

# The dynamics of parenting brought by children's constitutional rights in Johannesburg South Africa

<sup>1</sup>Phumuzani Mpofu, <sup>2</sup>Emmison Muleya, <sup>3</sup>Johanna Deka & <sup>4</sup>Constance Matshidiso Lelaka

## Abstract

This study examined how parenting in South Africa is adapting to children's constitutional rights. Using Parenting Style Theory within a transformative paradigm, a qualitative case study approach was employed. Participants included five young adults, five parents, and twelve professionals (teachers, police officers, social workers, religious leaders, and psychologists), selected purposively. Data were collected through semi-structured interviews and analyzed thematically. Findings indicate that children's rights have reshaped parenting practices. The ban on corporal punishment has disrupted traditional discipline, eroded indigenous parenting customs, and made it harder to teach practical life skills. Yet, these rights have also enhanced parenting by fostering more respectful, engaged relationships between parents and children. The study recommends parenting education, legal literacy programs, and support services to help parents align with evolving legal and social expectations. It highlights the need for a framework that both empowers parents and protects children's rights. This research contributes to the discourse on child rights and parenting by stressing the importance of cultural and legal awareness. It expands Parenting Style Theory in the South African context, addressing policy gaps where parental support is often overlooked in favor of promoting children's rights. The findings offer valuable guidance for policymakers, educators, and child welfare professionals to develop interventions that reinforce families and uphold constitutional protections. Clearer legal direction and supportive systems are essential to help parents navigate the challenges of parenting in a rights-based society.

**Keywords:** *parenting, dynamics of parenting, constitutional rights, children*

## Article History:

*Received:* April 20, 2025

*Accepted:* June 17, 2025

*Revised:* May 18, 2025

*Published online:* August 6, 2025

## Suggested Citation:

Mpofu, P., Muleya, E., Deka, J. & Lelaka, C.M. (2025). The dynamics of parenting brought by children's constitutional rights in Johannesburg South Africa. *International Review of Social Sciences Research*, 5(3), 146-168. <https://doi.org/10.53378/irssr.353242>

## About the authors:

<sup>1</sup>PhD. Post-doctoral Fellow, Department of Psychology, School of Community and Human Development, University of the Witwatersrand, South Africa. Email: [phumuzani.mpofu@wits.ac.za](mailto:phumuzani.mpofu@wits.ac.za)

<sup>2</sup>Corresponding author. PhD. Lecturer, Department of social work, School of Community and Human Development, University of the Witwatersrand, South Africa. Email: [emmi.muleya@wits.ac.za](mailto:emmi.muleya@wits.ac.za)

<sup>3</sup>PhD. Lecturer, Department of social work, School of Community and Human Development, University of the Witwatersrand, South Africa. Email: [johanna.deka@wits.ac.za](mailto:johanna.deka@wits.ac.za)

<sup>4</sup>PhD. Lecturer, Department of social work, School of Community and Human Development, University of the Witwatersrand, South Africa. Email: [tshidi.lelaka@wits.ac.za](mailto:tshidi.lelaka@wits.ac.za)



## 1. Introduction

South Africa has ratified quite a few international human rights treaties, many of which have a bearing on children's rights. In addition, several strategies, policies and frameworks aimed at protecting children at African, sub-regional and national levels have been crafted (Lubaale, 2019; Mpofo & Machingauta, 2024). This is because children's rights take a holistic stance to ensure children's human dignity, which is imperative as it ensures children's development to full potential. The United Nations (UN) Convention on the Rights of the Child (UN, 1989) and the African Charter on the Rights and Welfare of the Child (African Union, 2012) are examples of treaties specifically devoted to the rights of children. In Africa, the African Charter on the Rights and Welfare of the Child, and member states of the African Union are obliged to undertake necessary steps in accordance with their constitutional processes, legislative and measures necessary for guaranteeing children's rights (Mpofo & Machingauta, 2024). This emphasis has made it possible for children's rights to be realised without compromise.

The Children's Act 38 of 2005 (Republic of South Africa [RSA], 2019) as well as the Constitution (RSA, 1996), for example, guarantees the rights of children in very strong terms and makes the best interest of children a matter of paramount importance in all affairs pertaining to children. The promulgation of the Children's Act 38 of 2005 threatened the power vested upon them by the Common Law, which gave parents the right to chastise their children through corporal punishment. However, this could be viewed as abuse when one looks at statistics on child abuse. The total number for child abuse and neglect in 2012 was 21,447 reported annually. This number cover three provinces which are, Western Cape being the highest with 6,916, followed by Gauteng with 5,426 and last with Kwa Zulu Natal with 2,886 (Parliamentary Monitoring Group, 2012). Corporal punishment in South Africa is unconstitutional both at home and in schools. The United Nations Committee on the Rights of the Child confirmed corporal punishment is not permitted in homes and in schools, and that children in schools were capacitated on mechanisms to report abuse (UNICEF, 2020 Child population statistics). Henceforth, the paramount importance of the best interests of children in South Africa is taken so seriously such that the Highest court in the country, ruled on the unconstitutionality of using corporal punishment as a form of discipline for children (Lubaale, 2019).

Notwithstanding the Constitutional court judgement of September 2019, the United Nations Committee on the Rights of the Child noted that physical punishment of children is contrary to the ethos of its conventions and accordingly, that by interpretation, corporal punishment is overtly prohibited (Calvino, 2021). The Biblical quote "spare the rod and spoil the child" and an instilled tradition of physical reprimand have often been used to rationalise the practice of corporal punishment as far as child chastisement is concerned. This has led to debates on whether or the not the Court has not overreached its jurisdiction in far as it can tell parents on how to discipline their children with Christian organisation Freedom of Religion South Africa (FOR SA), among others, having criticised the Constitutional Court ruling that spanking children is unconstitutional (Kohn, 2019) whilst other opinion pieces such as Sibanda (2019) assert that the ruling banning the spanking of children is both legally and morally sound. In addition, the Save the Children South Africa civil society organisation also aligned to Sibanda (2019) that this was a historic judgement, and a victory in the ultimate bid to end violence against children (Save the Children, 2019).

Despite the overwhelming support for the ruling, studies elsewhere have raised concerns on abolishment of corporal punishment and its dire impact on the behaviour of learners in schools (Mpofu & Machingauta, 2024; Pagonos, 2023; Walker, 2022). The abolishment of corporal punishment both at home and in schools challenged the parenting style of many parents and teachers in Gauteng. For instance, in a recent study, it was found out that the overprotection and overemphasis of child rights led to the rise of a new phenomenon of children disregarding authority and rules resulting in challenges such as indiscipline, bullying of teachers, overprotection of rights and delinquency (Mpofu & Machingauta, 2024). In another study, Pagonos (2023) asserts that most educators were being assaulted at alarming rates and find themselves powerless against bullies due to woke school policies which offer little punishment or exclusion in favour of restorative justice policies. This has been an issue that is overlooked as most times the children have been the victims. For Walker (2022), violence, threats against teachers, and even school staff had hastened an exodus from the teaching profession.

Most studies have focused on the challenges brought by outlawing corporal punishment in the education sector. There is scarcity of literature on the dynamics and challenges that have been brought about by the constitutional court ruling outlawing use of corporal punishment as a form of discipline at home. Cottrell (2001) notes that some teens erroneously believe they

are protected from their parents' authority by law, and parents live by the threats of being charged with assault abuse and neglect if they attempt to discipline their teen. One study Conradie (1993) looked at children who abuse their parents in South Africa. However, it is crucial to note that the study took place before the Children' Act (RSA, 2019) promulgation and even before current constitution of the South Africa (RSA, 1996).

Given the empirical evidence, this article explored the dynamics of parenting brought about by children's constitutional rights in South Africa. There is a dearth of literature on how the rights of children has brought new dynamics in parenting practices. To address this gap, the following research questions were explored:

1. How children's rights affected the parenting practice in Johannesburg South Africa?
2. What measures can be taken to enhance parental practices in Johannesburg, South Africa, in the light of evolving constitutional rights of children?

## **2. Literature Review**

### ***2.1. Enhancing Parental Practices in Johannesburg, South Africa, in Light of Evolving Children's Constitutional Rights***

The evolving constitutional rights of children in South Africa have significantly influenced parenting practices, particularly in urban centres like Johannesburg. Grounded in the Constitution of 1996 and the Children's Act of 2005, the legal framework promotes a child-centred approach that emphasizes autonomy, protection, and well-being. These laws encourage non-discriminatory parenting, child participation in decision-making, and protection from abuse and neglect. Key areas of impact include:

***Legal framework and rights awareness.*** The Children's Act No. 38 of 2005 defines the rights of children and parental responsibilities, emphasizing care, protection, and involvement in decisions. As awareness of these rights grows, parenting has shifted toward greater consideration of children's voices and emotional needs (Mpofu & Mayisela, 2025).

***Educational and socioeconomic impacts.*** Legal emphasis on education and welfare has prompted parents to actively support their children's access to schooling, healthcare, and social services. Programs promoting school attendance, healthcare access, and protection from child labour have indirectly reshaped parental priorities ((Proudlock et al., 2014).

***Child-centered parenting.*** This shift has fostered more communicative, respectful relationships between parents and children, moving away from authoritarian models toward mutual understanding ((Proudlock et al., 2014).

***Cultural and social dynamics.*** Johannesburg's diversity highlights tensions between traditional parenting norms and modern legal standards. In some communities, emphasizing children's voices challenges long-standing customs where children were expected to remain passive (Masamba, 2024).

While the children's rights movement has advanced child welfare, it has also sparked debate around parental authority. Critics argue that the shift complicates discipline, especially where corporal punishment remains a norm. However, legislation discourages harmful disciplinary methods, advocating respectful, non-violent alternatives (Mpofu & Mayisela, 2025).

## ***2.2. Parental Views on Children's Rights in Parenting Practices***

Parents' perspectives on children's rights in relation to parenting practices are influenced by various factors including socio-economic status, cultural norms, education, and personal experience. While many acknowledge the importance of safeguarding children's rights, opinions diverge on how these rights should shape parental authority and discipline. Some parents view children's rights as empowering, encouraging participation and fostering open communication. This aligns with the child-centred approach of South Africa's Children's Act of 2005, which promotes children's active involvement in family decisions (Proudlock et al., 2014). Rights such as being heard and consulted are seen as beneficial to children's emotional development, self-confidence, and mutual respect within the family. Conversely, some parents express concern that an emphasis on children's rights undermines traditional authority, potentially enabling children to challenge discipline or family values (Masamba, 2024). This tension has sparked debate about balancing children's rights with parental responsibility, particularly in contexts where obedience and respect for elders are culturally emphasized.

Cultural and socio-economic contexts play a critical role. In rural or traditional communities, children's rights may be seen as conflicting with established family hierarchies (Mpofu & Mayisela, 2025). In contrast, urban environments like Johannesburg more exposed

to global norms tend to support children's autonomy. Yet, even in cities, economic challenges can hinder the practical application of rights-based parenting.

Legal awareness is also a key factor. Parents familiar with the Children's Act are more likely to support rights-based approaches, while those with limited understanding may struggle to translate legal principles into everyday parenting (Proudlock et al., 2014).

Globalization and social media have further influenced parenting, exposing families to international conversations about children's rights. While this can promote more respectful and inclusive parenting styles, it may also create friction with traditional values (Masamba, 2024).

### ***2.3. Theoretical Framework***

There are numerous theories on parenting, yet one of the most widely cited and influential is the Parenting Style (PS) theory, pioneered by Baumrind in the 1960s (Fadlillah & Fauziah, 2022). This theory was selected for this study due to its strong alignment with the research aims and its ability to address the research questions specifically, its focus on types of parental practices and the influence of children's rights on those practices.

According to Baumrind, parenting refers to the methods through which parents guide and manage their children's behaviour, based on their expectations and responses (Fadlillah & Fauziah, 2022). In this context, parenting style is shaped by how children react to parental demands. Here, "demands" refer to the expectations and rules parents set for example, enforcing strict discipline while "response" refers to how parents react when children fail to meet those expectations, such as through punishment or correction. This study explores the paradox created when traditional forms of control, like punishment, are restricted by law. The South African Constitution, for instance, prohibits the use of punishment as a form of child discipline, challenging conventional parenting practices (Songca, 2011).

According to Lanjekar et al. (2022), there are four primary parenting styles: authoritarian, authoritative, permissive, and neglectful. In a separate study, Candelanza et al. (2021) found that authoritative parenting was the most effective of the four. Their findings also revealed that authoritarian parents characterized by rigid rules and minimal room for dialogue are the most impacted by the enforcement of children's rights. Scholars such as Lanjekar et al. (2022) and Candelanza et al. (2021) contend that children raised in authoritarian households often display rebelliousness, dependency, shame and aggression.

In South Africa, traditional African communities tend to follow a patrilineal structure where adult males, particularly from the paternal side, hold the most authority over decisions regarding children (Songca, 2011). This cultural framework aligns with authoritarian parenting, where children are not involved in decision-making. However, the South African Children's Act No. 38 of 2005, Section 10(1), mandates that children who are sufficiently mature must be included in discussions that affect them, and their views should be respected (RSA, 2005). This legal provision challenges the authoritarian belief that children should not have a voice, creating tension for parents who adhere to traditional values. These parents often struggle to reconcile their beliefs with the new legal and social expectations that promote child participation and respect for autonomy.

Through this study, three key gaps have been identified: practice, knowledge, and population gaps. Addressing these will enable the development of relevant policy recommendations to support parents in adapting to a rights-based parenting framework. Ultimately, Parenting Style Theory highlights that the South African constitutional emphasis on children's rights naturally aligns with authoritative parenting, which balances discipline with empathy and respect for autonomy. Conversely, authoritarian and neglectful parenting approaches are increasingly incompatible with the evolving legal landscape.

Although the literature acknowledges the legal and ideological shift toward child-centred parenting in South Africa, significant gaps remain. There is limited focus on practical support for parents, such as context-specific parenting programs, training on applying children's rights in daily life, and accessible community-based services to bridge the gap between legal expectations and family realities. Marginalized voices including fathers, single parents, low-income families, migrants, and those in informal settlements are underrepresented, leaving a narrow understanding of parenting experiences in Johannesburg. Furthermore, while laws like the Children's Act are well-documented, little attention has been paid to how these policies are implemented or contested at the household level. The influence of extended family members, such as grandparents and older siblings, remains largely unexplored, despite their crucial roles in parenting within multigenerational households in South Africa. Research also lacks longitudinal insight into how rights-based parenting affects long-term child development, family cohesion, and parental stress. Cultural conflicts between traditional norms and legal frameworks are acknowledged but insufficiently analyzed, particularly regarding how parents navigate or reconcile such tensions. Additionally, the

growing impact of digital media and globalization on parenting practices through online communities, exposure to international norms, and generational conflicts remains largely unexamined. Children's own perspectives on these evolving dynamics are often absent, despite the legal emphasis on their participation. Finally, little is known about the emotional and psychological toll on parents navigating these changes, including feelings of stress, confusion, or empowerment in adapting to a rights-based parenting framework.

### **3. Methodology**

#### ***3.1. Research Design***

In this study, we adopted the interpretivist paradigm, as children's constitutional rights can be interpreted differently by different people depending on the context (Farrell, 2020). This study further employed a qualitative research approach, which is grounded in the collection of rich, diverse data and is characterized by a high degree of flexibility and dialogue (Antwi & Hamza, 2015). We found this approach particularly suited to exploring how parents understand and respond to their children's constitutional rights in practice. Recognizing that each situation and individual is unique, we focused on the specific context of each participant when gathering data (Mulisa, 2022).

#### ***3.2. Participants of the Study***

To ensure balanced data, we purposively selected participants from diverse socioeconomic, cultural, and geographical backgrounds across South Africa residents in Johannesburg, aiming to capture a wide range of experiences and challenges. Johannesburg is metropolitan city inhabited by people from diverse cultural backgrounds. Henceforth, this study setting was chosen because of its richness in understating the parental role shaped by children's constitutional rights.

Our participants were drawn from parents, young adults and professionals. Purposive sampling was employed because it is a widely used method in various research paradigms, enabling the selection of a high-quality, relevant sample. This approach helps minimize biases, enhancing the reliability and trustworthiness of the findings (Nyimbili & Nyimbili, 2024). Furthermore, a total of twenty participants were selected, and no additional participants were included because data saturation had been reached. In this study, saturation was achieved by continuously interviewing participants until they provided similar responses. However, we

remained mindful of Sebele-Mpofu's (2020) caution to researchers pursuing data saturation, not to allow the pursuit of saturation to overshadow other essential indicators of quality in qualitative research, such as credibility, diversity, confirmability, trustworthiness, and reliability.

### ***3.3. Instrumentation and Data Gathering Process***

We employed semi-structured interviews to gather data from participants. We specifically conducted interviews with participants to assess their understanding of children's rights and how they incorporate these rights into their parenting practices. The choice of semi-structured interviews was intentional, as this approach allows the interviews to remain focused while providing the flexibility for the researcher to explore relevant topics that may emerge during the conversation. This flexibility enhances our understanding of how the concept of children's rights has influenced the dynamics of parenting (Adeoye-Olatunde & Olenik, 2021).

### ***3.4. Data Analysis***

Trustworthiness in qualitative research ensures the credibility, dependability, confirmability and reliability of study findings (Williams, 2018). To maintain research integrity, the study adhered to established qualitative research principles, ensuring that findings accurately represented participants' perspectives. In this study, data were analyzed using thematic analysis. This approach allowed us to identify, analyze, and interpret patterns (themes) within the qualitative data collected from participants. Thematic analysis proved particularly useful for making sense of the complex data, enabling us to highlight key ideas and gain a structured understanding of participants' experiences and perceptions. Following a six-step approach (DeSantis & Ugarriza, 2000), the researchers systematically coded and categorized the data, ensuring that emerging themes aligned with existing literature and theoretical frameworks. This approach provided comprehensive insights into the dynamics of parenting brought by Children's Constitutional Rights in Johannesburg South Africa.

### ***3.5. Research Ethics***

When carrying out research, it is important to respect the rights of the participants. In this study, we ensured informed consent from all participants (parents, young adults, and experts). Confidentiality and anonymity were maintained throughout the study. We were

mindful of cultural, racial and regional differences in our participants. Above all, before we collected data, permission was obtained from the university ethics committee protocol (H24/01/23).

## 4. Findings and Discussion

**Table: 1**

*Themes and subthemes on dynamics of parenting*

Themes	Sub-themes
Impact of children's rights on parenting practices	Removal of corporal punishment
	Erosion of indigenous parenting traditions
	Difficulties faced by parents in teaching their children work skills
	Improved quality of parenting
	Encouragement of more active and engaged parenting
Measures to enhance and strengthen parental practices	Parenting education and support programs
	Education of parents on legal responsibilities and children's rights

The themes and sub-themes shown in table 1 align with the parental style theory due to the challenges faced in parenting within the context of children's rights. This theory provides a framework for understanding the impact of parental behavior on child development. By applying this theory to our findings, we gained deeper insight into the complex relationship between parenting practices and child outcomes.

### ***4.1. How Children's Rights Affected Parenting Practices in South Africa***

The data gathered revealed a mix of emotions among the participants. While some felt that children's rights had a positive impact on parenting, others viewed them as a source of challenges for parents. The following themes highlight the diverse perspectives shared by the participants.

***Sub-theme 1: The removal of corporal punishment has made parenting more challenging***

The participants expressed that children's rights have added complexity to parenting. They found parenting particularly challenging, as children often use these rights to challenge or resist correction.

*“The right that prohibits corporal punishment or restricts how a parent can discipline their child has significantly influenced parenting in South Africa. While discipline is essential in shaping a child’s behaviour, these legal protections mean that parents must find alternative, non-violent methods of reprimanding their children even in situations where they believe stricter measures are necessary”*

[Psychologist, Psy 1]

*“I’ve noticed and personally experienced that children today are very aware of their rights. However, they often focus solely on their rights without considering the responsibilities that come with them. As a parent, I find it challenging to discipline children and help them understand that certain behaviours are wrong and should have consequences. Sometimes, it feels like children misuse or even abuse their rights. For example, when a child does something wrong and I try to correct them, they often react negatively or resist the guidance”*

[Social Worker, SW 1]

*“So, I’m saying I have opposing views because some of the constitutional rights, for example, the right to family and parental care, that is a good right and every child has the right to that right and to care, but then the issue of how to be discipline our children. So yeah, I think they are both good and bad to a certain extent.”*

[Parent, P2]

The excerpts highlight the growing challenges modern parents face as their authority is increasingly constrained by evolving legal frameworks, raising concerns that parenting is becoming subject to external regulation and even criminalization. Some parents feel that the government now holds greater influence over their children than they do, and fear legal repercussions such as accusations of abuse or neglect for enforcing discipline. Cottrell (2001) points out that some teenagers misinterpret the law as a complete shield from parental authority, further complicating discipline. Mpofo and Mayisela (2025) affirm that while the children’s rights movement has advanced child protection, it has also blurred the boundaries of legitimate parental authority, particularly regarding discipline. This tension can be analyzed through the lens of parenting style theory, which categorizes parenting approaches into authoritative, authoritarian (or autocratic), permissive, and uninvolved styles. Traditionally, the authoritarian style characterized by strict rules and obedience may have been effective in

managing misbehavior. However, within a rights-based legal context, this style is increasingly seen as incompatible with constitutional expectations for non-violent and respectful parenting. The authoritative style, which balances structure with responsiveness and respect, aligns more closely with the Children's Act's emphasis on participation, dignity, and emotional well-being. Yet, for many parents accustomed to authoritarian norms, this transition requires not only a shift in mindset but also institutional support and legal clarity. The integration of parenting style theory thus helps illustrate both the challenges and potential pathways for adapting parenting in a legally regulated and rights-conscious society. Additionally, the young adults we interviewed opposed the complete ban on corporal punishment, believing it played a role in shaping them into who they are today. One participant shared:

*"Personally, when I was growing up, I was very naughty. If my grandmother hadn't been strict with me, I wouldn't be who I am today. I believe corporal punishment isn't entirely bad, but parents should use it with care."* [Young Adult, YA 3]

Police officers who participated in this study expressed similar views. They believed that the high rate of crime among teenagers stems from the broad constitutional rights granted to children, which limit parents' ability to exercise full authority. As a result, parents are often compelled to adopt a permissive approach to parenting, as outlined in the theoretical framework.

*"To be honest, I still use corporal punishment with my children until they are around 10 years old. It's difficult to discipline a child without instilling a certain level of fear."* [Police Officer, PO 2]

Based on the two excerpts, it is evident that there is still a belief in the effectiveness of corporal punishment as a means of disciplining children. However, this perspective aligns with the authoritarian parenting style described in the theoretical framework. According to Lanjeker et al. (2022) and Candelanza et al. (2021), this parenting style often results in children who become rebellious, overly dependent, and experience feelings of shame. Therefore, we argue that the use of corporal punishment should be discouraged, especially considering that it is unlawful in South Africa

***Sub-theme 2: Erosion of indigenous parenting traditions***

Some participants voiced concerns that the emphasis on children's constitutional rights has undermined traditional child-rearing practices. They felt that parents are no longer recognized as natural authority figures but are instead pressured to adopt modern parenting methods that may not align with the cultural values and developmental needs of African children. One teacher participant highlighted this concern, stating:

*"Constitutional rights, particularly participatory rights, grant children the freedom to express themselves, question authority, and negotiate with parents on matters concerning them. While this may have benefits, it has also disrupted indigenous parenting systems, which were traditionally rooted in taboos, myths, and spirituality. In these systems, children were expected to respect and obey their parents and elders without question. This structure played a crucial role in shaping well-mannered and disciplined individuals, particularly during their formative years, ensuring they grew into responsible adults."* [Teacher, T2]

*"Constitutional rights have left children exposed to unchecked scrutiny and criticism. As a result, many grow up with little to no sense of identity or pride, shaping their worldview based on misguided perceptions. Johannesburg has become a hub for all manner of vices, as if the city's children were raised without parental guidance. Parents no longer have the authority they once held over their children, as constitutional rights now impose excessive limitations on parental control."* [Police Officer, PO1]

Largely, many African societies have experienced a loss of cultural identity due to the influence of foreign cultures that have overshadowed and assimilated traditional African practices. However, it is important to recognize that not everything rooted in African culture is negative, just as not all aspects of modernity are inherently beneficial. The erosion of indigenous African parenting practices, in particular, can have detrimental effects on raising children within the context of African cultural values. This aligns with Masamba (2024), who observed that in some communities, the growing emphasis on children's voices challenges long-standing norms that traditionally expected children to remain passive. Similarly, Martin and Mambo (2011) note that while certain cultural practices within African societies offer protection for children's rights, others may pose risks. These perspectives highlight that the complete abandonment of African parenting traditions may be problematic. Therefore, we advocate for the preservation and integration of the beneficial elements of indigenous parenting

practices into modern approaches (Masoga & Kaya, 2008). Similarly, Muzingili and Muntanga (2020) observed that much of the discourse on parenting and child discipline tends to prioritize contemporary child protection protocols, often overlooking the potential effectiveness of indigenous disciplinary systems. Our theoretical framework proposes four distinct parenting styles, which we suggest should be applied flexibly based on situational needs, rather than restricting parents to a single, fixed approach.

***Sub-theme 3: Children's constitutional rights have made it difficult for parents to teach their children certain work skills***

Many parents find it increasingly difficult to assign household chores and responsibilities to their children, as these tasks are sometimes misinterpreted as child labour or abuse. Some children refuse to perform assigned duties, citing their rights as a defense.

*“The right to protection, food, freedom from labour, and other similar rights have significantly hindered parents in fulfilling their roles. The lack of clear boundaries surrounding these rights has allowed children to manipulate and blackmail their parents and elders. As a result, children are no longer involved in essential household chores, which are crucial for their upbringing and development. Household chores are now perceived as child labour, and parental discipline is often seen as abuse. Consequently, Johannesburg is increasingly populated by entitled children and youths who possess little beyond their constitutional rights.”* [Teacher, T2]

*“Parents, in turn, feel disempowered and helpless, as these rights were imposed without providing adequate support or guidance to equip them with the necessary skills to effectively raise their children.”* [Religious Leader, RL2]

Teaching children essential life skills is an important aspect of parenting. However, constitutional protections and laws against child labour can sometimes make it challenging to impart these skills through practical experiences. For instance, Section 28 of the South African Constitution prohibits child labour (RSA, 1996), which may limit opportunities for children to engage in certain forms of work-based learning.

While the themes above point to the challenges associated with children's constitutional rights, participants also emphasized the positive changes these rights have brought to child-rearing. The following themes highlight some of the beneficial aspects of children's constitutional rights in fostering the well-being and development of children.

***Sub-theme 4: Children constitutional rights have to a greater extent resulted in improved quality of parenting***

The introduction of constitutional rights has had a positive impact on child-rearing practices. In the past, some parents were overly harsh, abusing their children under the guise of discipline. Corporal punishment was often excessive and, in many cases, inappropriate for the child's age. Additionally, some parents resorted to using foul language or body shaming, practices that are now unacceptable due to the recognition of children's constitutional rights. These changes reflect a shift toward more respectful and protective parenting methods.

Participants felt that children's constitutional rights have assisted in improving quality of parenting. Children are now able to engage their parents in areas they feel they are being abused. One participant had this to say

*“Removal of corporal punishment or use of physical pain as a corrective measure in child nurturing has seen an increased number of liberal kids who are free to engage with anyone including persons in authority over anything and everything in their spaces. This has improved levels of emotional intelligence among young people who are conscious and responsive persons in the process inspiring confidence among adults watching them grow that they will make a better future”.*

[Teacher, T1]

*“Constitutional children rights have also seen a decline in reliance on negative narratives by parents to bring up their children. Parents now focus on emphasising that which their children need to do and rewarding them for doing well as opposed to emphasising what children should not do and attendant consequences for deviating from set rules. Using fear of retribution as a tool to get children to do what is expected of them is no longer popular. As a result, we now have a socially and emotionally empowered generation of children assisting in day-to-day problem-solving initiatives in societies. Negative narratives normal nurture children focused on experiencing the said consequences and this tend to harden young people so much that they concentrate on standing up against adults instead of cooperating with the same”.* [Social Worker, SW1]

In the past, children were discouraged from questioning adults, allowing some to exploit this dynamic through physical and emotional abuse. As a result, many children grew up carrying unresolved anger. However, the recognition and enforcement of constitutional rights have since improved the quality of parenting, promoting safer and more respectful family environments. Likewise, Proudlock et al. (2014) contend that there has been a shift

towards child-centred parenting where children's opinions and emotional needs are considered. This method of parenting helps to raise children who can think outside the box. Based on the theory used, this parenting approach aligns with the authoritative parenting style (Candelanza et al. (2021).

***Sub-theme 5: The recognition of children's rights has encouraged more active and engaged parenting***

In the past, some parents were highly negligent, especially fathers. They will have children with many women and never bother themselves to look after them. However, with the advent of constitutional rights, they are now forced by the law to support them.

*“Eish bobaba bebendelela behamba bezala abantwana indawo yonke. Kodwa manje sekulukhuni ngoba umthetho uyabaphoqelela ukuthi basapote abantwana babo. Sekwenza bangazali lapha lalapha. (“Back then, some men took pride in fathering children with many women, knowing there were no legal obligations to support them. Now, with maintenance laws in place, they're more cautious and reluctant to repeat the same behaviour.”) [Parent, PA 2]*

In the past, it was not uncommon for some parents to neglect their responsibilities; fathers often left mothers solely responsible for raising and financially supporting their children, while some parents abandoned their children to the care of grandparents. However, the introduction of the Children's Act (RSA, 2005) has established that both parents share equal rights and responsibilities concerning the care, financial support, and decision-making for their child. This legal recognition of parental equality promotes active involvement from both mothers and fathers in ensuring the child's overall wellbeing.

***4.2. Measures to Enhance Parental Practices in Johannesburg, South Africa, in light of the Evolving Constitutional Rights of Children***

Participants were asked for suggestions to improve parental practices in the country, and they recommended awareness campaigns and support groups to teach parents positive parenting skills and emphasize children's responsibilities alongside their rights to avoid conflicts in discipline.

***Sub-theme 1: Introducing parenting education and support programs***

Implementing evidence-based positive parenting programs can equip parents with non-violent discipline techniques and effective strategies to foster healthy, nurturing relationships with their children. These programs support the goals of the Children's Amendment Act (RSA, 2005), which emphasizes strengthening parents' ability to act in the best interests of their children. Participants in the study recommended educating parents on effective parenting practices and establishing support groups where parents can learn, share, and practice positive parenting skills. They also underscored the value of bonding activities such as play that enhance the parent-child connection and promote emotional well-being.

*“Government can have programmes that deal with children like Social Development. They can have programmes whereby they promote a good parenting practise within communities, a lot of community work could be done also faith-based organisations like churches can play a role in as far as assisting parents with parenting skills, especially young, young parents.”* [Religious Leader, RL 1]

*“I think mainly educating parents more to understand the psychological impact of corporal punishment, and how it affects children in their development. To just educate them, and the importance of them being involved in their children's lives.”* [Young Adult, YA3]

*“Parents mindsets need to be changed once it changes a lot of things will change. Most parents are young and have no knowledge on parenting. Young parents should be educated on being a parent, I was taught by my mother and my sisters to be a good parent. The tradition of young parents being mentored by seniors before assuming duties of being parents must be restored. Both parents should show interest in the growth of their children.”* [Religious Leader, RL2]

This study revealed that many parents may be lacking understanding of these constitutional rights and good parenting practices. Educating them on these can go a long way in equipping them with good skills of parenting. Lachman et al. (2016) emphasized the benefits of early bonding by parents with their children. This, therefore, means learning about good parenting practices and children's rights by parents is ideal.

### *Sub-theme 2: Educate parents on legal responsibilities and children's rights*

Parents should be made aware of their legal obligations and their children's rights as stipulated in the Children's Act 38 of 2005. This legislation prioritizes the best interests of the child and outlines key parental responsibilities, including care, contact, guardianship, and maintenance. A clear understanding of these responsibilities empowers parents to fulfil their roles more effectively. Participants also highlighted the importance of educating children about their responsibilities alongside their rights, as this balance helps to prevent conflicts related to discipline.

*"I think when it comes to children, while it's important to emphasize their rights, we should also highlight their responsibilities. This helps ensure that their rights don't conflict with the way their parents discipline them." [Psychologist, PSY2]*

*"We need to reduce influence from outside by delaying the exposure of our children to harmful content from televisions and social media by educating them that rights come with responsibilities" [Parent, P2]*

Parents and children both need to be educated about children's rights. Such education can help prevent conflicts within the family and reduce the risk of legal violations. A study by Kiral (2019) identified several key parental responsibilities, including providing adequate nutrition, clothing, and school uniforms, monitoring and supporting children's academic work, encouraging participation in social activities, and fostering self-care skills. However, some parents may not fully understand or acknowledge these responsibilities. Similarly, children should be educated not only about their rights but also about the limits of those rights and their own responsibilities. As Brighthouse and Swift (2006) point out, particularly for very young children, the right to autonomous decision-making is limited, with society and parents assuming primary responsibility for their well-being.

## **5. Conclusion**

This study highlights that parenting is a complex, multifaceted process shaped by evolving social and legal contexts. Participants consistently emphasized their continued reliance on traditional parenting practices, while expressing concern that the constitutional rights of children have introduced new challenges to parental authority. Nevertheless, they acknowledged that these rights also bring both benefits and drawbacks to family dynamics. These perspectives underscore the urgent need for comprehensive parenting education

programs that equip caregivers with modern, rights-based approaches suitable for today's changing landscape.

A central finding is the generational conflict between parents and children, driven by differing socialization experiences and value systems. Addressing this requires a coordinated, phased approach involving multiple stakeholders within South Africa's constitutional framework. In the short-term, parents and guardians should begin by participating in child rights-awareness workshops and cultivating respectful communication within the family. This foundation can evolve into collaborative parenting networks and the adoption of rights-based disciplinary methods, ultimately leading to the development of family codes that reflect constitutional values and promote lifelong learning. Long-term policymakers must undertake inclusive legislative reviews to ensure alignment with constitutional provisions. This involves broad consultation, the establishment of robust monitoring systems, and the gradual implementation of integrated and sustainable legal reforms. Community and faith-based organizations play a vital role in launching public education campaigns on child rights, creating localized parenting support and referral services, and forming advocacy coalitions and youth empowerment platforms. Educational institutions should prioritize training teachers on child rights, strengthening parental involvement, enriching the life orientation curriculum, expanding psychosocial support services, and fostering a culture of inclusion, rights, and respect throughout the school environment. Together, these actions can foster long-term supportive, rights-respecting society in which both parents and children are empowered to thrive in alignment with South Africa's constitutional ideals.

**Disclosure statement**

No potential conflict of interest was reported by the authors.

**Funding**

This work was not supported by any funding.

**Institutional Review Board Statement**

This study was conducted in accordance with the ethical guidelines set by The University of Witwatersrand. The conduct of this study has been approved and given relative clearance(s) by Wits Ethics committee non-medical protocol number H24/01/23.

**AI Declaration**

The authors declare the use of Artificial Intelligence (AI) in writing this paper. In particular, the authors used ChatGPT for language editing.

**ORCID**

Phumuzani Mpofo - <https://orcid.org/0000-0002-5671-9263>

Emmison Muleya - <http://orcid.org/0000-0001-5931-1872>

Johanna Deka - <https://orcid.org/0009-0007-5684-9694>

Constance Matshidiso Lelaka - <https://orcid.org/0000-0003-3021-562X>

**References**

- Adeoye-Olatunde, O. A., & Olenik, N. L. (2021). Research and scholarly methods: Semi-structured interviews. *Journal of the American College of Clinical Pharmacy*, 4(10), 1358–1367. <https://doi.org/10.1002/jac5.1441>
- African Union. (2012). *African charter on the rights and welfare of the child*. African Union. <https://au.int/en/documents-45>
- Antwi, S. K., & Hamza, K. (2015). Quantitative and qualitative research paradigms in business research: A philosophical reflection. *European Journal of Business and Management*, 7(3), 217–225. <https://core.ac.uk/download/pdf/234626233.pdf>

- Brighouse, H., & Swift, A. (2006). Parents' rights and the value of the family. *Ethics*.  
<https://www.mit.edu/~shaslang/mprg/BrighouseSwiftPRVF.pdf>
- Calvino, L. R. (2021). Protecting the vulnerable in South Africa: Prohibition of corporal punishment in the private sphere. *Obiter*, 42(3), 580–594.
- Candelanza, A. L., Buot, E. Q. C., & Merin, J. A. (2021). Diana Baumrind's parenting style and child's academic performance. *Psychology and Education*, 58(5), 1497–1502.
- Conradie, H. (1993). Children who abuse their parents. *Acta Criminologica*, 6(1), 89–92.  
[https://journals.co.za/doi/pdf/10.10520/AJA10128093\\_333](https://journals.co.za/doi/pdf/10.10520/AJA10128093_333)
- Cottrell, B. (2001). *Parent abuse: The abuse of parents by their teenage children*. Health Canada. <https://anrows.intersearch.com.au/anrowsjspui/handle/1/19438>
- DeSantis, L., & Ugarriza, D. (2000). The concept of theme as used in qualitative nursing research. *Western Journal of Nursing Research*, 22(3), 351–372.  
<https://doi.org/10.1177/019394590002200308>
- Fadlillah, M., & Fauziah, S. (2022). Analysis of Diana Baumrind's parenting style on early childhood development. *AL-ISHLAH: Jurnal Pendidikan*, 14(2), 2127–2134.  
<https://doi.org/10.35445/alishlah.v14i2.487>
- Farrell, E. (2020). Researching lived experience in education: Misunderstood or missed opportunity? *International Journal of Qualitative Methods*, 19, 1–8.  
<https://doi.org/10.1177/1609406920942066>
- Kiral, B. (2019). The rights and responsibilities of parents according to the views of teachers. *Asian Journal of Education and Training*, 5(1), 121–133.  
<https://eric.ed.gov/?id=EJ1204672>
- Kohn, L. (2019, September 19). Spare the rod... and spare the child: Landmark ConCourt ruling overturns Psalm 137:9. *Daily Maverick*.  
<https://www.dailymaverick.co.za/article/2019-09-19-spare-the-rod-and-spare-the-child-landmark-concourt-ruling-overturns-psalm-1379/>
- Lachman, J. M., Sherr, L. T., Cluver, L., Ward, C. L., Hutchings, J., & Gardner, F. (2016). Integrating evidence and context to develop a parenting program for low-income families in South Africa. *Journal of Child and Family Studies*, 25, 2337–2352.  
<https://doi.org/10.1007/s10826-016-0389-6>

- Lanjekar, P. D., Joshi, S. H., Lanjekar, P. D., & Wagh, V. (2022). The effect of parenting and the parent-child relationship on a child's cognitive development: A literature review. *Cureus*. <https://doi.org/10.7759/cureus.30574>
- Lubaale, E. C. (2019). Reconceptualising “discipline” to inform an approach to corporal punishment that strikes a balance between children's rights and parental rights. *Child Abuse Research*, 20(1), 36–50. <https://hdl.handle.net/10520/EJC-1613ec0054>
- Masoga, M. A., & Kaya, H. O. (2008). Globalisation and African cultural heritage erosion: Implications for policy. *Indilinga: African Journal of Indigenous Knowledge Systems*, 7(2), 141–154. <https://hdl.handle.net/10520/EJC61552>
- Martin, P., & Mbambo, P. (2011). *An exploratory study on the interplay between African customary law and practices and children's protection rights in South Africa*. <https://www.childlinesa.org.za/wp-content/uploads/customary-law-study-south-africa-report-nov-2011.pdf>
- Masamba, H. (2024). Cultural influences on parenting styles and child development. *International Journal of Humanity and Social Sciences*, 2(3), 15-27.
- Mpofu, P., & Machingauta, T. T. (2024). Children's rights in the classroom: Do student rights outweigh teacher's authority? *International Review of Social Sciences Research*, 4(3), 76–98. <https://doi.org/10.53378/irssr.353085>
- Mpofu, P., & Mayisela, S. (2025). A comprehensive parenting framework for post-Apartheid South Africa: Informing effective parenting practices. *International Journal of Studies in Psychology*, 5(2), 17-23. <https://doi.org/10.38140/ijpspsy.v5i2.1718>
- Mulisa, F. (2022). When does a researcher choose a quantitative, qualitative, or mixed research approach? *Interchange*, 53(1), 113–131. <https://doi.org/10.1007/s10780-021-09447-z>
- Muzingili, T., & Muntanga, W. (2020). Opportunities and challenges associated with use of indigenous parenting practices on child discipline. *African Journal of Social Work*, 10(2), 61–69. <https://www.ajol.info/index.php/ajsw/article/view/198841>
- Nyimbili, F., & Nyimbili, L. (2024). Types of purposive sampling techniques with their examples and application in qualitative research studies. *British Journal of Multidisciplinary and Advanced Studies*, 5(1), 90–99. <https://doi.org/10.37745/bjmas.2022.0419>

- Pagones, S. (2023, May 5). Violence against school teachers soars, but woke schools still won't discipline bullies. *New York Post*. <https://nypost.com/2023/05/05/violence-against-teachers-soars-but-no-discipline-of-bullies/>
- Proudlock, P., Mathews, S., & Jamieson, L. (2014). Children's right to be protected from violence: A review of South Africa's laws and policies. In: P. Proudlock (ed.) *South Africa's progress in realising children's rights: A law review*. Children's Institute.
- RSA (Republic of South Africa). (1996). *Constitution of South Africa: Act 108 of 1996*. <https://www.gov.za/documents/constitution-republic-south-africa-1996>
- RSA (Republic of South Africa). (2005). *Children's Act 38 of 2005*. [https://www.gov.za/sites/default/files/gcis\\_document/201409/a38-053.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a38-053.pdf)
- Save the Children. (2019). *Save the Children welcomes the banning of corporal punishment*. <https://www.savethechildren.org.za/News-and-Events/News/Save-the-Children-South-Africa-welcomes-the-bannin>
- Sebele-Mpofu, F. Y. (2020). Saturation controversy in qualitative research: Complexities and underlying assumptions. A literature review. *Cogent Social Sciences*, 6(1), Article 1838706. <https://doi.org/10.1080/23311886.2020.1838706>
- Sibanda, O. S. (2019, September 22). Ruling banning the spanking of children is both legally and morally sound. *Daily Maverick*. <https://www.dailymaverick.co.za/opinionista/2019-09-22-ruling-banning-the-spanking-of-children-is-both-legally-and-morally-sound/>
- Songca, R. (2011). Evaluation of children's rights in South African law: The dawn of an emerging approach to children's rights? *Comparative and International Law Journal of Southern Africa*, 44(3), Article 3.
- United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Walker, T. (2022, March 18). Violence, threats against teachers, school staff could hasten exodus from profession. *NEA News*. <https://www.nea.org/nea-today/all-news-articles/violence-threats-against-teachers-school-staff-could-hasten-exodus-profession>
- Williams, D. D. (2018). *Qualitative inquiry in daily life* (1st ed.). EdTech Books. <https://edtechbooks.org/qualitativeinquiry>