23 Stats SA Governance, Public Safety and Justice Survey revealed that more traffic officials than any other government officials asked individuals for bribes in 2019/20 and 2022/23. Soliciting bribes is deeply embedded in traffic policing in South Africa. Six of the nine national surveys conducted since 2003 that asked about bribery identified traffic police as the government service most frequently linked to corruption.

a) Facts on bribing

Bribery can be defined as the offering, promising, giving, accepting, or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of money, gifts, loans, fees, rewards or other advantages (Skillcast, 2025). Bribery and corruption in society ranges from 'petty' bribes offered to traffic officials to significant amounts paid as 'commissions' for securing tenders (Dippenaar & Associates, 2024). According to Bruce (2025), soliciting bribes is deeply embedded in traffic policing in South Africa. Six of the nine national surveys conducted since 2003 that asked about bribery identified traffic police as the government service most frequently linked to corruption. Based on current population figures and recent Statistics SA surveys, it may be estimated that roughly 870 000 people in South Africa had bribes solicited from them by traffic police in 2024 (2% of the adult population).

SAPS corruption also features prominently in Stats SA survey results. But the findings show that graft linked to traffic policing is the most brazen form of police corruption in South Africa. Bribery does not always contradict the interests of the people who face the officials abusing power.

b) How bribery becomes a win-win situation

Bribery will always be corruption, but not all forms of corruption are bribery. For example, bribery is a type of corruption. Corruption takes on many faces and is not always blatant but can be subtle to the outside observer. The types of corruption are – Bribery, Fraud, Embezzlement and Kickbacks (Peninsula, 2025). A win-win situation is the result of a mutual-gains approach to negotiation in which parties work together to meet interests and maximize value creation (Harvard Law School, 2025). According to Zhu and Shi (2017), there are considerable scholarly debates regarding the real consequences of corruption. Recent studies have argued that predictable corruption, in which bribers are guaranteed the delivery of government services, is less distortionary and more efficiency-enhancing than arbitrary corruption in which officials engage in simple plunder. For instance, the saying that "corruption greases the wheels of commerce" (the wheels of cars in this case) relates.

The bribe-giver hopes to secure some privileged treatment from the bribe-taker, which undermines the competitiveness of the former rivals. The "win–win" situation in which both the bribe-giver and the bribe-taker gain something has not been given enough attention in the literature. The need to consider a third party arguably explains this relative negligence. The third party, a "gatekeeper," creates conditions favorable to the official's rent-seeking activities. A "power triad" that includes the gatekeeper, the bribe-taker, and the bribe-giver eventually emerges (Oleinik, 2016). For example, the legislator makes the AARTO Act more severe and increases the penalties for road traffic offence. The legislator plays the role of a gatekeeper – Defining what is legal and what constitutes an offence or crime.

It may well be that compliance with the traffic regulations becomes prohibitively costly to achieve, as in the case of the zero tolerance to alcohol policy to be declared in South Africa (the motorists will be heavily penalised if the quantity of alcohol per liter of breath exceeded zero).

- Combating corruption and fraud in the Demerit Points System

The National Anti-Corruption Strategy of 2020-2023 in the NDP (2030) states that corruption eats away the very fabric of the society and is the scourge of modern democracies. Combating corruption with a demerit points system fraud requires a multiple faceted approach.

This includes implementing stricter accountability measures, enhancing transparency, and fostering a culture of ethics and integrity among all involved parties, from law enforcement to the public (Combating Corruption, 2025). The South African Government are serious about continuing the crackdown of corruption and the fraudulent issuing of driving licences and roadworthy certificates. The anti-corruption units will be keeping a close watch on traffic officers who will be deployed on the country's roads (SAnews, 2019).

The New South Wales Government has set up a taskforce to identify any fraudulent behaviour in the demerit point scheme, such as drivers racking up high numbers of demerits and those selling demerit points online, including on Facebook Marketplace. It also investigates any gaming of the legitimate process for nominating another driver to take demerit points for an offence (NSW Government, 2024). The implementation of collective strategies to combat corruption relies on the fulfilment of several key conditions. A crucial factor is that a corruption-free demerit point system must demonstrate characteristics of a public good for its users. This is achievable when the expected benefits of transparent transactions for users outweigh the perceived gains from bribing state servants. However, this is not always the case.

a) Preventing DPS related corruption

There is no quick fix for fighting corruption. Many countries have made significant progress in curbing corruption. However, the following solutions will have an impact, as stated by Corruption Watch (2025), progress made in the fight against corruption,

- End impunity – Effective law enforcement is essential to ensure the corrupt are punished and break the cycle of impunity, or freedom from punishment or loss. Successful enforcement approaches are supported by a strong legal framework, law enforcement special units and an independent and effective court system. Society can support the process with initiatives such as reporting corruption campaigns.
- Empower road users – Strengthening of road users demand for anti-corruption and empowering them to hold law enforcement and government accountable is a sustainable approach that helps to build mutual trust between citizens and government. For example, community monitoring initiatives have in some cases contributed to the detection and reporting of corruption, reduced corrupt officials, and improved the quantity and quality of law enforcement activities.

a) Preventing DPS-related fraud

Preventing DPS-related fraud poses a significant challenge. Like most regulatory frameworks, a DPS is vulnerable to fraudulent activities to some extent. The primary types of fraud associated with a DPS include,

- Bribery
- Fraud
- Continued driving after license withdrawal
- Points trafficking (Anderson, 2025).

According to Brancatisano (2024), a small group of overseas licence holders have been falsely nominating other drivers for offences in a bid to stay on the road and avoid paying fines. The Revenue NSW states that 125,000 penalties carrying 256,000 demerit points were issued to drivers identified as 'international drivers' between May 2022 and January 2024. A review of those found that some drivers nominated to take the penalty were unknown to Australian authorities and may have had their details procured from the dark web – as many as 40,000 drivers fitted this category.

a) Addressing Unlicensed Drivers

A significant concern is the prevalence of unlicensed drivers, who pose a higher risk of accidents and may engage in hit-and-run offenses to avoid detection. While the exact number of drivers without valid licenses is unknown, addressing this issue is crucial. Individuals who continue driving after their license has been withdrawn through the DPS constitute only one group of unlicensed drivers. Unfortunately, there is a lack of information regarding the size and specific characteristics of this group.

Conclusion and Recommendations

This study revealed that significant improvements in driver behavior and road safety during the three-year period following the implementation of the DPS,

- A 70% decrease in committing violations;
- A 1% decrease in severe accidents; and
- An 11% decrease in total injury accidents.

These effects were consistent across various groups of drivers, regardless of the corrective measures applied or the type of license held. The study's results support the continued use of the DPS to improve driver behavior and road safety. To maximise its impact, the DPS implementation should be complemented by stable police enforcement and publicity efforts at the national level. International studies show that the effects of a DPS can be considerable, but that these effects only last for a (very) short period of time. The limited effect in time is probably related to an initial overestimation of the probability of withdrawal of the driver's licence. The effect of a DPS can probably be prolonged by increasing the objective and subjective probability of detection in a lasting way – through a sufficient level of enforcement, effective methods of enforcement, among which automatically detected offence, and repeated publicity on this enforcement and the number of withdrawn driver's licences. However, the undesired side effects must also be reckoned with (SWOV, 2017; Gitelman, 2023).

This study adopted a qualitative desktop research approach to critically examine the evaluation of the DPS within the traffic law enforcement environment, with particular emphasis on its influences, outcomes, and associated undesirable effects. By relying on secondary data drawn from a broad range of documented and archival sources, the study was able to provide a contextualised and comprehensive analysis of existing knowledge, challenges, and intervention strategies related to corruption and operational effectiveness. The application of systematic content and contextual analysis, supported by deductive synthesis, enabled the distillation of relevant and credible insights while maintaining analytical coherence. Importantly, methodological measures such as data triangulation, critical source evaluation, and reflexive analysis were employed to mitigate internal biases commonly associated with qualitative verbal, textual, and visual data. These safeguards enhanced the credibility, dependability, and trustworthiness of the findings. This study further acknowledged divergent perspectives within the literature, ensuring a balanced and transparent interpretation of the data. Overall, the findings underscore the complexity of implementing and evaluating the DPS within traffic law enforcement and highlight the need for sustained institutional oversight, ethical leadership, and evidence-based mitigation strategies. This research contributes to the existing body of knowledge by offering context-specific insights and practical considerations that may inform policy development, organisational reform, and future empirical research within the traffic law enforcement domain.

Organisations can implement robust whistleblower protection policies and anonymous reporting systems to encourage individuals with insider knowledge to report bribery and fraud (Whistle Blowers, 2025; Humentrum, 2025). To address driving offences, authorities can utilise advanced license plate recognition systems and conduct increased roadside checks to deter individuals from driving after license withdrawal.

Implementing stringent penalties for points trafficking, including substantial fines and license suspensions, can also serve as a deterrent. Furthermore, regular audits and monitoring of license issuing processes can help prevent point trafficking and promote road safety (Schoeman & Kockott, 2024). The effectiveness of the AARTO Act are the responsibility of citizens and the government. Every driver must take traffic violations seriously to ensure safer roads for all users; and the government must ensure that corrupt officials and administrators are kept accountable. All motorists must uphold this Act to increase road safety in South Africa.

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