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Research Topic:

(II)legitimacy of Freelance Artists: Exploring Current Government Legislation and Policies that Influence Economic Exclusion and Inclusion of South African Freelance Artists..

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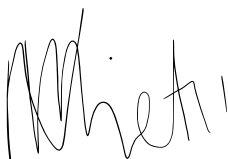
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Acknowledgements:

To My Mother:

"Mme Motswadi Keagorata" by Judith Sephuma was your wedding song in 2007. Through this journey I now understand the significance of these lyrics.

"Wang godisa ka boima" (You raised me through difficulties).

"Oa wa mphutha phutha" (You always protect my path and ways).

"Omphile Lerato" (You showed me love).

"Kealeboga Mme Motswadi" (I am forever grateful my dearest mother).

"O dula o le mme oa phang matla ka nako tsotlhe" (You remain the mother that gives me strength at all times).

"Wang tshireletsa diphefong" (You always protect me through the hail and storm).

"Kealeboga Mme Motswadi" (I am forever grateful my dearest mother).

"Mme Motswadi Keagorata ka nako tsotlhe" (I love you at all times my mother).

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Thank you for sacrificing a lot for me. Thank you for your prayers and sleepless nights praying and ensuring that I am protected. My journey changed and elevated. Your presence, love and protection ensured that I am here today. Glory be given to God, the savior and protector.

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To Me:

You dreamt it, you submitted it, you conquered the edge. Keep believing your dreams.

Table of Contents

Abstract:	8
Chapter 1: Research Overview.	9
1.1 Introduction: Freelance Artists and Their Precarious Economic Participation.	9
1.2 Background: Systematic Exclusion of Freelance Artists.	10
1.3 Problem statement: Economic Inclusion of Freelance Artists.	11
1.4 Research Aim and Objectives: What About Digitisation and Inclusion?	13
1.5 Research Justification: Examining the Practical Implications of Policies on Recognizing Freelance Artists.	15
1.6 Central Research Questions: What can't be excluded?.....	17
1.7 Research Design and Methodology.....	18
1.8 Literature Review and Conceptual Framework.....	20
1.9 Dissertation Outline.....	22
Chapter 2 – Methodology and Research Design.	24
2.1 Introduction: Methods used to Unravel the Legitimacy of Freelance Artists.	24
2.2 Design and Data Collection: Using lived experiences to explore the need for change.....	24
2.3 Purposely using purposive sampling.....	27
2.4 Data Analysis: Encoding Meaning to Freelance Profession.	29
2.5 Ethical Consideration.	31
2.6 Concluding Remarks.	33
Chapter 3 – The Law, Compliance and Legitimacy of Freelance Artists - A Conceptual Framework.....	35
3.1 Introduction: : Defining Terms and Concepts Used to Read Freelance Work in South Africa's Cultural Creative Industries.....	35
3.2 Legitimacy and Economic Through The Lens of R. Kanbur's Conceptual Categories.	37
3.3 Varley's Perspective on Informality as Resistance.....	41
3.4 Bovoka and Clark's Insights on Freelance Artists.	44
3.5 Understanding Legislative Enforcement.	45
3.6 Navigating Complexity for Holistic Insights.	47
Chapter 4 – Literature Review – Building New Perspective on a Solid Foundation.	50
4.1 Introduction – Perspectives on Challenges and Possibilities for Freelance Artists in South Africa.	50

4.2 What the (F) in Freelance is happening?.....	52
4.3 Economic Integration and Legitimacy of the Freelance Profession.....	56
4.4 Economic Access Through Digitization: Virtually Money is Virtual!	58
4.5 Intentional International Perspective: What are others doing right?	61
4.6 What can we learn and introduce to effect change for freelance artists?	64
Chapter 5 – Finding Something Interesting.	67
5.1 Introduction: Behind the Scenes of Freelance Profession.....	67
5.2 My Personal Experience as a Freelance Artist.....	68
5.3 Background – Who Are They? They Are Family Members too!.....	70
5.4 Unintended Economic Exclusion: Legitimacy Causes Compliance Issues.	74
5.5 Access to Market Opportunities and Financial Services.....	76
5.6 Is The Lack of Financial Education Cause for Exclusion?	79
5.7 Freelance Artists Contribute Economically.	81
5.8 Legislations Impacting Freelance Work.....	84
5.9 Concluding Remarks: Complaint, Registered and Legitimate.....	86
Chapter 6 – Discussion: Thematic discussion.....	88
6.1 Introduction: Legality, Inclusion, Taxation and Compliance.....	88
6.2 Enhancing Economic Inclusion through Clearer Tax Guidelines, Simplified Application Processes, and Inclusive Policies.....	89
6.3 Economic Support and Protections for Freelance Artists.	95
6.4 Uncovering More Than The Eye Meets: Applying The Conceptual Framework.....	103
6.5 What Does The Industry Say To The Law And Policymakers?	107
Chapter 7 – Something Has Got To Give.....	109
7.1 Introduction: Change is Inevitable and Achievable.	109
7.2 Current Legislative Landscape.....	109
7.3 Effectiveness of Regulatory Compliance.....	111
7.4 Alternative Models for Legitimization.....	112
7.5 Addressing the Conceptual Framework.	112
7.6 Contributions to Knowledge and Policy.	114
7.7 Consideration for Future Research.....	114

7.8 Final Conclusion and Remarks.	115
REFERENCES:.....	116

Acronym List:

BASA – Business and Arts South Africa

BBBEE – Broad-Based Black Economic Empowerment

DSAC – Department of Sports, Arts and Culture

CCI – Cultural Creative Industries

CIPC – Companies and Intellectual Property Commission

CCIFSA – Cultural and Creative Industries Federation of South Africa

GDP – Gross Domestic Product

MGE – Mzansi Golden Economy

NAC – National Arts Council

NORM – National Organisation for Reproduction Rights in Music

PPA – Performers Protection Act

RISA – Recording Industry of South Africa

SACO – South Africa Cultural Observatory

SAFREA – South African Freelancers' Association

SAMPRA – South African Music Performance Rights Association

SAMRO – Southern African Music Rights Organisation

SARS – South Africa Revenue Services

SEDA – Small Enterprise Development Agency

SME – Small Medium Enterprises

Keys Words: Freelance artists, Economic Inclusion, Compliance, Cultural Creative Economy, Legitimacy.

Abstract:

The prevailing descriptors—such as "illegitimate," "non-compliant," "unprofessional," and "informal"—resonate globally, attributing a lack of structure to freelance artistry. This characterization places these artists in precarious legal and economic positions, hindering access to fundamental employment benefits, credit, loans, and housing. Therefore, it is imperative to answer the central questions, Which legislative measures and policies currently influence the economic integration, compliance and legitimacy of freelance profession within Cultural Creative Industry and Economy in South Africa? The scarcity of literature on the subject prompts an exploration into the legislative landscape, framed by the notion that policy acts as a guiding roadmap. The central argument is that existing policies failure to adequately address the unique challenges faced by South African freelance artists, leaving a critical void in understanding their economic participation. Focused on a qualitative methodology, the research examines documents and policies to unravel the impact on freelance artists' economic standing, employing lenses that navigate the intersections of formality and informality within the Cultural Creative Industries. The research underscores the imperative to bridge this knowledge gap, arguing for targeted interventions to rectify the economic disparities and (il)legitimacy associated with freelance artists in South Africa. It is through the aims and objectives of this research that I was be able to come with a concrete understating of the landscape so appropriate intervention measures can be suggested.

Chapter 1: Research Overview.

1.1 Introduction: Freelance Artists and Their Precarious Economic Participation.

The research explores the pervasive (il)legitimacy labels affixed to freelance artists in South Africa, shedding light on the intricate linkage between government legislation, policies, and the economic inclusion or exclusion of this professional cohort. The central research problem that drives the exploration revolves around the pressing question of how the policy and legislative framework impact the (il)legitimacy of freelance artists in South Africa. To further dissect this overarching question, the research employs several sub-questions with the aim to evaluate the appropriateness of current policies in fostering economic inclusion and integration of freelance artists within the Cultural Creative Industries. The absence of scholarly discourse necessitates a dive into the legislative landscape, guided by the premise that policy acts as a guiding roadmap. By employing a purposive criterion qualitative methodology, the research investigates documents and policies to unravel their impact on freelance artists' economic standing. Through this inquiry, the research underscores the urgency of bridging knowledge gaps and advocating for targeted interventions to rectify economic disparities and enhance the (il)legitimacy of freelance artists in South Africa.

In order to fully immerse ourselves in the context and understating the lived experience of freelance artists, the process of unstructured interviews with professional freelance was employed and a few things started to become very apparent at the early stage. The results of the research support the central argument being freelance artists within the South African Cultural Creative Economy encounter various hurdles concerning legitimacy, compliance, and economic inclusion. These obstacles comprise inadequate acknowledgment and backing from both government and industry, challenges in procuring funding and economic resources, and the complexities of navigating intricate regulations and laws. Some respondents found it challenging to understand the complex and jargon-filled language of legal documents, especially those without a formal legal or financial background. The research also identifies several alternative approaches that could be adopted to strengthen and facilitate the legitimization, integration, and economic inclusion of freelance artists within the formal economy. Addressing the information deficit and offering fresh perspectives can aid in the execution of these alternative strategies, potentially leading to increased economic engagement by freelance artists.

1.2 Background: Systematic Exclusion of Freelance Artists.

The landscape of freelancing in South Africa is intricate, with certain sectors exhibiting more organization, legislation, and protective acts tailored to each industry. Professions in fields like medicine, engineering, and architecture have made strides in implementing suitable regulations to support individuals opting for freelance "employment". The lack of extensive literature on economic inclusion for freelance artists within the Cultural Creative Industries contributes to the precarious economic status of these individuals in South Africa. When attempting to delineate the concept of a freelance career, much of the existing literature predominantly emphasizes the notion of Cultural Entrepreneurship. Often, the terminology of "freelance artist" is intricately connected or used interchangeably with this broader concept. In her paper "Creating a Freelance Career" published in 2019, Jill Ferguson offers a distinct perspective for distinguishing between the two terms. She defines a freelance artist as "a person who acts independently without being affiliated with or authorized by an organization" or "a person who pursues a profession without a long-term commitment to any one employer" (Ferguson, 2019:3).

According to Ferguson (2019), freelance artists are characterized by their lack of affiliation with any enterprise, company, or organization, regardless of size. Typically, they do not establish an employer-employee relationship with any organization. The research has found through the interviews with some of the freelance artists in South In Africa, the majority of freelance artists align with these definitions. They typically operate on a gig-to-gig or client-by-client basis, without being formally "employed" by the clients. In contrast, a Cultural Entrepreneur is defined as "one who organizes, manages, and assumes the risks of a business or enterprise... Entrepreneur + Capital = Products + Customers = Business" (Ferguson, 2019:4). As a result, the Cultural Creative Entrepreneur typically associates with a business, organization, or enterprise with the aim of making a profit or achieving economic gain. In this dynamic, the interaction between the Cultural Entrepreneur and their business counterparts often mirrors that of an employer-employee relationship.

Ferguson delineates that individuals such as doctors, dentists, veterinarians, lawyers, or accountants, who operate independently in a trade, business, or profession, offering their services to the general public, are commonly referred to as independent contractors (Ferguson, 2019). She further argues that the distinction arises due to the presence of various councils, professional bodies, board exams, and other formal assessment mechanisms in industries such

as medicine, dentistry, veterinary, law, and accounting. These mechanisms facilitate the formalization and legitimization of practice, whether individuals operate independently or not, thereby viewing their practice as professional. However, the classification of individuals as independent contractors or employees hinges on the specific circumstances of each case, distinguishing them from freelance artists. Presently, in the South African Cultural Creative Industries, there lacks a professional or legal body tasked with legitimizing the practice and ensuring economic inclusion of freelance artists, a contrast to the structured frameworks in the aforementioned industries.

Utilizing digital platforms presents an alternative and integrative approach to fostering economic inclusion for freelance artists within the formal cultural and creative economy. This strategy involves leveraging digital technology resources and existing platforms, as suggested by Lappin and Kretschmer (2005) and highlighted by Radcliffe (2016). Radcliffe (2016) emphasizes that digitization facilitates broader engagement with existing artifacts and introduces new disintermediated distribution channels, potentially altering the power dynamics between creators and established market intermediaries. The research investigates the potential for achieving legitimacy and formalization among South African freelance artists through existing legislation and policies, including the National Arts Council Act 56 of 1997, Companies Act 71 of 2008, Income Tax Act 58 of 1962, Copyright Act of 1978, Performers Protection Act 11 of 1967, and Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003.

1.3 Problem statement: Economic Inclusion of Freelance Artists.

While freelance artists and Cultural Entrepreneurs may exhibit similarities in certain respects, their distinctions underscore the central inquiry into compliance, legitimacy, and economic inclusion. According to Ferguson's definitions, Cultural Entrepreneurs in South Africa can attain legitimacy by adhering to existing legislation such as the National Arts Council Act 56 of 1997, the Companies Act 71 of 2008, and The Income Tax Act 58 of 1962. These regulatory frameworks provide a pathway for Cultural Entrepreneurs to formalize their endeavours, ensuring adherence to legal requirements and contributing to their recognition within the cultural and creative landscape. Establishing an employer-employee relationship, often facilitated through self-employment, enables individuals to engage with and derive benefits from the Cultural Creative Economy and the broader national economic ecosystem. However,

certain governmental initiatives aimed at supporting the arts may inadvertently prioritize funding-driven organizations over genuine artistic expression. As Craik (2007) suggests, such initiatives may contribute to the proliferation of culturally devoid productions, undermining the richness and authenticity of society's cultural landscape.

To a certain degree, adhering to existing traditional legislative and policy standards necessitates a certain level of proficiency in skills such as accounting, legal comprehension, and basic administrative knowledge, unless one opts to outsource these services. As Oyekunle and Sirayi (2018) contends, policymakers in developing nations often overlook the significance of the creative industries as key economic sectors. This oversight is reflected in the limited focus of existing literature on entrepreneurial attributes and characteristics, leaving a gap in exploring alternative models for integrating and legitimizing freelance employment within the Cultural Creative Industries and Economy in South Africa. Guha-khasnobis (2005) further elaborates on intervention objectives, highlighting the need to enhance individuals' capacity for self-organization and collective action, as well as addressing market-related challenges that hinder economic participation. The apparent misunderstanding may stem from differences in operational practices across various sectors and a lack of consistent terminology. However, the research delves deeper to explore the implications for economic inclusion, integration, and legitimacy of freelance artists. This investigation is prompted by findings from the South African Observatory (2020), which reported that freelancers constitute 34% of all cultural workers in the industry.

According to De Kloet, Yiu Fai, and Scheen (2019), the ingenuity and transformation brought about by digital platforms have created new opportunities for individuals to engage in ordinary cultural production through creative internet usage. These platforms facilitate expansion and economic inclusion for various individuals and businesses, freeing them from the constraints of restrictive legislation often faced by individuals. In South Africa, many banks focus on an individual's affordability and credit value in order to loan you money, which results in many artists having to pay most high value items in cash. Ferguson (2019) underscores this idea, emphasizing that individuals who are self-employed don't receive compensation for vacation time, health insurance, or retirement plans, highlighting the financial challenges faced by freelance artists. In spite of the fact that their income may be coming from a digital platform with a cultural value. The utilization of digital platforms strengthens compliance through their terms and conditions, enabling users to actively participate in an inclusive and advantageous

economic ecosystem. According to De Kloet, Yiu Fai, and Scheen (2019), the exchange of digital red packets, traditionally reserved for significant events like festivals, birthdays, weddings, and funerals, has evolved into a popular online activity in everyday life in China.

De Koker and Jentzsch (2013) define "economic inclusion" as the assurance of access to formal economic services at an affordable cost, conducted in a fair and transparent manner. This research investigates the legitimacy, compliance, and economic inclusion of freelance artists in South Africa through a thorough exploration of current legislation and policies. Financial inclusion as described by De Koker and Jentzsch (2013) only forms a minor portion under the umbrella of economic inclusion. De Koker and Jentzsch (2013) highlight the importance of exploring and expanding the understanding of legislation and policies impacting the cultural and creative industries and freelance employment. They note the significance of mobile banking in this context, with an increasing number of economic inclusion studies focusing on mobile money. The research also delves into alternative interventions implemented by other countries to identify the current gap in South African literature and practical applications of policies and legislation. Previous knowledge in this field predominantly focuses on the ideological and technical understanding of the industry. However, there has been limited discourse regarding alternative models and strategies for implementation that could facilitate the integration and economic inclusion of freelance artists within the cultural and creative economy.

1.4 Research Aim and Objectives: What About Digitisation and Inclusion?

The research delves into the extent to which current policies are suitable for addressing economic inclusion and integration of freelance artists in the Cultural Creative Industries. It also investigates digital platforms and payment gateway services as alternative approaches for legitimizing freelance employment, considering aspects of both formality and informality. This background sets the stage for a contextualized analysis of the existing legislation and policies directly affecting the freelance profession for artists in South Africa. The argument posits that current compliance requirements have put South African freelance artists at a disadvantage. De Koker and Jentzsch (2013) highlight that economic inclusion initiatives in various countries have faced regulatory concerns, particularly regarding compliance with proposed new regulatory models. It is submitted that the effectiveness of economic inclusion initiatives could be enhanced if governments were attentive to consumer preferences,

implemented suitable policy measures, and proactively addressed legitimate concerns that promote and sustain the use of digital platforms

During the Covid-19 pandemic, it became evident that many freelance artists encountered challenges extending beyond funding. While Minister Nathi Mthethwa, Minister of the Department of Sports, Arts, and Culture (DSAC), made funding available, the criteria and requirements for accessing these funds underscored the marginalization of freelance artists. As per the DSAC website, "For the Arts, relief will only be availed to producers, organizers, project managers, and department beneficiaries after the cancelled project/event would have been held" [<https://economic.gov.za/speeches/departmentsportartsandculturesectorrelief-framework-and-criteria-29-mar-2020-0000> accessed on (24 August 2023)]. This condition, influenced by existing legislation, posed a significant obstacle for freelance artists seeking to meet the requirements and access the funds. Consequently, many freelance artists pursued alternative income avenues outside of government assistance or regulation. Utilizing social media and digital platforms, these artists, frequently excluded from formal economic participation, managed to establish more "professional" relationships and engage in business with larger firms.

The initial phase of the analysis will involve examining the distinction between freelance artists and Cultural Entrepreneurs, laying the groundwork for a deeper exploration of their motivations for engaging with both formal and informal economic services. As Kanbur (2009) explains, the concept of informality in the context of enterprises refers to those businesses that operate outside the scope of laws governing incorporated enterprises. For freelance artists, this presents a challenge, as their economic contributions often go unrecognized within the formal economic framework. Instead, they tend to gravitate towards informal channels for receiving payment, as highlighted by De Koker and Jentzsch (2013). This preference may stem from their reliance on short-term projects or gigs and a preference for cash transactions. Woronkiewicz and Noonan (2019) have come to the conclusion that in recent studies relating to freelance employment, many of these studies have assumed that the term "artist" can be used interchangeable with "entrepreneur". They further argue that "...by failing to distinguish between artists whose work takes place in a traditional wage/salary setting versus the artist who works as a sole proprietor, independent contractor" (Woronkiewicz and Noonan, 2019:652).

Toghraee and Monjezi (2017), have highlighted that "Due to lack of financial resources, cultural infrastructures, and institutional capacities, creative economy relatively has not room for promotion and progress" (Toghraee and Monjezi (2017). Certainly, there exist alternative pathways through which South African freelance artists can be assimilated and embraced within the formal economy. The South African Cultural Observatory (2020) report findings have also shown that "2.77% of employed people in South Africa were identified as being employed in cultural occupations in 2017" (SACO, 2020). This significant increase and uptake of freelance employment calls for intervention and preventative measure which will ensure compliance, legitimacy, integration for economic inclusion. By leveraging digital technologies like mobile apps and payment gateways, freelance artists have the opportunity to validate and, in certain cases, quantify their profession through alternative channels. This has the potential to introduce new avenues for economic inclusion, legitimize their occupation, and explore fresh methods of formalization within the Cultural Creative Industries.

1.5 Research Justification: Examining the Practical Implications of Policies on Recognizing Freelance Artists.

The academic rationale for undertaking this research is rooted in the urgent imperativeness to confront the multifaceted hurdles of legitimacy, compliance, and economic inclusion that have a direct impact to freelance artists in South Africa. Motivated by personal experiences as both a freelance artist and cultural creative entrepreneur, this research illuminates a literature gap concerning compliance, legitimacy, digitization and integration within the cultural-creative economy, particularly regarding freelance artists. As argued by (Bridgstock, 2005; Ferguson, 2019; Toghraee and Monjezi, 2017), that current literature scope into this phenomenon is lacking and in its infancy stages, resulting in the exploitation of participants (freelance artists), furthermore confusion and chaos is caused by private and public sectors to undermine the profession. By exploring legislation and policies, this research endeavours to streamline the integration of freelance artists into formal economic frameworks and alleviate longstanding industry challenges.

The research stands to directly benefit freelance artists by pinpointing alternative models that amplify their legitimacy and facilitate access to economic advantages. Furthermore, it serves

as a guiding resource for policymakers and government institutions, offering insights into necessary adjustments to compliance requirements and the bolstering of support for freelance employment in South Africa. This will perhaps provide new opportunities for South Africa to build new areas of wealth and employment creation in accordance with the development of the global economy as highlighted by Toghraee and Monjezi (2017) that evaluation is hardly done probably due to its inappropriate role in the fulfilment of other main requirements. It is further argued by Oyekunle and Sirayi (2018) that the creative sectors could potentially offer significant avenues for wealth generation, job creation, and the promotion of sustainable development in post-apartheid South Africa.

In contemporary China, autonomous curators and freelance artists leverage digital platforms and payment gateways, notably WeChat and Alipay, to promote their projects and engage with their audience. While these platforms may appear to be conventional mobile payment applications, they offer a range of features such as "Business to Customer (B2C) and Peer to Peer (P2P) transactions, digital payment" (De Kloet, Yiu Fai, and Scheen, 2019:4), facilitating inclusive access to the market for both consumers and producers. Goga, Paelo, and Nyamwena (2019) highlight the rapid growth of e-commerce in South Africa, attributing it to advancements in internet speeds, increased mobile penetration, and the convenience of mobile shopping. However, they note that this growth raises concerns regarding economic compliance and the establishment of credit scores for platform users, which could have implications for governance strategies.

On the other hand, De Kloet, Yiu Fai, and Scheen (2019) illuminate how the Chinese government has actively explored a social credit system, incorporating a crucial element known as 'Sesame Credit Scores', through the utilization of big data from online platforms. De Koker and Jentzsch (2013) explain that Sesame credit score points operate similarly to traditional credit scores, providing lenders with insights into individuals' economic contributions and risk levels. Through this alternative method, users can validate their economic participation, with state governments implementing relevant and progressive interventions to facilitate this legitimate involvement. They argue that governments must gain a deeper understanding of consumer preferences regarding formal and informal economic services to effectively align their policies with practical needs.

In essence, this research is academically grounded in the imperative to address real-world obstacles faced by freelance artists, drawing from a blend of scholarly literature and personal insights. "By 'sustainable development', we mean a development which meets the needs of the present, without compromising the ability of future generations to meet their own needs." (Oyekunle and Sirayi, 2018:4). The main objective is to foster the development of more inclusive and supportive policies and practices within the South African Cultural Industry and Economy. This research aims to explore the challenges of rigid traditional compliance and legitimacy encountered by South African freelance artists. Chong and Gradstein (2007) argue that institutional quality and increasing incomes negatively impact informality, highlighting the necessity for literature addressing compliance, legitimacy, and integration within the cultural-creative economy, particularly concerning freelance artists. Developing suitable legislation and policies to facilitate the integration of freelance artists in South Africa is imperative. The primary beneficiaries of the desired outcomes of this research are freelance artists themselves. Exploring alternative models that can aid in legitimizing their profession directly impacts the benefits freelance artists may access, enabling them to comply with basic requirements for economic inclusion

1.6 Central Research Questions: What can't be excluded?

Research questions play a pivotal role in shaping and guiding the methodology, design, and selection of the sampling group for researchers. Apart from the main research question, additional sub-questions aid researchers in conducting a comprehensive investigation to fulfil the research aims and objectives. Defining the research question is a crucial step as it helps narrow down the focus of the research to specific areas that need to be addressed. As Creswell (1998) suggests, these questions can encompass broad or central research areas, specific regions, or sub-categories. Qualitative research questions are characterized by their flexibility, adaptability, and non-directionality, allowing them to evolve, adapt, or refine throughout the research process, including the design phase and literature review. As Creswell (1998) notes, qualitative research questions aid researchers in connecting various elements of the research design, such as case studies, literature reviews, and phenomenological exploration. Ultimately, well-crafted research questions serve as the foundation of sound research, enabling researchers to progress from a state of knowing less to understanding more, as emphasized by Doody and Bailey (2016).

Main Research Question:

How does the policy and legislative framework influence the legitimacy and illegitimacy of Freelance artists in South Africa? Sub-questions towards answering the main questions are

What are the prevailing legislative and policy measures directly influencing the legitimacy, compliance, and economic inclusion of freelance artists within the South African Cultural Industry and Economy?

To what extent do the current regulatory and compliance requirements effectively ensure the legitimization and integration of freelance artists into the national economy?

How can alternative models be integrated with existing ones to enhance and facilitate the legitimization, integration, and economic inclusion of freelance artists within the formal economy?

Addressing these inquiries effectively will yield valuable insights that can inform the development of targeted legislative and policy interventions, thereby enhancing the economic inclusion of freelance artists in South Africa.

1.7 Research Design and Methodology.

The research employs a qualitative purposive criterion sampling methodology, which seeks to gain an interpretive understanding from individuals (Creswell, 1998; Leininger, 2008; Mason, 2006). This approach delves deeply into people's lived experiences, aiming to derive meaning from their narratives. Qualitative methodologies prioritize observation, description, and comprehension over prediction, control, and conclusive findings (Streubert and Carpenter, 1995). According to Gilbert (2001), the essence of qualitative research lies in elucidating and accentuating perspectives as perceived by the participants. Personal interviews serve as the primary method of data collection. Unlike unstructured interviews, which allow for flexibility in questioning, these interviews adhere to a predetermined set of questions and standardized methods of recording (Kothari, 2004). This structured approach ensures consistency and facilitates a systematic exploration of the research questions.

Exercising sound judgment in determining the methods of information gathering and the sources from which it is obtained is paramount, as inadequately collected data cannot be rectified through analysis alone (Bernard et al., 1996). The descriptive technique serves as the primary framework for effectively capturing and articulating participants' unique experiences. Meanwhile, the analytical method is essential for evaluating and synthesizing the findings. The existing literature provides a foundation to ensure that the research topic and objectives are sufficiently addressed. Moreover, the study aims to contribute new, timely insights into the areas of legitimacy, compliance, and economic inclusion by delving into the lived experiences of independent artists operating within the South African Cultural Creative Economy. This qualitative exploration promises to offer valuable perspectives that complement and enrich the existing literature on the subject matter.

Lincoln and Guba (1985) characterizes the research process as "systematic," emphasizing the importance of defining objectives, managing data, and communicating findings within established frameworks and guidelines. Every aspect of the research is meticulously planned, including the selection of a sampling group comprising 12 freelance artists. Langdrige (2007) describes phenomenology as a discipline focused on understanding people's perceptions of the world and their lived experiences. Consequently, purposive sampling, a non-probability sampling method, is employed to select participants whose experiences can shed light on the research objectives. The methodology embraces the idea that there may be multiple truths, rather than seeking absolute truth. It encourages the exploration of diverse perspectives and experiences to gain a comprehensive understanding of the research topic. Therefore, the focus is not solely on facts but on uncovering different viewpoints and interpretations of individuals' experiences.

The methodologies adopted for this research employs a combination of qualitative techniques, primarily focusing on interviews with South African freelance artists and document analysis of relevant policies and legislation. Interviews serve as a valuable tool to acquire in-depth insights into the lived experiences and perspectives of freelance artists regarding their economic inclusion, legitimacy, and compliance within the cultural creative industries. This approach aligns with Creswell's (1998) procedural format, wherein research questions are formulated to delve into the significance of these experiences. By conducting interviews, the research aims to capture the nuances and complexities of freelance artists' professional practices, shedding light on their challenges, aspirations, and perceptions of existing policies and regulations.

The research design and methodology highlights the need for comprehensive legislative reforms and policy interventions to foster economic inclusion and integration for freelance artists in South Africa. Despite potential biases inherent in the research design, the research's findings offer valuable insights and recommendations for advancing the profession and enhancing the economic well-being of freelance artists. In summary, this research underscores the critical importance of addressing the multifaceted challenges faced by freelance artists in South Africa, as outlined by the research question and aims by examining the phenomenon of the freelance profession within the framework of phenomenological pedagogy and digitalization.

Overall, the combination of qualitative research methods, including interviews and document analysis, offers a robust approach to exploring the economic inclusion, legitimacy, and compliance of freelance artists within the cultural creative industries. Through rigorous data collection and analysis, this research aims to contribute valuable insights to the existing literature and inform policy and practice in support of freelance artists' professional development and integration into the formal economy. Chapter 2 of the research will delve deeper into the implication of the chosen methodology in order to achieve the research aims and objectives set out and effectively answering the research question.

1.8 Literature Review and Conceptual Framework.

The literature review encapsulates a comprehensive exploration of the multifaceted challenges and opportunities surrounding freelance artists within the South African cultural creative industries. Scholars such as Ferguson (2019), Varley (2013), Kanbur (2009), Bokova and Clark (2013), Oyekunle and Sirayi (2018), De Koker and Jentzsc (2013), Misztal (2000), Radcliffe (2016) and Neil (2010) contribute to this discourse, offering diverse perspectives on the regulatory, economic, and societal factors influencing the livelihoods of freelance artists. Building on Ferguson's characterization of a freelance artist as "a person who operates autonomously without affiliation with or authorization by an organization or... an individual who explores a profession without a long-term commitment to any one employer" (Ferguson, 2019), it becomes apparent that the research question requires urgent entrepreneurial solutions. This definition highlights the distinctiveness of freelance artists from Cultural Creative entrepreneurs, rendering the latter concept inappropriate for this research.

The first thematic group explores the intricate dynamics of formality and informality within the freelance artist profession. Scholars like Varley (2013) and Kanbur (2009) delve into the complexities of compliance and legitimacy, highlighting the challenges freelance artists face in accessing formal economic services. Varley (2013) posits that informality can be seen as resistance and emphasizes the distinction between spontaneity and informality. On the other hand, Kanbur (2009) presents a conceptual framework that categorizes regulations into four groups: applicable and compliant, applicable and non-compliant, non-applicable after adjustment of activity, and non-applicable to the activity. This framework offers a systematic approach to examining the connection between legislation and economic inclusion. These insights underscore the importance of addressing regulatory barriers to enhance the economic standing of freelance artists.

The second thematic group delves into policy and legislation, emphasizing the pivotal role of regulatory frameworks in shaping economic inclusion and integration for freelance artists. Scholars like Oyekunle and Sirayi (2018), De Koker and Jentzsc (2013) and Misztal (2000) offer insights into the impact of legislation on freelance artists' livelihoods. Oyekunle and Sirayi's (2018) work on local cultural policy frameworks highlights the significance of policy documents as roadmaps for achieving certain goals and addressing identified problems. De Koker and Jentzsc (2013) highlight the difficulties encountered by freelance artists in accessing formal economic services because of compliance issues, emphasizing the necessity for interventions to promote their economic inclusion. Additionally, Misztal (2000) emphasizes the importance of distinguishing between informal survivalist sectors and productive informal sectors in understanding the role of freelance artists within the creative economy. These contributions underscore the need for tailored legislative policies to legitimize freelance work and promote economic integration.

The third thematic group navigates the realm of economic inclusion, emphasizing the significance of alternative models and digital platforms in fostering economic empowerment for freelance artists. Scholars like Radcliffe (2016), De Koker and Jentzsc (2013), shed light on the transformative potential of digital platforms in enabling economic participation for freelance artists. Radcliffe (2016) explores the digitization of the creative industries and its influence on the bargaining dynamics between creators and market intermediaries, underscoring the empowering role of digital platforms for freelance artist. De Koker and Jentzsc (2013) explore the relationship between financial inclusion and financial integrity,

emphasizing the importance of interventions to improve the socio-economic status of freelance artists. These insights underscore the need for innovative approaches to enhance economic inclusion and empower freelance artists within the cultural creative industries.

Lastly, the fourth thematic group addresses digital integration, stressing the importance of legislative engagement and adaptive policies to accommodate the evolving landscape of freelance work in the digital age. Scholarly works by Neil (2010) and others highlight the need for policy interventions to support freelance artists in navigating the digital economy. Neil (2010) discusses the impact of government policies on taxation, financial inclusion, and financial integrity on freelance artists' socio-economic status, underscoring the importance of legislative engagement in fostering economic empowerment. These insights underscore the need for dynamic policy frameworks that can adapt to the changing dynamics of freelance work in the digital era, ensuring the continued economic integration and empowerment of freelance artists within the cultural creative industries.

Chapter 3 of the research is the an in-depth conceptual frame while Chapter 4 gives a more comprehensive literature review synthesizing the foundational works of scholars, each making unique contributions to four distinct thematic groups. From the nuanced understanding of freelance artists by Ferguson to the conceptual framework of Kanbur, the exploration of policy and legislation by Oyekunle and Sirayi (2018), De Koker and Jentzsc (2013) , Misztal (2000), and Neil (2010), and the insights on economic inclusion by Radcliffe (2016) and De Koker and Jentzsc (2013), this review provides a robust foundation for understanding the challenges and opportunities within the South African cultural creative industries. The dynamic landscape of freelance work in the digital age, as illuminated by Neil (2010), reinforces the need for adaptive policies and legislative engagement to ensure the continued empowerment, legitimacy, and integration of freelance artists in the evolving cultural and economic milieu.

1.9 Dissertation Outline.

The dissertation unfolds across seven distinct chapters, each contributing to a comprehensive exploration of the research topic. The opening chapter serves as an introduction, laying out the problem statement, research aim, justification, research questions, and rationale behind the study. Following this, Chapter Two meticulously outlines the research methodology, detailing

the chosen research design, paradigm, data collection methods, and ethical considerations guiding the research process. Chapter Three delves into the conceptual framework of the research, with a specific focus on current legislation, acts, and policies directly impacting freelance artists in the South African context. Here, the regulatory landscape is examined in detail, providing a foundational understanding of terms and concepts for subsequent analysis. In Chapter Four, attention turns to a review of contemporary literature relevant to the research topic. This section synthesizes existing scholarship on freelance artists, economic inclusion, and alternative models for economic integration, enriching the theoretical framework underpinning the study. Chapter Five presents the empirical findings derived from interviews conducted with participants. Through these qualitative interactions, emerging themes and insights are illuminated, offering valuable perspectives on the lived experiences of freelance artists in South Africa. Chapter Six engages in a thorough discussion of the findings, analysing the emerged themes and their implications within the broader context of the research objectives. Here, theoretical insights are intertwined with empirical evidence, enriching the depth of analysis. Finally, Chapter Seven encapsulates the research's conclusions and offers recommendations based on the study's findings. Drawing upon the insights gleaned from the preceding chapters, this section synthesizes key findings, identifies areas for further research, and proposes actionable recommendations aimed at fostering economic inclusion and support for freelance artists in South Africa.

Chapter 2 – Methodology and Research Design.

2.1 Introduction: Methods used to Unravel the Legitimacy of Freelance Artists.

The research methodology and design selected for this paper are well-suited to the research topic of exploring the legitimacy and illegitimacy of freelance artists in South Africa, particularly in relation to government legislation and policies influencing their economic inclusion. The qualitative approach, complemented by personal interviews and document analysis, offers a comprehensive framework for exploring the multifaceted challenges faced by freelance artists and the impact of legislative frameworks on their professional status. This approach, as advocated by Streubert and Carpenter (1995), is particularly well-suited to this research topic as it allows for a deep and nuanced exploration of the lived experiences and perspectives of freelance artists. Given the complexity of issues surrounding economic inclusion and legitimacy in the Cultural Creative Economy, qualitative methods offer the flexibility to capture the diverse range of factors influencing freelance artists' professional trajectories. By prioritizing depth over breadth, qualitative research enables researchers to uncover rich insights and identify underlying patterns and themes that may not be readily apparent through quantitative approaches.

Purposive sampling, specifically criterion sampling, is used in selecting the participants in the research. This method ensures that the research will include information-rich cases related to the research focus, aim and objectives. In undertaking this endeavour, the objective is to offer a thorough comprehension of the first-hand encounters encountered by freelance artists within the framework of the South African Cultural Creative Economy. In contrast, other research methodologies, such as quantitative approaches or experimental designs, may not be as well-suited to this research topic. Quantitative methods, which rely on numerical data and statistical analysis, may struggle to capture the complexity and nuance of freelance artists' experiences and perceptions. Similarly, experimental designs, which involve controlled conditions and manipulation of variables, may not be feasible or ethical in a real-world context like these, where the research aims to explore naturally occurring phenomena and subjective perspectives.

2.2 Design and Data Collection: Using lived experiences to explore the need for change.

In the pursuit of understanding the intricacies of freelance artists' experiences, personal interviews are employed as the principal means of data collection. The study delves into and

interprets individuals' viewpoints to comprehend their lived experiences. Qualitative methodologies emphasize the attributed significance of individual experiences, aiming to gain a profound understanding of their lived realities. Streubert and Carpenter (1995) argue that the primary objective of qualitative methodology is to observe, describe, and understand, rather than predict, control, and conclude. This approach, as described by Creswell (1998), Leininger (2008), Mason (2006), utilizes qualitative research methodology to explore and provide an interpretive perspective or framework from the standpoint of individuals. Gilbert (2001) contends that qualitative research methodology strives to reveal and emphasize a viewpoint as perceived through the lens of another individual. Kothari (2004) discusses the use of personal interviews, which involve a set of predetermined questions and highly standardized techniques of recording. This stands in contrast to unstructured interviews, which are characterized by their flexible approach to questioning. The methodology is adopted for systematic answering of the central question for this research, emphasizing the intrinsic value of individuals' experiences and the depth of insight it can provide.

Personal interviews, as recommended by Kothari (2004), serve as a central component of the data collection process, providing a platform for freelance artists to share their stories, challenges, and aspirations. These interviews utilize a set of predetermined questions and standardized recording techniques. By employing criterion sampling, 12 South African freelance artists, have been selected as the sample group with each artist representing each sector within the industry (Table 1 below). Personal interviews are instrumental in collecting detailed and comprehensive information about participants' experiences and perceptions in an open-ended manner. This approach is crucial for gaining a deep understanding of the phenomenon under study, as advocated by Creswell (1998). The selection of participants is purposefully conducted using a non-probability sampling method. Unlike probability sampling, this approach does not presuppose absolute truth but rather acknowledges the potential for discovering diverse truths related to the same issue. Bernard et al. (1996) emphasize that this method prioritizes the exploration of various perspectives on individuals' experiences over the pursuit of predetermined outcomes. This qualitative data methodology offers valuable context and nuance, allowing for a holistic understanding of the factors shaping freelance artists' economic inclusion and legitimacy.

In addition to personal interviews, document analysis, in line with the perspectives of Mosanako (2015) and Bowen (2009), complements the insights gained from personal

interviews by providing a broader perspective on the legislative and policy landscape impacting freelance artists. The examination of policies and legislation is conducted to address the research questions concerning economic inclusion, legitimacy, and compliance within the freelance artist profession. This analysis aims to identify gaps in both practice and policy. By synthesizing data from participant interviews and literature reviews, the research endeavours to bridge the existing gaps within the Cultural Creative Industries landscape in South Africa and beyond. By critically examining relevant documents such as laws, regulations, and policy documents, the research identifies gaps, inconsistencies, and areas of tension within the existing framework. This analysis sheds light on the structural barriers and systemic challenges that freelance artists face in navigating the regulatory environment and accessing economic opportunities.

It is crucial to exercise sound judgment when determining the methods of data collection and the sources from which information is gathered, as inadequately collected knowledge cannot be compensated for by analysis alone (Bernard et al., 1996). The research relies on a descriptive approach to accurately portray the individual experiences of participants, while an analytical approach is employed to interpret and refine the final outcomes. The existing literature ensures that the research questions and objectives are adequately addressed. By drawing on the lived experiences of diverse freelance artists in the South African Cultural Creative Economy, this research underscores the need for updated literature that addresses issues of legitimacy, compliance, and economic inclusion in a relevant manner.

Table 1: The desired freelance artists selected for this research before interviews:

Industry Professionals	
1.	Stand - Up Comedian
2.	Writers - Author
3.	Filmmaker
4.	Photographer
5.	Graphic designer
6.	Fashion designer
7.	Actor
8.	Stage Designer
9.	Sound designer
10.	Digital artists (App Designer)
11.	Musician

2.3 Purposely using purposive sampling.

Undertaking the principles outlined by Creswell (1998), the research endeavours to capture the richness and depth of Freelance Artists lived experiences through unstructured interviews. This approach encourages participants to share their perspectives openly, fostering a comprehensive understanding of the challenges within the South African Cultural Creative Economy. As highlighted by Bernard et al. (1996), the multifaceted nature of human experiences is acknowledged, steering clear of oversimplification and allowing for the exploration of diverse viewpoints. Purposeful sampling, a method widely employed in qualitative research, involves the deliberate selection of participants based on specific criteria relevant to the research question (Palinkas et.al., 2015). In this research, criterion sampling, a type of purposeful sampling, is employed to carefully select cases that offer valuable insights into the phenomenon of freelance work. By choosing participants based on their relevance to the research focus, this method ensures that the lived experiences of freelance artists within the South African Cultural Creative Economy are thoroughly explored and understood.

Scholars such as Palinkas et.al. (2015) advocate for purposeful sampling in qualitative research, emphasizing its efficacy in identifying cases relevant to the phenomenon under investigation. This strategic approach allows for a deeper exploration of the research aim and objective by focusing on participants whose experiences are closely aligned with the central inquiry. Moreover, purposeful sampling complements the interpretive nature of qualitative exploration, echoing the sentiments of scholars such as Gilbert (2001) regarding the importance of uncovering perspectives through the eyes of those directly involved. By selecting participants based on this specific criteria, the research captures a breadth of experiences that collectively contribute to a nuanced understanding of freelance artistry in South Africa. This aligns with the overarching goal of the research, which is to illuminate the legislative and policy frameworks that influence the legitimacy, compliance, and economic inclusion of freelance artists within the ever-evolving cultural landscape.

Purposeful sampling assists in the literature review and the analysis of text-based data by providing a targeted approach to selecting relevant sources and identifying key themes. In the literature review phase, purposeful sampling allows focus-driven on texts that directly relate to the research question and objectives. This strategy enables researchers to triangulate findings from different sources and perspectives, enhancing the credibility and validity of the analysis.

By selecting a diverse range of texts that offer varying viewpoints and insights, researchers can build a comprehensive understanding of the research topic and identify areas of convergence or divergence among different sources. Another important aspect is that purposeful sampling facilitates the identification of key themes and concepts within the analysed literature. During the analysis of text-based data, purposeful sampling will be used to select passages, quotes, or excerpts that best represent the identified themes. This targeted approach ensures that the analysed data accurately reflects the nuances and complexities of the research topic, allowing for a more in-depth exploration of legislative influences, policy implications, and the lived experiences of freelance artists

In comparison to random sampling or other quantitative methods, purposeful sampling offers advantages in capturing the intricate details of individuals' experiences. This qualitative approach is well-suited to explore the multifaceted challenges and opportunities faced by freelance artists, aligning with the research's qualitative nature. This method assists in filling knowledge gaps by providing a nuanced exploration of freelance artists' experiences, an area that has been underrepresented in existing literature. By selecting cases based on specific criteria relevant to the research question, purposeful sampling allows for a targeted examination of legislative and policy influences on legitimacy, compliance, and economic inclusion, contributing valuable insights to the existing body of knowledge.

The strategic use of purposeful sampling aligns with the qualitative nature of the research, ensuring depth, relevance, and richness in the exploration of freelance artists' lived experiences. This methodological choice enhances the research's capacity to answer the central question effectively and contributes to bridging knowledge gaps within the field, ultimately informing future research and policy initiatives. It further serves as a foundational methodological approach in this research, allowing for the targeted selection of participants whose experiences are integral to the research inquiry. By leveraging criterion sampling and unstructured interviews, the research aims to navigate the lived experiences of freelance artists, uncovering diverse perspectives and enriching our understanding of the challenges and opportunities within the South African Cultural Creative Economy. Through this methodological lens, the research endeavours to contribute valuable insights to the discourse surrounding the legitimacy and economic inclusion of freelance artists, ultimately paving the way for informed policy interventions and support mechanisms tailored to their needs. This methodology will help bridge the existing knowledge gaps by providing a comprehensive exploration of the lived

experiences of freelance artists and their interactions with legislative and policy frameworks, thereby informing future research and policy initiatives in this domain.

2.4 Data Analysis: Encoding Meaning to Freelance Profession.

The qualitative analysis of interview and text-based data in this research begins with reviewing transcripts from conducted interviews, employing an analytical approach to interpret the collected data. This approach aims to uncover patterns, themes, and connections within the data, crucial for understanding the experiences of freelance artists in the South African Cultural Creative Industries. The data analysis unfolds in two main stages: a preliminary analysis and a final analysis, each fulfilling distinct roles in uncovering insights from the data. Furthermore, the study investigates existing South African literature, legislation, policies, and theories to provide context and address the research inquiries regarding the impact of laws and policies on the legitimacy, compliance, and economic integration of freelance artists. Additionally, alternative models for their support and facilitation are explored within this framework. Palys and Atchison (2014) provide comprehensive insights into both deductive and inductive coding methodologies, elucidating the processes involved in each approach. Their scholarly contributions propels the importance of systematic coding procedures in qualitative research, highlighting the nuanced strategies employed by researchers to derive meaning from complex datasets. Coding serves as a fundamental process in qualitative research, it can be approached through two main methodologies: deductive and inductive coding, each offering unique insights into the data analysis, allowing researchers to organize and interpret data effectively.

Inductive coding involves an exploratory and emergent approach to data analysis. Instead of starting with pre-existing frameworks, researchers begin with an open mind, allowing themes and patterns to emerge organically from the data itself. This iterative process involves multiple analyses of the transcripts, wherein commonalities across categories or themes begin to surface (Palys and Atchison, 2014). This process, often referred to as open coding, entails reading through transcripts and identifying general themes and ideas that surface naturally during the data analysis process. As the researcher delves deeper into the data, two pathways may unfold. Firstly, the researcher may elaborate on a category by making finer and more nuanced distinctions within it. Alternatively, the researcher may start with a specific descriptive

category that undergoes further refinement or collapses into another category based on the emerging patterns within the data (Palys and Atchison, 2014).

In contrast to inductive coding, deductive coding, as outlined by Palys and Atchison (2014), is characterized by its structured and predetermined nature, wherein researchers apply pre-existing frameworks or theoretical concepts to guide the coding process. This approach is commonly employed when researchers have specific hypothesis or research questions that inform their analysis. The deductive coding process begins with the identification of relevant passages, quotes, or scenes based on these predefined criteria, leading to the development of preliminary codes, often referred to as descriptive coding (Palys and Atchison, 2014). These initial codes serve as the foundation upon which the researcher builds, refining and elaborating them to make finer distinctions within each coding category, a process known as interpretative coding. Additionally, pattern coding may be employed to identify associations or patterns within the data, providing deeper insights into the phenomenon under investigation (Palys and Atchison, 2014). Researchers refine and elaborate on these preliminary codes through interpretative coding, wherein finer distinctions and nuances within each coding category are identified and delineated. By recognizing these patterns, the researcher gains a nuanced understanding of the complexities surrounding the behaviours observed (Palys and Atchison, 2014).

While inductive and deductive coding represent distinct approaches to data analysis, The research integrates elements of both methodologies to maximize the richness and depth of the data analysis. By combining deductive frameworks with inductive exploration, the research can leverage the strengths of each approach to gain a comprehensive understanding of the data. This integrative approach allows for flexibility in adapting to the evolving complexities and nuances inherent in qualitative research contexts. Coding aids in data management and reduction, assisting researchers in identifying themes across interview data and facilitating pattern recognition (Palys and Atchison, 2014).

The preliminary analysis entails reviewing interview transcripts, highlighting key quotes, and identifying emerging patterns and themes through open coding (Strauss and Corbin, 1990). In this preliminary stage, the foundation is set for the subsequent final analysis, which entails a more thorough exploration of the data, concentrating on the recognized themes and patterns. Various analytical methods, including content analysis and thematic analysis, are utilized to

extract significant insights from the data (Krippendorff, 2013; Braun and Clarke, 2006). Additionally, document analysis of relevant policies and legislation complements the interview data, enriching the understanding of the research context. Reflexivity is underscored throughout the data analysis process to enhance the credibility, trustworthiness, and dependability of the findings (Lincoln and Guba, 1985), thereby contributing to addressing existing knowledge gaps in the field. Consistency and impartiality is maintained in data analysis, with the researchers bias acknowledged and addressed during interpretation. Proper citation of all sources enhances the research's credibility and rigor, facilitating transparency and reproducibility of the study findings.

The analytical approach enables a thorough examination of the collected data, revealing valuable insights into the experiences of freelance artists within the South African Cultural Creative Economy. Through reflexivity and transparency in the data analysis process, the research aims to produce findings that are credible, trustworthy, and dependable, thereby enriching the scholarly discourse on the subject. This thorough approach not only adds depth to the study but also ensures the reliability and validity of the findings, making a meaningful contribution to the field of cultural policy and management. In essence, coding in this research serves as a powerful tool for organizing, analysing, and interpreting the qualitative data collected. By employing a combination of deductive and inductive coding approaches, the study aims to capture the richness and complexity of freelance artists' experiences, shedding light on the impact of legislation, policies, and alternative models on their economic inclusion and legitimacy. Integrating established methodologies and scholarly perspectives, the research can enhance the rigor and validity challenges and opportunities faced by freelance artists in south, therefore contributing valuable knowledge to the industry and legislative framework.

2.5 Ethical Consideration.

The presence of informed consent is fundamental in any research involving human participants. As William (2003) notes, informed consent encompasses a variety of procedures that must be followed when conducting research with human subjects. Informed consent entails the researcher's obligation to fully inform every participant before their involvement in the research. This includes detailing the research's purpose, objectives, methodologies for analysis, potential risks, anticipated benefits, and the expected level of participation from the respondent.

The Tuskegee syphilis research (1932 - 1972) stands as a glaring example of unethical research practices, where human participants were subjected to untreated cases of latent syphilis to observe the "natural course" of the disease (Creswell, 1998). It serves as a stark reminder of the importance of adhering to ethical standards in research involving human subjects. Additionally, research involving African participants should acknowledge the vast and diverse range of human experiences, recognizing that no single paradigm or perspective can adequately capture this complexity (Tangwa, 2017). This acknowledgment is crucial due to the multitude of contributing factors that shape individual experiences.

Throughout history, studies across various fields, particularly in the sciences and medicine, have come under scrutiny for ethical lapses in research methodologies and practices. These lapses have resulted in significant risks, harm, and unethical treatment of participants. The Tuskegee study raised significant concerns as none of the participants provided informed consent to participate, nor were they adequately informed about the risks and benefits involved. Participants in the Tuskegee study were not informed about the details of the research; rather, they were deceived about its nature, as noted by Creswell (1998). Informed consent is an ongoing process throughout the research, ensuring that participation is voluntary, and participants have the right to withdraw at any time (William, 2003). Consent forms are used to inform participants about confidentiality measures, such as altering identifying information like occupation, city, and ethnicity.

Participation in this research is entirely voluntary, and to ensure confidentiality, all participants' identities are protected through the use of pseudonyms or anonymous identifiers. According to Kaiser (2009), confidentiality ensures that participants' identities remain anonymous, and any identifiable information shared during interviews or other research activities will not be disclosed without their explicit consent. The Protection of Personal Information Act (POPIA) of 2013 in South Africa mandates researchers to maintain confidentiality throughout the research process, from data collection to reporting findings. Confidentiality is rooted in respecting participants' autonomy and is closely related to the concept of anonymity, although it addresses additional issues beyond anonymity. Achieving anonymity can be challenging, particularly when working with a large focus group or individuals who are well-known in a specific industry. Confidentiality ensures that participants' identifiable information shared during interviews or any research stage remains undisclosed without their explicit consent.

(Kaiser, 2009). However, researchers are not obligated to report intentions to commit a crime discovered during interviews or surveys with participants (Petrova; Dewing and Camilleri, 2016). Exceptions to this rule may arise in cases involving physical or sexual assault of a minor, where researchers may be required to break confidentiality to prevent harm.

The research has limitations and delimitations that define its scope and potential constraints. Time presents a notable limitation, as the submission timeline for the final research paper may not align seamlessly with the availability of participants for interviews. This time constraint is acknowledged, forming a deliberate delimitation to ensure practicality in the research process. Geographically, the study is confined to South African freelance artists, introducing a limitation in terms of generalizability to a broader international context. However, this geographical focus is a conscious delimitation aimed at exploring the unique challenges faced by freelance artists within the South African Cultural Creative Economy. Population-wise, the small sample size of 12 freelance artists may limit the representativeness of the broader freelancing population. Yet, this specific population focus is a strategic delimitation, chosen to gain in-depth insights into the experiences of freelancers. The primary method of data collection, personal interviews, poses a potential limitation due to the introduction of bias and reactivity. However, this is addressed through a deliberate delimitation – the use of an unstructured interview approach and reflexive analysis – to enhance the validity of the findings. These limitations and delimitations serve to establish the boundaries and context of the research, contributing to understanding the experiences of freelance artists in the South African Cultural Creative Economy and the potential for further research in this field.

2.6 Concluding Remarks.

The chosen research methodology and design align seamlessly with the research topic, aiming to explore the legitimacy and illegitimacy of freelance artists in South Africa concerning governmental legislation and policies influencing their economic inclusion. Grounded in a qualitative approach, employing personal interviews and document analysis, the research methodology provides a robust framework for delving into the intricate challenges faced by freelance artists and the impact of legislative frameworks on their professional status. This methodology, as advocated by Streubert and Carpenter (1995), enables a nuanced exploration of lived experiences and perspectives. By prioritizing depth over breadth, qualitative research,

guided by principles outlined by Creswell (1998), captures the multifaceted nature of economic inclusion and legitimacy in the Cultural Creative Economy. Purposeful sampling and criterion sampling, based on Palinkas et al., (2015) methodology, ensure a comprehensive understanding of the lived experiences of freelance artists in the South African context.

Personal interviews serve as the cornerstone of data collection, aiming to interpret the individual experiences of freelance artists, aligning with the qualitative approach's emphasis on understanding rather than predicting. This methodological choice, supported by Gilbert (2001) and Kothari (2004), seeks to uncover and highlight viewpoints through systematic questioning, providing a structured yet flexible means to explore the central research question. The analytical approach, coupled with reflexivity and transparency, enhances the credibility and dependability of findings, contributing to the scholarly discourse on cultural policy and management. Integration of coding, drawing on both deductive and inductive approaches, is a powerful tool for organizing and interpreting the qualitative data, aiming to capture the richness and complexity of freelance artists' experiences. By addressing limitations and delimitations, including time constraints and a confined geographical focus, this research methodology establishes boundaries and context, contributing valuable insights into the experiences of 12 South African freelance artists and paving the way for further research in this field.

Chapter 3 – The Law, Compliance and Legitimacy of Freelance Artists - A Conceptual Framework

3.1 Introduction: : Defining Terms and Concepts Used to Read Freelance Work in South Africa's Cultural Creative Industries.

This chapter delves into defining terms and conceptual framework that underpins the (il)legitimacy of freelance artists in South Africa Inspired by Kanbur's (2009) conceptual categories and Bokova and Clark's (2013) proposal on the three layers of the creative economy, the research navigates the intricate relationship between government policies, legislative frameworks, and the economic inclusion or exclusion of freelance artists. A key theme is the exploration of formality and informality, drawing insights from Varley's (2017) perspective on how informality is resistance. The conceptual framework aims to provide a comprehensive overview of the challenges faced by freelance artists, emphasizing the potential consequences of inadequate legislative enforcement and alternative models in legitimization, integration, and inclusion. Through an examination of categorizations such as 'producer,' 'audience,' and 'consumer,' this chapter seeks to shed light on the definition of terms and the evolving dynamics in the context of new media and the Cultural Creative Industries in South Africa.

Kanbur's (2009) four conceptual categories, namely (A) regulation applicable and compliant, (B) regulation applicable and non-compliant, (C) regulation non-applicable after adjustment of activity, and (D) regulation non-applicable to the activity, serve as a guiding framework for analysing the regulatory environment impacting freelance artists. These categories offer a structured method for comprehending how legislation influences the economic inclusion of freelance artists in the creative industry. The exploration of these categories aims to uncover the nuances in how regulations either support or hinder the legitimization and economic participation of freelance artists, offering insights into potential areas of improvement in the regulatory landscape.

The theme of formality and informality is explored within the context of freelance artists, questioning established categorizations and understanding informality as a strategic response. Varley's (2017) perspective on informality as resistance challenges conventional notions of informality as unplanned or spontaneous. By considering informality as a form of resistance,

the research aims to unravel the complexities surrounding the perception of freelance artists and their activities. This perspective is crucial for framing alternative models that acknowledge and leverage the strategic choices made by freelance artists in navigating the regulatory environment.

Expanding upon Bokova and Clark's (2013) concept of the three layers comprising the creative economy, which examines the involvement of freelance artists within the broader framework of creative industries. These layers consist of small independent producers, quasi-independent subsidiaries catering to larger firms, and large companies commonly found in film, publishing, and broadcasting. This framework offers a contextual insight into the varied landscape within which freelance artists function. By examining these layers, the research aims to highlight the unique challenges and opportunities faced by freelance artists, offering insights into how legislative policies impact different segments within the Cultural Creative Industries.

Drawing on the insights of scholars like Varley (2017), Power and Scott (2012), and Smith (2015), we uncover how lax enforcement reinforces informal practices, eroding the legitimacy of freelance artists and leaving them vulnerable to exploitation. Furthermore we explore the advocacy for alternative models, as proposed Kanbur to complement legislative efforts. These models empower artists to navigate regulatory challenges strategically and adapt to the dynamic nature of freelance work. Through proactive measures, this can prevent market saturation and ensure the economic viability of freelance artists without compromising the integrity of their work. There needs to be an urgency and need for robust enforcement of legislative policies and the integration of alternative models to support the economic well-being and professional standing of freelance artists in South Africa's Cultural Creative Industries.

This entire chapter sets the stage for a comprehensive exploration and the definition of terms in the regulatory and conceptual landscape surrounding freelance artists. Drawing on the conceptual framework and insights from scholars, the research aims to uncover the intricate dynamics that influence the legitimacy, compliance, and economic inclusion of freelance artists within the Cultural Creative Industries. This systematic approach will effectively start to tease out and problematize the landscape in which freelance artists have to navigate. As a result the research aims and objective will be definitive in starting to answer the research questions.

3.2 Legitimacy and Economic Through The Lens of R. Kanbur's Conceptual Categories.

Kanbur's (2009) four conceptual categories provide an alternative and systematic framework for analysing current legislative policies regarding the legitimacy and compliance of freelance employment in South Africa's Cultural Creative Industries. This approach offers a comprehensive perspective that aligns with relevant enforcement measures or models. It serves as a framework to delve deeper into the literature, addressing the research question, fulfilling the research aims, and bridging existing knowledge gaps. Kanbur's argument is reinforced by his assertion that categories A, B, C, and D possess unique economic characteristics relative to the regulations being examined (Kanbur, 2009). This viewpoint gains additional support from Canclini (2019), who warns that without pertinent legislative and policy interventions, the profession could face challenges in its sustainability.

Kanbur's conceptual categories—(A) regulation applicable and compliant, (B) regulation applicable and non-compliant, (C) regulation non-applicable after adjustment of activity, and (D) regulation non-applicable to the activity—offer a systematic framework for assessing legislative policies (Kanbur, 2009). This approach recognizes the complex landscape of freelance employment, highlighting the importance of policies that accommodate freelance artists while ensuring compliance without impeding their creative freedom.

Table 2: R. Kanbur's Conceptual Categories:

Conceptual Categories	Description
Regulation applicable and compliant (Category A)	This category denotes regulations that are relevant to the activity, and the individuals or entities involved adhere to these regulations.
Regulation applicable and non-compliant (Category B)	This category pertains to regulations that are applicable to the activity, yet the individuals or entities involved fail to comply with them.
Regulation non-applicable after adjustment of activity (Category C)	This category pertains to regulations that were initially not relevant to the activity, but following adjustments, they become applicable.
Regulation non-applicable to the activity (Category D)	This category pertains to regulations that are not applicable to the activity and are not enforced.

These conceptual framework categories delineate different ways government institutions and individuals who are freelance artists in the Cultural Creative Industries should respond to

regulations. (A) Stay within the ambit of the regulation and comply: This category involves abiding by regulations as they are prescribed. Entities within this category operate within the legal boundaries set by regulations and adhere to them accordingly. (B) Stay within the ambit of the regulation but not comply: In this category, individuals or entities remain within the scope of regulations but fail to adhere to them. They may intentionally or unintentionally violate regulations despite being aware of their existence. (C) Adjust activity to move out of the ambit of the regulation: Here, individuals or entities modify their operations or behaviours to evade the reach of regulations. This could involve restructuring activities to fall outside the regulatory framework or finding loopholes to avoid compliance. (D) Outside the ambit of the regulation in the first place, so no need to adjust: Entities falling into this category operate beyond the scope of regulations, either because the regulations do not apply to them or because they were not subject to regulations from the outset. Consequently, they face no necessity to alter their activities to comply with regulatory requirements.

In exploring Category A, which encompasses regulations that are both applicable and compliant, the research aims to identify policies that effectively contribute to the legitimacy and compliance of freelance artists. This category represents a symbiotic relationship between legislative frameworks and freelance practices, fostering an environment where freelance artists can operate within legal boundaries without compromising their creative autonomy. Scholars like Canclini (2019) argue that regulations falling under Category A are essential for the sustainability and growth of freelance professions, preventing exploitative practices while providing a supportive framework for economic inclusion. Smith (2015) argues that such discrepancies often arise due to a disconnect between policy formulation and implementation, leading to gaps in enforcement and oversight. Smith's critique underscores the importance of ensuring that legislative policies are not only relevant but also responsive to the evolving needs and challenges encountered by freelance artists in the Cultural Creative Industries .

Conversely, Category B—regulation applicable and non-compliant—brings attention to potential discrepancies between legislative policies and the practicalities of freelance work. By delving into this category, the research aims to pinpoint areas where regulations may inadvertently hinder compliance or fail to resonate with the nuanced nature of freelance employment. Power and Scott (2012) contends that such misalignments can lead to a regulatory environment that stifles creativity and inhibits the potential for freelance artists to contribute meaningfully to the Cultural Creative Industries.

Moving to Category C—regulation non-applicable after adjustment of activity—the research addresses scenarios where regulations may require adaptation to suit the unique characteristics of freelance work. This category recognizes that a one-size-fits-all approach may not be suitable for freelance artists engaged in diverse practices within the cultural and creative domains. By identifying policies that can be adjusted to better accommodate freelance activities, the research contributes to a more adaptive and responsive regulatory framework. Thompson (2018) also highlights the rapid pace of change within the creative economy, emphasizing the need for regulatory frameworks that are agile and adaptable. Thompson's perspective underscores the imperative of continuously revisiting and revising legislative policies to ensure their relevance and efficacy in a rapidly evolving landscape.

Category D—regulation non-applicable to the activity—raises questions about the relevance of certain regulations to freelance work. This category recognizes that some legislative policies may not align with the nature of freelance employment, potentially leading to unnecessary constraints. Scholars like Ferguson (2019) argue that an exploration of Category D is vital for streamlining regulations, ensuring they are tailored to address the specific needs and challenges faced by freelance artists. Brown (2019) argues that conventional employment frameworks often overlook the fluidity and autonomy inherent in freelance arrangements, leading to regulatory frameworks that are ill-suited to the needs of freelance artists. Brown's critique emphasizes the importance of crafting policies that are tailored to the specific realities and challenges faced by freelance artists within the Cultural Creative Industries .

Category A is termed "formal," while the rest (B, C, and D) fall under the umbrella of "informal." Notably, category B is considered the most explicitly "illegal" within this framework. The Nuances within the Informal, Kanbur contends that labelling all three categories (B, C, and D) as "informal" oversimplifies the distinctions among them. However, Miller (2010) contends that while compliance may ensure adherence to regulatory standards, it does not guarantee inclusivity or equitable access to opportunities within the Cultural Creative Industries . This perspective challenges the assumption that regulatory compliance alone suffices to safeguard the interests of freelance artists. This argument by Miller, shows the knowledge and literature gap which is insufficient in the South African academia landscape.

This framework by Kanbur, which distinguishes between formal and informal economic activities, serves as a valuable tool for analysing the legitimacy and compliance of freelance

artists within the South African cultural and creative industries. This sub-chapter explores how Kanbur's conceptual categories contribute to framing the conceptual framework of the dissertation, titled (II) Legitimacy of Freelance Artists: Exploring Current Government Legislation and Policies that Influence Economic Exclusion and Inclusion of South African Freelance Artists.

In disaggregation for Policy Analysis Kanbur argues for the importance of disaggregation, asserting that a single label like "informal" obscures more than it reveals. By recognizing the differences in economic features among these categories, policymakers gain a more nuanced understanding of the informal economy. This nuanced understanding is crucial for effective policy analysis and formulation. Applicability to Freelance Artists in South Africa, the research questions of this dissertation aim to unravel the influence of policy and legislative frameworks on the legitimacy and illegitimacy of freelance artists in South Africa.

Kanbur's conceptual framework serves as a crucial instrument for analysing the interplay between regulations and economic outcomes. The research delves into the efficacy of existing policies in fostering economic inclusion and integration of freelance artists within South Africa's Cultural Creative Industries. Kanbur's framework offers a structured approach to evaluating legislative policies, which aligns well with the overall research objective. This framework prompts a thorough examination of the regulatory landscape, focusing on how existing laws impact the functioning of government bodies in attaining their policy objectives. Additionally, the research delves into both implicit and explicit policy approaches within cultural policy, with a particular emphasis on the freelance landscape—an area that has often been overlooked in public policy discourse and advancements. The provisional thesis argument posits that creative industries, especially the freelance profession, are predominantly influenced by implicit cultural policies.

Kanbur's (2009) Framework and other scholars' perspectives such as Canclini's (2019) perspective, emphasizing the need for relevant legislation and policies to ensure the sustainability of the freelance profession. Additionally, it acknowledges alternative views by highlighting the influence of socio-economic factors, institutional arrangements, and cultural norms on regulatory compliance. Chong and Gradstein (2007) argue that "income inequality, in conjunction with institutional quality, is a particularly significant determinant of informality" (Chong and Gradstein, 2007). Kanbur's categories serve as a guide to assess the adequacy of

current legislations for economic inclusion, showcasing the real-world application of the conceptual framework. The evaluation of legislative policies through the lens of Kanbur's conceptual framework provides a comprehensive and systematic approach to identify areas of strength and weakness in the current regulatory landscape. Many freelance artists and other entrepreneurs in the Cultural Creative Industries found themselves adopting the usage of digital platforms or web-based methods as an alternative means to generate money, build their profiles and keep up with their livelihood. Chong and Gradstein further highlight that "the difficulty of establishing commercial relationships with formally registered firms, the difficulty in exercising property rights, and the pecuniary costs of being caught not complying with regulations" (Chong and Gradstein, 2007). It is without a doubt that the pace in adopting digital platforms in these industries had to increase rapidly and opening new opportunities.

This comparative analysis aligns with the research's main question regarding the legislation's direct impact on legitimacy, compliance, and economic inclusion for freelance artists in South Africa's Cultural Creative Industry and Economy. By engaging with critiques and alternative perspectives put forth by scholars such as Miller (2010), Smith (2015), Thompson (2018), and Brown (2019), the research aims to offer a nuanced analysis that advocates for legislative reforms aligned with the diverse needs and challenges encountered by freelance artists. Additionally, it scrutinizes the role of digital platforms in facilitating economic inclusion for freelance artists, highlighting the rapid adoption of digital methods in response to the changing landscape of the cultural-creative industries. This sub-chapter serves as a critical examination of legislative policies, laying the groundwork for informed advocacy and policy interventions aimed at promoting the legitimacy, compliance, and economic inclusion of freelance employment within South Africa's Cultural Creative Industries.

3.3 Varley's Perspective on Informality as Resistance.

To fully comprehend Anna Varley's (2017) proposition regarding informality as resistance, it is essential to engage with the broader discourse on informality within the Cultural Creative Industries. Scholars like Joffe and Mukanga-Majachani's (2023) challenge conventional understandings by asserting that informal practices, when viewed through Varley's lens, emerge not as deviations from normative structures but as deliberate strategies employed by freelance artists to navigate a challenging regulatory landscape. This challenges the traditional

assumption that formal structures inherently lead to legitimacy and success within the creative industries. The policy from the South African Revenue Services (SARS, 2013) uses terms such as "independent trader" or "independent contractor," which are essentially interchangeable. It describes an individual as an independent contractor if the payer has the authority to control or direct only the outcome of the work. Additionally, it equates an independent contractor with terms like 'entrepreneur' or 'employer.' This description implies a preference for cultural entrepreneurship over the characteristics typically associated with freelance artists.

The discourse surrounding informality, particularly within the cultural and creative industries, has undergone a significant transformation in recent years and "Informality should not be associated with the unplanned or spontaneous...." (Varley, 2017:8). This sub-chapter delves into the theme of formality and informality within the specific context of freelance artists, challenging established categorizations and understanding informality as a strategic response and a form of protest rather than a spontaneous occurrence. "Whereas traditional attempts to define the informal sector have focused on the firms' size and their type of technology as well as the workers' occupation" (Chong and Gradstein, 2007). By reconceptualizing informality as a form of resistance, the research aims to untangle the complexities surrounding the perception of freelance artists and their professional activities, thereby laying the groundwork for alternative models that acknowledge and leverage their strategic choices in navigating the regulatory environment. Chong and Gradstein (2007) make a compelling argument that informality and the choice to be part of the informal is calculated on the basis of cost-benefit evolution.

The call to post-colonialize urban studies has prompted an examination of recent work on urban informality in South Africa, highlighting the unique emphasis on informality as resistance and challenges to the formal/informal binary. "Empirical research on artist careers is relatively short-lived" (Woronkiewicz and Noonan, 2019:653). The lack and insufficiency is cause for further investigation in to the perceived informality and formality discourse within the freelance employment landscape. While this perspective offers valuable insights, it also risks perpetuating dualistic interpretations that may reinforce stereotypes rather than disrupt them. Woronkiewicz and Noonan (2019) rightly point out that there are various reasons for one's decision is to participate in "self-employment" work, but predominantly it has to do with the fact that many are artists themselves before they are employees whether "self-employed" or

traditionally employed. Drawing a close relationship between freelance employment "self-employment" and informality being a choice rather than a default position.

Joffe and Mukanga-Majachani's (2023) paper addresses the predominantly atypical nature of Cultural and Creative Work (CCW) in Africa, focusing specifically on live music. Their research, conducted as part of a larger research commissioned by the ILO, sheds light on how informality overlays or impacts CCW in the African context. The conceptual framework they offer emphasizes the triad of atypical work nature, precariousness, and informality within the Cultural Creative Economy (CCE). Their findings underscore the importance of understanding the unique value chain of live music work and engaging more productively with informal actors throughout the value chain. Importantly, their recommendations advocate for greater government support for associations, trade unions, and employer bodies within the live music ecosystem, aiming to integrate the decent work discussion with organized stakeholders.

As the research unfolds, it is imperative to contextualize Varley's perspective within the lived experiences of freelance artists. Qualitative data collection methods, such as interviews, provide valuable insights into how freelance artists perceive and navigate formality and informality in their professional journeys. Varley's lens serves as a tool for deciphering the strategic choices made by freelance artists, thereby informing policy frameworks that accommodate their unique position within the Cultural Creative Industries. Varley's notion of informality as resistance introduces a paradigm shift in conceptualizing the regulatory landscape for freelance artists.

This sub-chapter lays the foundation for a nuanced understanding of the intricate dynamics between formality and informality, aligning with the overarching research questions and aims. It bridges theoretical frameworks with the lived realities of freelance artists, setting the stage for exploring alternative models that empower freelance artists to navigate regulatory challenges effectively. Anna Varley's perspective on informality as resistance challenges established categorizations within the cultural and creative industries. By reframing informality as a deliberate form of resistance, Varley offers a compelling lens through which to understand the regulatory landscape faced by freelance artists. This sub-chapter serves as a critical bridge between theoretical frameworks and lived experiences, paving the way for a comprehensive exploration of alternative models that empower freelance artists to navigate regulatory challenges effectively in South Africa.

3.4 Bokova and Clark's Insights On Freelance Artists.

This section outlines Bokova and Clark's (2013) insightful proposition on the three layers of the creative economy, emphasizing the intricate role of freelance artists within the broader framework of creative industries. The three layers, comprising small independent producers, quasi-independent subsidiaries serving larger firms, and significant companies mainly in film, publishing, and broadcasting, provide a nuanced understanding of the diverse landscape in which freelance artists operate. This exploration further aims to help define frameworks and concepts which will later be used to explore the unique challenges and opportunities faced by freelance artists, providing profound insights into the complex interplay between legislative policies and diverse segments within the Cultural Creative Industries .

Bokova and Clark's model posits a clear structure within the creative economy, yet it is essential to acknowledge alternative perspectives to foster a comprehensive understanding. While Bokova and Clark emphasizes the hierarchical layers, scholars like Cunningham (2002) argue for a more fluid and interconnected view of the creative industries. Cunningham contends that a rigid categorization may oversimplify the dynamics within the sector, particularly in regions marked by diversity and dynamic interactions. In the first layer, characterized by small independent producers, legislative frameworks, according to Bokova and Clark (2013), should support compliance and applicability. However, Hesmondhalgh (2007) critiques the assumption that compliance alone ensures favourable conditions for freelance artists. Hesmondhalgh argues that a more nuanced approach is needed, considering the structural constraints that freelance artists face in accessing resources and opportunities. This highlights the necessity of policies addressing not just compliance but also the broader socio-economic challenges within this layer.

Moving to the second layer involving quasi-independent subsidiaries, the nuances of freelance involvement prompt consideration of alternative viewpoints. Hartley (2005) suggests that legislative policies should recognize the hybrid nature of quasi-independent entities, where freelance artists may navigate both formal and informal structures. This challenges Bokova and Clark's emphasis on clear-cut distinctions and calls for adaptable policies accommodating the diverse operational modes within this layer. The third layer, comprising large companies, is subject to scrutiny by Towse (2010), who questions the assumption that legislative policies predominantly influence freelance artists through these entities. Towse argues for a more direct

approach, focusing on policies tailored to the unique challenges faced by freelance artists in dealing with large corporations. This alternative perspective urges policymakers to consider targeted interventions rather than relying solely on policies aimed at regulating corporate behaviour.

In navigating these layers, legislative frameworks play a pivotal role, shaping the dynamics of freelance artistic engagements. While Bokova and Clark's model provides a structured foundation, incorporating critiques and alternative viewpoints enriches the analysis, ensuring a comprehensive understanding of the legislative impact on diverse segments within the Cultural Creative Industries . Freelance artists become key actors operating within a dynamic environment shaped by legislative frameworks. As the analysis unfolds, the research unravels the intricate tapestry of the creative economy, spotlighting the unique position of freelance artists and the legislative nuances that influence their professional landscapes. This sub-chapter sets the stage for a nuanced exploration of legislative impact within specific layers of the creative economy, aligning with the overarching research questions and aims.

3.5 Understanding Legislative Enforcement.

The examination of legislative enforcement commences by delving into the repercussions stemming from insufficient legislative enforcement. Varley (2017) challenges conventional interpretations of informality, reframing it not as a deficiency in planning but as a strategic mode of resistance. She is further supported by Chong and Gradstein (2007), where they argue that "...we find that income inequality, particularly in conjunction with institutional quality, is a statistically significant and robust determinant of the relative size of the informal sector" (Chong and Gradstein, 2007:167). Within this framework, deficient enforcement inadvertently fortifies informal practices, impeding the economic integration of freelance artists. Power and Scott (2012) also contributes to this viewpoint, suggesting that lenient enforcement may engender a fragmented regulatory milieu, exposing freelancers to exploitative practices and curtailing their ability to negotiate equitable terms. Moreover, the dearth of effective enforcement may normalize non-compliance, eroding the perceived legitimacy of freelance artists within the Cultural Creative Industries. Smith (2017) posits that a lax regulatory climate could cultivate a culture of non-compliance, perpetuating a cycle that hinders the professional advancement and recognition of freelance artists. Hence, inadequate enforcement not only

imperils individual freelance practitioners but also undermines the credibility and integrity of the entire sector.

In the culmination of this research exploration, the potential ramifications arising from insufficient legislative enforcement and the absence of alternative models are underscored by Chong and Gradstein in arguing that "costs of entering the formal sector, such as fees, taxes, time regulations, and administrative procedures, benefits should be higher than those costs in order for informal sector entrepreneurs to be willing to change their legal status" (Chong and Gradstein, 2007:167). This illuminates the pressing need for robust enforcement of legislative policies and the adoption of alternative models to mitigate adverse outcomes and safeguard the economic well-being and professional stature of freelance artists in South Africa.

Simultaneously, the research delves into the discourse surrounding alternative models. While effective legislative enforcement is paramount, complementing it with alternative models is equally imperative. Kanbur's (2009) conceptual framework lays the groundwork for comprehending regulatory classifications, yet alternative models proffer proactive approaches to tackle the multifaceted challenges confronted by freelance artists. Hracs, Seman and Virani (2016) advocates for flexible and adaptable alternative models, capable of accommodating the dynamic nature of freelance work. This aligns with the research's emphasis on acknowledging the diversity within the Cultural Creative Industries and crafting models that resonate with the diverse practices of freelance artists. Varley's (2013) emphasis on informality as a form of resistance becomes pertinent here, suggesting that alternative models should empower freelance artists to strategically navigate regulatory hurdles.

To fully appreciate the urgency of effective legislative policies and alternative models, the research elucidates the potential consequences of inaction. According to Oyekunle and Sirayi (2018), a thorough comprehension of the creative economy's framework is essential, encompassing its diverse participants and their interactions with other entities. Additionally, there is a need for effective methodologies to examine the operational dynamics of the creative economy and gauge its impact on economic, social, and cultural spheres. Lastly, comprehensive data sets are imperative to establish a structured foundation for assessing the creative sector's contribution to output, employment, trade, and overall economic advancement.

Market oversaturation, a significant peril sans strategic interventions, may precipitate heightened competition, thereby diminishing the economic viability of freelance artists. Canclini (2019) stresses that proactive measures are imperative to forestall oversaturation, ensuring that freelance artists can flourish economically without compromising the integrity of their craft. The principal arguments articulated throughout the conceptual framework underscore the critical importance of exploring the consequences of inadequate legislative enforcement and advocating for the integration of alternative models. By elucidating the challenges and opportunities within South Africa's Cultural Creative Industries, the research furnishes a comprehensive understanding, enriched by diverse scholarly perspectives, of legislative policies and alternative models vis-a-vis freelance employment.

3.6 Navigating Complexity for Holistic Insights.

This conceptual framework unveils, meticulously weaving together diverse scholarly perspectives, legislative insights, and alternative models to offer a comprehensive understanding of concepts and frameworks surrounding freelance artists within the Cultural Creative Industries. Essentially it navigates the complexities inherent in the multifaceted world of freelance employment, engaging with the work of various scholars and policymakers to shed light on the challenges and opportunities that define this unique sector. At its core, the chapter answers the two overarching research questions: How does the policy and legislative framework influence the legitimacy and illegitimacy of Freelance artists in South Africa? Sub-questions towards answering the main include understanding, what are the prevailing legislative and policy measures directly influencing the legitimacy, compliance, and economic inclusion of freelance artists within the South African Cultural Industry and Economy? How can alternative models be integrated with existing ones to enhance and facilitate the legitimization, integration, and economic inclusion of freelance artists within the formal economy? Through a nuanced exploration of conceptual categories, layers of the creative economy, and the theme of formality and informality, the chapter provides insights essential for navigating the intricate landscape of freelance employment.

The foundational work of Kanbur (2009) provides a structured approach, categorizing legislative policies into four distinct conceptual categories. This categorization becomes a vital tool in systematically evaluating the impact of current regulations on the legitimacy, compliance, and economic inclusion of freelance artists in the analysis and findings chapters.

The application of these categories allows for a nuanced understanding of the regulatory landscape, enabling a comprehensive analysis aligned with the research aims. Varley's (2017) perspective challenges conventional notions of informality, portraying it as a strategic response rather than an unplanned occurrence. This nuance becomes integral to the exploration of the theme of formality and informality within freelance artists' activities. These insights, coupled with the critical examination of legislative policies through Kanbur's conceptual framework, offer a well-rounded view of the regulatory challenges faced by freelance artists. By incorporating Bokova and Clark's (2013) three layers of the creative economy, the conceptual framework extends its scope to situate freelance artists within the broader context of Cultural Creative Industries . This expansion offers insights into the diverse roles played by freelance artists, from small independent producers to quasi-independent subsidiaries serving larger firms. The layers conceptually enrich the exploration, aligning with the research's endeavour to unravel the intricacies of freelance employment and its interaction with legislative policies.

Canclini (2019) emphasizes the urgency of addressing inadequacies in legislative enforcement and introducing alternative models to mitigate risks associated with inaction. The chapter's contributions extend beyond addressing specific inquiries; it serves as the bedrock upon which subsequent knowledge gaps, analyses, and recommendations will be constructed in the future. By exploring the impact of legislative policies on freelance employment, guided by Kanbur's (2009) conceptual categories, it establishes the foundation for understanding areas where policies may fall short. Scrutinizing compliance, or lack thereof, and its consequences provides a clear roadmap for future legislative considerations. Additionally, the inclusion of alternative models advocates for flexibility and adaptability in regulatory frameworks, offering a proactive stance.

This chapter serves not only as a theoretical exploration but also as a practical guidepost, navigating the complexities of legislative landscapes and offering tangible insights that propel research forward towards meaningful contributions to the discourse surrounding freelance employment in South Africa's Cultural Creative Industries. According to Oyekunle and Sirayi (2018), a thorough comprehension of the creative economy's framework is essential, encompassing its diverse participants and their interactions with other entities. Additionally, effective methodologies are needed to examine the operational dynamics of the creative economy and gauge its impact on economic, social, and cultural spheres. Lastly,

comprehensive data sets are imperative to establish a structured foundation for assessing the creative sector's contribution to output, employment, trade, and overall economic advancement

Chapter 4 – Literature Review – Building New Perspective on a Solid Foundation.

4.1 Introduction – Perspectives on Challenges and Possibilities for Freelance Artists in South Africa.

This comprehensive literature review delves into the foundational theories and perspectives of prominent scholars, including Ferguson (2019), De Koker and Jentzsc (2013), Lappin and Kretschmer (2005), Radcliffe (2016), Neil (2010) and Misztal (2000). These scholars contribute significantly in defining, describing and managing the challenge of legislating and policymaking favourably for the legitimization, economic inclusion, and integration of freelance artists into economic participation. While the research primarily centres on South Africa, a global perspective is adopted to encompass developments, perspectives, and advancements, ensuring a comprehensive understanding of the research question and enabling pertinent recommendations. This literature review assesses the essential and pertinent literature related to the research question, laying the groundwork for the subsequent fieldwork.

The literature underscores the formidable challenges confronting freelance artists in accessing formal economic services, drawing insights from De Koker and Jentzsc (2013) and others. These challenges, including affordability, inappropriate product design, and stringent eligibility criteria (De Koker and Jentzsc, 2013), significantly contributing to the marginalization of freelance artists. Ferguson's (2019) perspective on freelance artists not forming an employer-employee relationship and being distinct from Cultural Entrepreneurs adds depth to the discussion. In contrast to a Cultural Entrepreneur, who is defined as someone who organizes, manages, and assumes the risks of a business or enterprise... Entrepreneur + Capital = Products + Customers = Business, the discussions by Florida (2003) and Tepper (2018) shed light on the economic challenges inherent in the freelance industry.

Huhn, Bourdieu and Johnson's concept of "cultural intermediaries" further elucidates the complexities of economic inclusion, emphasizing the reliance on intermediaries within the industry (Huhn, Bourdieu and Johnson, 1993). There's a pressing need to address the systemic barriers hindering the economic empowerment of freelance artists in South Africa. By synthesizing contributions from various scholars and contextualizing them within the South African legislative and economic landscape, the research provides valuable insights into

fostering inclusive economic growth and promoting the professional development of freelance artists.

Perry et al. (2007) argue that freelance artists encounter challenges akin to those of unprotected workers, including excessive regulation, low productivity, unfair competition, evasion of the rule of law, underpayment or non-payment of taxes, and working "underground" or in the shadows. The low valuation of government-provided services compared with their implicit or explicit costs to workers, then a choice to be unprotected may point to a dysfunctional and inefficient social protection system (Perry et al., 2007). In contrast, formal financial services tend to exhibit greater transparency at the service provider and government agency levels, yet may be less transparent at the community and customer levels. When scrutinizing South African law, particularly the independent contractor contract, through Ferguson's perspective, it underscores the necessity for further advancements. Perspectives from scholars like Miształ (2000) on the informal survivalist sector and productive informal sector provide a broader understanding of the role of freelance artists in Cultural Creative Industries.

The core aim of this research accentuates the imperative for alternative models that foster economic inclusion for freelance artists, with insights from Lappin and Kretschmer, Radcliffe, and others. Lappin and Kretschmer (2005) and Radcliffe (2016) advocate for the use of digital platforms as an integrative intervention, providing disintermediated distribution channels. Ferguson's (2019) distinction between freelance artists and cultural entrepreneurs guides the discourse on the transformative potential of digital platforms. Emphasizing the risk of market saturation and enduring negative outcomes, this section argues for the urgency of enforcing effective legislative policies and introducing alternative models that facilitate the legitimization, integration, and inclusion of freelance artists in the formal economy. Additionally, insights from De Koker and Jentzsc (2013), provide a broader context, highlighting the risks and benefits of financial inclusion and its impact on financial integrity.

There are inspirations which we can draw from international governments, through the interplay between legislative policy engagement, digital integration, and the socio-economic status of freelance artists. Ferguson's (2019) advocacy for targeted legislative interventions to support professionalization takes centre stage. In a case study of the Republic of Croatia, Neil (2010) advocates for targeted legislative interventions to empower freelance artists and support their professionalization. This underscores the importance of staying informed about dynamic

changes in laws and policies that may affect the profession. Additionally, the decreasing percentage of adults exclusively relying on informal finance in countries like Nigeria, South Africa, and Tanzania underscores the need for further development within each country (De Koker and Jentzsc, 2013).

4.2 What the (F) in Freelance is happening?

The landscape of freelancing in South Africa is multifaceted, with certain sectors being more organized and regulated than others. Professions like medicine, engineering, and architecture have implemented regulations to support individuals opting for freelance employment. These regulations provide a framework to protect freelancers and ensure adherence to industry standards and practices. The lack of adequate literature addressing economic inclusion for freelance artists in the Cultural Creative Industries contributes to the precarious economic participation of these individuals in South Africa. Current literature tends to emphasize the concept of Cultural Entrepreneurship when discussing freelance careers, often blurring the distinction between the two terms. In her paper "Creating a Freelance Career" from 2019, Jill Ferguson delineates the distinction between a freelance artist and a cultural entrepreneur. She suggests that a freelance artist operates independently, without affiliations or authorization from organizations, and pursues their profession without a long-term commitment to any single employer.

Ferguson (2019) asserts that individuals like doctors, dentists, veterinarians, lawyers, or accountants, engaged in an independent trade, business, or profession where they offer services to the public, are commonly referred to as independent contractors. This classification is facilitated by the presence of regulatory bodies, professional associations, licensing examinations, and other formal assessment mechanisms that contribute to the formalization and legitimization of their practice. However, the determination of whether these individuals are considered independent contractors or employees is contingent upon the specific circumstances of each case, thereby distinguishing them from freelance artists.

According to a publication by the South African Revenue Service (SARS, 2012), The independent contractor contract in South African law is traditionally referred to as a contract of *locatio-conductio operis*, which was used in Roman labour law to include three types of

transactions, namely the letting and hiring of things, services, and work. The contract of service is a bilateral and consensual agreement between two parties, typically agreeing to the services to be rendered and the remuneration to be paid, with a focus on effort and personal service rather than a specific result to be achieved (SARS, 2012). According to Chong and Gradstein (2007), the decision to enter the informal sector is based on ongoing cost-benefit evaluations made by both firms and employees. These evaluations are subject to continuous revision and are influenced by changes in institutions, regulations, the level of economic activity, and individual preferences.

Another publication by Mzangwa (2015) "Legislation and employment relations in South Africa: A narrative overview of workplace dispute", suggests that the contract of service is defined as a contract for the performance of personal service, which requires the employee to place his or her person and skill at the disposal and under the control of the employer (Mzangwa, 2015). The independent contractor contract, on the other hand, is a contract for services where the contractor is not under the control of the employer and is free to provide services to other clients. Chong and Gradstein (2007), further highlight that alterations in non-wage expenses, tax and labour regulations, workers' preferences and attributes, as well as fluctuations in workers' and firms' productivity, can alter the attractiveness of remaining within or transitioning to the formal sector. It is important to note that the distinction between an independent contractor and an employee is crucial in determining the rights and obligations of each party. The employer has a greater degree of control over an employee, whereas an independent contractor has more freedom and autonomy in providing services.

The pervasive "starving artist" stereotype, as discussed by Florida and Tepper, contributes to the economic challenges faced by freelance artists, perpetuating exploitation and unfair remuneration practices (Florida, 2003; Tepper, 2018). Additionally, theories like the "cultural intermediaries" concept proposed by Huhn, Bourdieu and Johnson underscore the reliance on intermediaries to navigate the industry, further complicating economic inclusion for freelance artists (Huhn, Bourdieu and Johnson, 1993). Despite the global trend towards freelancing driven by millennials seeking flexibility, South African freelance artists still grapple with cultural legislative challenges exacerbated by digital advancements. The rapid transformation of the digital landscape poses new threats, diverting potential economic earnings away from the Cultural Creative Industries (De Koker and Jentzsc, 2013). While freelancing presents

opportunities for economic empowerment, the lack of government intervention hinders economic inclusion and integration of these freelance professionals into the formal economy.

Abisuga and Sirayi (2018) paper " The role of creative industries as a driver for a sustainable economy: a case of South Africa", sheds light on the challenges faced by freelance workers in South Africa. These challenges include a lack of legal and economic protections, limited access to funding and resources, and the perpetuation of stereotypes such as the "starving artist" and "cultural intermediaries" theories. In response, the report calls for government intervention to support the freelance economy in the country. Legislation and policies relevant to understanding and addressing the hurdles encountered by freelance artists in the South African Cultural Creative Industry and Economy may include the Copyright Act of 1978, the Performers' Protection Act of 1967, policies established by the National Arts Council (NAC), and Abisuga and Sirayi (2018).

The global shift towards freelancing has been fuelled by millennials who prioritize the flexibility inherent in freelance work while also desiring the security often associated with traditional full-time employment. Bridgstock (2005), exclaims this in saying " Flexibility and the ability and willingness to continue learning are much more important than specific occupational knowledge and skills" (Bridgstock, 2005:14). Furthermore, Deloitte's 2017 "Global Human Capital Trends" report highlights this trend, indicating that 8 out of 10 respondents attribute the growing demand for expertise to an increased reliance on casual workers. Over the past decade, the number of fixed, full-time employees has decreased from 11 million to 9.1 million. While the statistics for temporary employment are not up to date, it is widely believed that the number has increased from 2.6 million to 3.9 million. This presents a promising opportunity for individuals seeking to pursue a career as a freelancer in South Africa.

According to SACO (2021), findings reveal a consistent rise in the percentage of individuals employed in cultural occupations within South Africa over the span of three years. Specifically, the creative economy employment has surged from constituting 6.72% of the total workforce in 2015 to 7.03% in 2017, representing approximately 1.14 million jobs. However, it is noteworthy that there has been a decrease in formal sector employment across both cultural and non-cultural occupations since the previous mapping study. Furthermore, in 2017, 46% of

individuals engaged in cultural occupations were found to be operating within the informal sector.

Further scholarly literature recommends practical measures and investments in implementing suitable legislative policies to legitimize and recognize Cultural Creative Freelancing as a form of professional employment. Notably, there has been a decrease in the percentage of adults relying solely on informal finance in countries like Nigeria, South Africa, and Tanzania. De Koker and Jentzsc (2013) attribute these trends to ongoing developments within individual countries. It can be contended that the body of literature addressing freelance artists within the cultural-creative industries in South African academia is relatively limited and warrants further exploration to address the existing knowledge gap in the South African context. Joffe and Makunga-Majachani (2023) assert that the prevalence of informality underscores the unique characteristics of cultural and creative work, marked by insecurity, precarity, and uncertainty. Existing literature in this field predominantly focuses on the conceptual and technical aspects of the freelance profession, often highlighting the dichotomy between "informality" and "formality." However, there is a notable scarcity of literature addressing issues of legitimacy, compliance, alternative models, and implementation strategies aimed at achieving economic inclusion and integration of freelance artists. The outcomes of this research will be advantageous for freelance artists, both present and future, given their significant contribution to the country's GDP.

Contemporary cultural legislative policies face a plethora of new challenges stemming from diverse cultures, subcultures, societies, and the emergence of both real-time and virtual worlds. Particularly, the advent of digital technology has introduced a new phenomenon, predominantly cantered around the "virtual-life" experience. Products and services are tailored to meet the immediate demands of a receptive market. As noted by Goga, Paelo, and Nyamwena (2019), Jeet-Singh and Banga (2018) caution that the integration of digital technology and trade can disrupt existing industries. This poses a threat because, as highlighted by De Koker and Jentzsc (2013), the inclination to use more formal channels for economic transactions may divert potential earnings from the Cultural Creative Industries towards product sales facilitated by marketing collaborations on digital platforms. According to Chen (2019), digitization is a powerful force rapidly reshaping the global cultural and creative terrain. Similar to other regions, China aims to position itself as a frontrunner in emerging technologies and has launched its Internet Plus policy as a catalyst for economic advancement.

Goga, Paelo, and Nyamwena (2019) argue that without government intervention, the freelance industry faces significant challenges related to financial inclusion and integration into the formal economic system. They suggest that dominant platforms, prone to exploitation, require intervention through competition and regulatory measures to prevent market dominance and control over market access and consumer pathways. To address these issues and further support the legitimization, integration, and inclusion of freelance artists in the formal economy, alternative models could involve collaborative efforts between the government, private sector, and freelancer organizations. This collaboration might focus on developing customized financial products tailored to the specific needs of freelance artists.

4.3 Economic Integration and Legitimacy of the Freelance Profession.

De Koker and Jentzsc (2013) define "economic inclusion" as ensuring access to formal economic services at an affordable cost in a fair and transparent manner. Achieving legitimacy, compliance, and economic inclusion for freelance artists in South Africa necessitates a comprehensive examination of existing legislation and policies. To accomplish this goal, it is crucial to delve into and expand understanding of the laws and regulations that affect both the cultural and creative industries and the freelance profession itself. This exploration will provide insights into the regulatory framework shaping the landscape for freelance artists and help identify areas for improvement and intervention. Woronkiewicz and Noonan (2019) note that there has been limited research on the labour markets of artists that can be generalized to a broader population or validated through longitudinal methods. They highlight that self-employment enables artists to undertake multiple projects concurrently and pursue mobile lifestyles, moving freely from one location to another. Alternative interventions are being investigated to address the current gap in South African literature regarding the practical application of policies and legislation. Mobile banking is particularly relevant in this context, as an increasing number of studies on economic inclusion are focusing on mobile money.

Inappropriate product design, eligibility requirements, and cost are just a few of the compliance-related issues that freelance artists commonly deal with. These issues usually lead to their exclusion from formal economic services. According to academics like Lappin and Kretschmer, Radcliffe, and Ferguson, these obstacles reveal larger structural disparities that are made worse by expensive services and complex compliance requirements. Ferguson (2019) clearly highlighted the differences between cultural entrepreneurs and independent artists,

emphasising the lack of traditional employer-employee relationships and the continuous fight for economic legitimacy in the sector. However, the current academic discourse in South African academia concerning legitimacy, compliance, and alternative models is still narrow, requiring additional research to close knowledge gaps and provide assistance to independent contractors. This discrepancy can hinder the access of freelance artists to essential benefits such as pension schemes and loans, which are crucial for their livelihood, skill development and career advancement. Chong (2006) exclaims concerns regarding the impact of informality on economic growth and the erosion of the tax base, highlighting the need for policies that effectively address the challenges faced by freelance artists while promoting economic sustainability and public welfare.

“Rooted in political economy, this perspective views informality as a “necessity-driven activity” (Williams and Lansky, 2013), necessity here may be seen from two angles. First, the operators are forced into the informal sector because there is no livelihood alternative, Williams and Lansky (2013). Second, instead of being a remnant of pre-modern backwardness, “informality is part and parcel of the processes of modernization” (Fernandez-Kelly, 2006); it can be argued that most of the informality is not a result of people voluntarily exiting the formal economy. It is taken up by people driven by necessity. Ferguson argues that “Our employment is only as strong as the length of each contract, so we must keep in mind our present while planning our next gig” (Ferguson, 2019). Therefore, credit constraints imply that richer households are in a better position to successfully engage in the formal financial ecosystem, and will be shown formally, while this relative disadvantage of the poor increases with inequality (Chong, 2006). Miszta's analysis, underscores the importance of enforcing legislative policies to legitimize freelance work as a form of professional employment. Miszta's distinction between “informal survivalist” and “productive informal” sectors elucidates the nuanced dynamics within the freelance economy (Misztal, 1996). This perspective effectively distinguishes between an “informal survivalist sector,” which operates at the margins of the modern formal economy, and a “productive informal sector,” which constitutes an integral component of capitalist accumulation.

A broader understanding of the role of freelance artists in the Cultural Creative Industries can be gained by examining the complex dynamics of economic integration and legitimacy. Misztal's work on the informal survivalist sector and the productive informal sector is particularly relevant in this context. Joffe and Makunga-Majachani (2023) observe that this

precarious situation has gained widespread acceptance, particularly following the global financial crisis of 2008. Similarities have emerged between low-paid, unskilled workers in the gig economy and more highly skilled workers typically found in the Cultural and Creative Economy (CCE). Other scholars have pointed out that the challenges faced by freelance artists may persist, indicating a gap in knowledge that needs to be filled. Perry et al. (2007), has suggested that freelancers face similar challenges to unprotected workers, including excessive regulation, low productivity, unfair competition, evasion of the rule of law, underpayment or non-payment of taxes, and work done "underground" or in secret (Perry et al., 2007). This insight highlights the possibility that the social protection system may be dysfunctional and inefficient if government-provided services are undervalued compared to their costs to workers. Meanwhile, formal financial services tend to be less transparent at the community and customer level, while being more transparent to service providers and government agencies. Ferguson's analysis of South African law, particularly the independent contractor contract, underscores the need for further development in this area. The work of Misztal (2000) is also relevant to understanding the role of freelance artists in the Cultural Creative Industries.

4.4 Economic Access Through Digitization: Virtually Money is Virtual!

The role of digital platforms is crucial in facilitating economic inclusion for freelance artists, aligning with the changing landscape of the cultural-creative industries. Kanbur's, Valery and Bokova conceptual categories remain integral to understanding how regulations impact these digital platforms and, consequently, the economic participation of freelance artists. The conceptual framework provides a robust foundation for analysing the relationship between legislative frameworks and the digital economic inclusion of freelance artists. It can be argued that the "self-branding" approach, uses non-traditional and innovative ways to bypass the strict regulations. Chen (2019) highlights that emerging technologies enable the limitless reproduction, recurrence, and dissemination of images, sounds, and textual content. Utilizing digital platforms presents an alternative and integrative intervention that can facilitate a more economically inclusive landscape for freelance artists. Lappin and Kretschmer (2005), as referenced by Radcliffe (2016), argues that digitization enables wider interaction with existing artifacts. Furthermore, digitization presents a novel avenue for direct distribution, potentially altering the negotiation dynamics between creators and traditional market intermediaries. This shift opens up alternative pathways for legitimizing and integrating freelance artists into the

formal cultural and creative economy by leveraging digital technology resources and established platforms.

Freelancing is increasingly becoming a popular choice of employment in South Africa, and there exists a variety of platforms and resources tailored to South African freelancers. These platforms provide avenues for freelancers to connect with potential clients and effectively manage their work. One scholar expressed that digital payment also has a major impact on the cultural, social, and political landscape (Chen, 2019). Nevertheless, despite the growth of freelancing, the absence of government support and formal recognition poses challenges for freelancers in terms of financial inclusion and integration into the formal economy. Chen (2019) further elaborates that the digital payments ecosystem facilitates the integration of online and offline economies, albeit increasing control and surveillance over financial flows. Alternative models are vital for enhancing the legitimization, integration, and financial inclusion of freelance artists in the formal economy. Collaborative efforts involving government bodies, private sector players, and freelancer associations can be pivotal in developing customized financial solutions to cater to the distinct requirements of freelance artists.

Digital platforms have revolutionize the landscape of the Cultural Creative Industries, not only in South Africa but also globally, embracing a "self-branding" approach. These platforms offer innovative ways to navigate strict regulations, providing an alternative, integrative intervention that can enable a more economically inclusive landscape. As asserted by Perry et al., (2007) that workers often choose jobs that lack such benefits or they willingly leave jobs that offered such benefits, valuing more other characteristics of informal jobs. Goga, Paelo, and Nyamwena (2019) argue that digital platforms utilize data for various functions, such as advertising, demand management, and as a novel means of accessing consumers and emerging markets. It is apparent that digitization offers freelance artists a novel pathway to legitimize and integrate into the formal cultural and creative economy. According to Oyekunle and Sirayi (2018), entrepreneurship in the creative industries has significant potential for wealth creation and sustainable livelihood when supported by proper policies and development programmes, in this case the adoption of digital platforms could help foster the "wealth" for freelance artists.

Digitization not only allows for broader interaction with pre-existing artifacts but also offers a direct distribution channel that bypasses traditional market intermediaries. This shift in

distribution dynamics could potentially impact the bargaining power between creators and intermediaries in the market. Chong and Gradstein (2007) assert that in situations marked by market imperfections and low institutional quality, property rights protection within the formal sector is inadequate, leaving resources largely vulnerable to exploitation. The utilization of digital platforms presents an opportunity to challenge traditional notions of formal employment and redefine the status of freelance work within the cultural-creative industries. The aims of intervention as defined by Guha-khasnobis (2006) can be categorized into two overarching themes: firstly, enhancing the welfare and capacity of individuals to autonomously address their collective action issues, and secondly, tackling challenges that arise from interactions among individuals within the market. This aligns with the objective of improving individuals' capacity to self-organize and address collective action problems through digital technology. In recent years digital platforms have started to play a pivotal role in reshaping the economic landscape for freelance artists by providing innovative solutions to navigate regulatory barriers and enhance economic inclusion.

Recent research indicates a growing emphasis on the use of technology to enhance economic inclusion in developing countries (De Koker & Jentzsc, 2013). The 2015 report by UNESCO on "Reshaping cultural policy" highlights that digital networks and online platforms continue to proliferate and nurturing online freedom has become increasingly crucial. By leveraging technology, freelance artists can access a wider range of opportunities, connect with clients globally, and establish themselves as legitimate participants in the formal cultural and creative economy. According to UNESCO (2015), technology is creating opportunities for emerging voices and talents, such as citizen journalists and amateur filmmakers, which should be actively promoted. This illuminates the importance of exploring alternative models and embracing digital interventions to address the challenges of economic integration and legitimacy within the freelance employment space. UNESCO (2015) further highlighted significant progress over the past decade, especially regarding mobile connectivity.

There has been a notable increase in creators utilizing new technologies to produce online content, with e-commerce experiencing rapid growth. Several digital platforms, both local and international, are dedicated to facilitating economic inclusion for freelancers in South Africa. NoSweat, a South African online platform, connects freelancers with job opportunities and manages payments on behalf of its users. Additionally, international platforms like Upwork and PPH are popular among South African freelancers for finding work. NomadNow, another

South African platform, offers a diverse range of talent and connects freelancers with clients across various industries. "Developing countries still have a long way to go before they reach the levels of digital access enjoyed by developed countries." (UNESCO, 2015 Reshaping Cultural Policies). Even-though these platforms assist South Africa freelance artists gain access to associations, educational offers, networking, resources, and funding support, they are still not recognized as "formal" employment, thus resulting in the precarious economic participation.

The core argument revolves around the necessity for alternative approaches aimed at fostering economic inclusion for freelance artists, drawing insights from scholars such as Lappin and Kretschmer, Radcliffe, and others. Lappin and Kretschmer (2005) and Radcliffe (2016) advocate for the utilization of digital platforms as a means of integrative intervention, offering disintermediated distribution channels. Ferguson's (2019) distinction between freelance artists and cultural entrepreneurs informs the discourse regarding the transformative potential inherent in digital platforms. This section accentuates the significance of enacting effective legislative measures and introducing alternative models conducive to legitimizing, integrating, and incorporating freelance artists into the formal economy, given the looming risk of market saturation and enduring adverse repercussions. Furthermore, perspectives from De Koker and Jentzsc (2013) contribute a broader context, delineating the pros and cons of financial inclusion and its implications for financial integrity.

4.5 Intentional International Perspective: What are others doing right?

Digitization plays a crucial role in fostering and stimulating participation in creative endeavours worldwide. As Lewin (1946) aptly stated, you cannot understand a system until you try to change it, highlighting the necessity to explore global trends and standards concerning the phenomenon of freelance artists. By embracing digitization, individuals and organizations can better comprehend and adapt to the evolving landscape of creative industries, thereby enhancing opportunities for economic inclusion and innovation on a global scale. Swamy (2013) highlights that financial inclusion in developing economies is different from that of developed economies. In the latter where inclusion is a minority, in the former it could be a majority. Swamy (2013) underscores that despite efforts, the imposed hierarchy and exclusion by legislation and policy persist, impeding developing countries' progress in

achieving economic inclusion for freelance artists in the mainstream economy. Various factors, including demographics, access to resources, and compliance with funding requirements, significantly influence the practical implementation of policies. Swamy (2013) further asserts that access to a well-functioning financial system, by creating equal opportunities, enables economically and socially excluded people to integrate better into the economy and actively contribute to development and protects themselves against economic shocks. Operating within the framework of neo-classical regulations governing finances and trade, the cultural-creative economy presents challenges in terms of control and regulation.

In Mauritius, there has been a deliberate effort to address issues within the Cultural Creative industry through the implementation of relevant legislative policies. This intervention has been characterized by open dialogues between governmental and non-governmental entities, resulting in heightened awareness, particularly institutional awareness, regarding the necessity of enhancing the socio-economic status of artists to foster their professionalization. This, in turn, is seen as crucial for the advancement of cultural and creative industries in Mauritius (Neil, 2010). These initiatives encompass various measures, such as the introduction of a professional card to delineate the work status of artists (whether they are independent self-employed professionals, freelancers, or professionals in quasi-employment relationships). Chong and Gradstein (2007) suggest that the informal sector encompasses two distinct groups: one whose decision to remain as independent workers hinges on a cost-benefit analysis and may not result in a change in occupations, and another group for whom the informal sector may be viewed as a last-resort option. Additionally, social security, fiscal, and policy measures have been implemented in areas like creativity, education, and training, under the guidance of relevant state bodies (President of Mauritius, 2020). Mauritius serves as an illustrative example of a developing nation recognizing the significance of legislative policy engagement in promoting economic inclusion. By enacting pertinent and appropriate legislation, the country aims to regulate the terms and conditions governing the rights of freelance artists.

Joffe and Makunga-Majachani (2023) contend that Africa's Cultural Creative Economies (CCEs) suffer from poor organization, inadequate governance systems, and institutional arrangements, along with insufficient attention, regulation, and support for the informal economy. These factors adversely affect the prospects of CCEs contributing to livelihoods and sustainable development. Furthermore, the lack of attention extends to inadequate data on cultural occupations and work within the African CCE, as highlighted by the South African

Cultural Observatory. According to UNESCO (2021) report "Croatian institute for retirement insurance and the Croatian institute for health insurance" observed that the Croatian Association of Freelance Artists facilitates the registration of independent artists with the Croatian Institute for Retirement Insurance and the Croatian Institute for Health Insurance based on their residency, following approval from the Expert Commission. Upon receiving a favourable decision from the Expert Commission, the Croatian Association of Freelance Artists proceeds to register the freelance artist with the Croatian Institute for Retirement Insurance and the Croatian Institute for Health Insurance, aligning with their place of residence.

In China, the Chinese "Sesame Credit Scores" system allows users to track their legitimate economic participation and consumption activities on the platform, aiding in the compilation of individual social credit scores. Bridgstock (2005) notes that while there are limited studies on how artists utilize their social and professional networks to advance their careers, empirical evidence suggests that artists' social capital significantly influences their continued employment in the arts and their level of success. In China, the accumulation of Sesame credit score points enables users to access various benefits such as loans, expedited visa applications, and waivers on taxes and deposits. Additionally, users who actively contribute to organizations with significant social impact, including charity organizations and those within the Creative and Cultural industries, receive additional score points.

Chong and Gradstein (2007) suggest that the primary costs associated with transitioning to formal status include the investment of time and money into meeting legal obligations such as taxes. However, these costs are offset by the advantages of formality, which include the ability to expand production, establish partnerships with larger companies, and access financial credit markets. The responsibility for compliance and legitimization is not solely placed on freelance artists but is shared in collaboration with their audiences and their contributions. Conversely, a low Sesame credit score may lead to reduced internet speeds, delays in administrative processes, or denial of access to job opportunities and loans. Eligibility is determined by an individual's qualifications for a specific service, which may include meeting the requirements of the service provider or providing legal identity documents or proof of address (De Koker and Jentzsc, 2013). Chinese digital platforms encourage users to compare their Sesame scores with those of their peers on social media, a practice that can result in monetary rewards. This approach contrasts with countries having more established credit rating systems, where such practices are uncommon.

China's evolving approach has introduced alternative methods for various participants, including freelance artists, to legitimize their economic participation, aiming for integration and economic inclusion. This ingenuity and transformation have paved the way for new opportunities for individuals to engage in ordinary cultural production through creative internet usage, as highlighted by De Kloet, Yiu Fai, and Scheen (2019). Thereby facilitating expansion and economic inclusion for diverse individuals and businesses, free from the constraints of restrictive legislation. De Kloet, Yiu Fai, and Scheen (2019) argue that the use of digital platforms enhances compliance by facilitating user engagement through their terms and conditions, thus fostering an inclusive and advantageous economic ecosystem. They note that while the tradition of exchanging traditional red packets was typically reserved for significant occasions like festivals, birthdays, weddings, and funerals, the practice of giving and receiving digital red packets has evolved into a popular everyday online activity in China. The Chinese community has embraced digital platforms like WeChat and Alipay not only for their convenience but also as spaces to preserve and integrate their cultural traditions and customs.

The exploration of the international perspective through the interplay between legislative policy engagement, digital integration, and the socio-economic status of freelance artists, Ferguson's (2019) advocates for targeted legislative interventions to support professionalization at the centre stage. The Republic of Croatia provides a case research, illustrating how legislative policies can empower freelance artists. Neil (2010) argues for targeted legislative interventions to support professionalization. Furthermore, the "sesame score" provides a notable example of how digital platforms can influence economic inclusion and integration. The dynamic nature of laws and policies, as emphasized in the chapter, urges freelance artists to stay informed about changes that may impact their profession. This need for awareness is underscored by the decreasing percentage of adults using only informal finance in countries such as Nigeria, South Africa, and Tanzania, signalling the necessity for further developments in these individual countries (De Koker and Jentzsc, 2013).

4.6 What can we learn and introduce to effect change for freelance artists?

The increasing popularity of freelancing in South Africa has led to a proliferation of platforms and resources designed to help freelancers connect with clients and effectively manage their workflow. While the freelance industry in South Africa is expanding, the lack of sufficient

government intervention to legitimize and bolster the sector has posed obstacles for freelancers, particularly in terms of financial inclusion and integration into the formal economic framework. To address this gap, alternative models, including government-funded programs and national registration systems, can be introduced, while collaborative efforts between the government, private sector, and freelancer organizations can pave the way for tailored financial products that meet the unique needs of freelance artists (De Koker and Jentzsc, 2013). Freelance artists grapple with compliance issues such as affordability, inappropriate product design, and eligibility criteria, often leading to their exclusion from formal economic services. The themes that emerge from the research points to the critical need for targeted legislative interventions, digital integration, and alternative models to ensure the economic inclusion and integration of freelance artists into the formal economy. This chapter, therefore, holds significance for the South African literature body and academia pedagogy by offering a comprehensive exploration of the challenges and potential solutions surrounding the economic participation of freelance artists in the creative and cultural industries.

Lappin and Kretschmer (2005) and Radcliffe (2016) propose digital platforms as integrative interventions, offering disintermediated distribution channels. Ferguson's distinction between freelance artists and cultural entrepreneurs informs the discourse on the transformative potential inherent in digital platforms. This highlights the significance of effective legislative measures and alternative models conducive to legitimizing, integrating, and incorporating freelance artists into the formal economy. The "sesame score" exemplifies how legislative policies can empower freelance artists and users, with China providing an alternative model. The chapter emphasizes the dynamic nature of laws and policies, urging freelance artists to stay informed about changes that may impact their profession. The literature reviewed reveals the complexities and challenges faced by freelance artists in navigating legislative frameworks, compliance issues, and economic inclusion. By addressing these issues, the research contributes to closing the knowledge gaps in South African academia, providing valuable insights for policymakers, industry stakeholders, and freelance artists.

The evolution of digital platforms has emerged as a transformative force in reshaping the economic landscape for freelance artists, offering innovative solutions to overcome regulatory barriers and enhance economic inclusion. UNESCO's 2015 report on Reshaping Cultural Policies underscores the significance of fostering freedom online and leveraging technology to empower freelance artists in accessing global opportunities and establishing themselves as

legitimate participants in the formal cultural and creative economy. The report highlights the remarkable progress in mobile connectivity and the increasing use of new technologies by creators to generate online content, indicating a growing trend towards digital engagement in the freelance employment space. While platforms like NoSweat, Upwork, PPH, and NomadNow provide avenues for South African freelance artists to connect with clients and access resources, they also shed light on the digital divide that persists between developed and developing countries, hindering the full realization of economic inclusion.

Swamy's insights on financial inclusion emphasize the importance of equal access to a well-functioning financial system in enabling marginalized individuals to integrate into the economy and contribute to development. However, the imposition of hierarchical structures and exclusionary policies continues to impede the progress of developing countries in mainstreaming freelance artists into the formal economy. As South Africa grapples with the complexities of regulating the cultural-creative economy within the framework of neo-classical regulations, there is a pressing need to explore global trends and standards to inform policies that promote economic integration and protect the interests of freelance artists. In essence, the digitization of the freelance employment space offers immense potential for promoting global participation in creative initiatives, but concerted efforts are required to address the systemic challenges and inequalities that persist in the evolving landscape of cultural and creative industries.

Chapter 5 – Finding Something Interesting.

5.1 Introduction: Behind the Scenes of Freelance Profession.

In this chapter, I present the findings derived from the comprehensive data collection processes outlined in the preceding chapters, particularly chapter 2. As contextual background, the infamous Tuskegee syphilis study (1932 - 1972) serves as a stark reminder of unethical research practices involving human subjects. This study, as highlighted by Creswell (1998), exploited participants without their informed consent or awareness of the study's risks and benefits. Such egregious violations underscore the importance of ethical considerations in research involving human participants. According to SACO's report on Employment in Cultural Creative Industries (2020), the expansion of the CCIs hinges on the presence of a highly educated workforce. The central research inquiry of this study delves into the impact of policy and legislative frameworks on the legitimacy of freelance artists in South Africa. Subsidiary questions further dissect this overarching issue, focusing on the efficacy of current policies in fostering economic inclusion within the Cultural Creative Industries. Given the scarcity of scholarly discourse in this area, an in-depth exploration of the legislative landscape is imperative. Employing a purposive qualitative methodology, this research scrutinizes pertinent documents and policies to discern their ramifications on the economic status of freelance artists.

This chapter exclusively presents insights acquired from the lived experiences of freelance artists who consented to participate in the study. Emphasis is placed on elucidating the intricacies of navigating both formal and informal dynamics within the Cultural Creative Industries. Woronkiewicz and Noonan (2019) also indicate that individuals transitioning into artist occupations are more inclined towards self-employment compared to those transitioning out or staying within artist occupations. This implies that newcomers to the artistic field often perceive self-employment as a favourable option initially. Additionally, the researchers note that marital status has a greater impact on transitions into professional self-employment than it does for artists, implying that artists are generally more independent and less reliant on spousal support for entrepreneurial endeavours. Through this inquiry, the chapter underscores the urgency of addressing existing knowledge gaps and advocating for targeted interventions to rectify economic disparities and bolster the legitimacy of freelance artists in South Africa.

To ensure a comprehensive understanding of the lived experiences of freelance artists, the chapter outlines the interview questions posed to participants. These questions are strategically designed to address the study's four main research inquiries. The subsequent presentation of findings follows a systematic and thematic approach, organized to correspond with each research question. This structured approach facilitates a synthesized examination of the dataset, contributing to a nuanced understanding of the challenges and opportunities encountered by freelance artists. Acknowledging the potential emotional and mental impact of discussing sensitive topics, participants are afforded the option to abstain from answering certain questions or provided with relevant mental health resources, including toll-free helplines. This ethical consideration underscores the study's commitment to prioritizing the well-being of participants throughout the research process.

5.2 My Personal Experience as a Freelance Artist.

Reflecting on my journey, I am reminded of the crucial role of reflexivity in qualitative research, as emphasized by Francisco et al. (2023). They argue that qualitative research hinges on nuanced judgments that necessitate researcher reflexivity, yet this aspect is often superficially addressed or entirely overlooked during the research process. Reflexivity is delineated as a series of continuous, collaborative, and multifaceted practices through which researchers self-consciously critique, appraise, and evaluate how their subjectivity and context shape the research processes. Embracing reflexivity as a means to acknowledge researchers' subjectivity is paramount, particularly as qualitative research expands. By meticulously considering paradigmatic stance and employing reflexive practices, researchers can align their decisions at all stages of their research, thereby fostering and communicating rigorous qualitative research.

As I look back on my journey as a freelance artist in South Africa, I am struck by the various experiences that have shaped my path and contributed to my growth as a creative individual. From humble beginnings to moments of triumph, each step of my journey has been marked by challenges and opportunities that have tested my resolve and fuelled my passion for artistic expression. My introduction to the world of freelance artistry was driven by a deep-seated love for creativity and a burning desire to share my unique voice with the world. With a diverse background spanning music, theatre, and photography, I embarked on a journey that would take me to new heights and push me beyond my comfort zone. In 2010 when i started and

formalized my career in freelancing through gig bookings, i started to realize that huge challenges would be up ahead. Through the guidance of other professional experts in the industry, i realized that i needed to be more conscious with my decision.

One of the earliest challenges I faced was navigating the complex landscape of compliance and legitimacy within the cultural creative industries. As a freelance artist, I quickly learned the importance of adhering to legal regulations and policies governing my field. However, the sheer volume of bureaucratic red tape often proved overwhelming, leaving me feeling uncertain about my standing and legitimacy as an artist. Despite these initial setbacks, I remained steadfast in my commitment to operating ethically and transparently, determined to carve out a space for myself in the industry. Financial and economic inclusion emerged as another significant aspect of my journey as a freelance artist. With fluctuating income streams and irregular work patterns, I found it challenging to access traditional financial services and resources. The lack of financial stability posed a constant threat to my livelihood, compelling me to seek alternative means of support and sustenance.

Despite these obstacles, I refused to let financial constraints dictate the trajectory of my career, leveraging my creativity and resourcefulness to overcome adversity. Throughout my journey, I have been fortunate to collaborate with a diverse array of artists and creatives from around the world. These collaborations not only enriched my artistic practice but also provided valuable insights into the global landscape of the cultural creative industries. As I navigated the intricacies of freelance artistry, I found solace in the camaraderie and support of my peers, who shared in both the triumphs and tribulations of our shared pursuit. As I continue to chart my course in the ever-evolving landscape of freelance artistry, I remain committed to advocating for the rights and recognition of artists everywhere. My journey serves as a testament to the transformative power of creativity and the boundless potential of the human spirit to overcome adversity and thrive in the face of challenge.

Having lived and worked in both South Africa and China, I couldn't help but notice stark differences in the treatment of freelance artists between the two countries. In China, I was struck by the more inclusive models for freelancers, which promoted and supported this type of work on a broader scale. One notable example is the Sesame Credit system, which assigns individuals a social credit score based on their behaviour, including financial habits and social interactions. This system not only provides incentives for responsible behaviour but also offers

tangible benefits for freelancers, such as access to loans and other financial services based on their credit scores. In contrast, South Africa's freelance landscape presents a different set of challenges and opportunities. While the creative industry is thriving, freelance artists often face barriers to economic inclusion and legitimacy within the formal economy. Complex tax regulations, bureaucratic hurdles, and a lack of institutional support can hinder the growth and sustainability of freelance careers in South Africa. As a result, many artists struggle to access financial resources, navigate compliance issues, and establish themselves as legitimate participants in the cultural creative industries.

I reached a significant milestone in my career in 2022 with the release of my debut musical album titled "SELF." This project represented the culmination of years of artistic exploration and growth, serving as a testament to my unwavering dedication to my craft and a celebration of my unique voice and perspective. As I continue to chart my course in the ever-evolving landscape of freelance artistry, I remain committed to advocating for the rights and recognition of artists everywhere. My journey serves as a testament to the transformative power of creativity and the boundless potential of the human spirit to overcome adversity and thrive in the face of challenge. Despite these challenges, South Africa's freelance landscape is characterized by resilience, creativity, and a vibrant spirit of innovation. Freelancers like myself continually adapt and evolve in response to changing circumstances, leveraging our talents and ingenuity to overcome obstacles and pursue our artistic passions.

5.3 Background – Who Are They? They Are Family Members too!

Though the process of unstructured interviews with the sample group, a few things started to become very apparent at the early stage which resulted in changes to the sample group size. The sample group which was initially envisioned was 12 freelance artists in South Africa, however it started to become evident that many of the Freelance Artists were in-fact multidisciplined thus the sample group is reduced to 9 freelance Artists. This is one of the initial findings which the research points out. This reduction is not a limitation as there will still have a broad understanding and knowledge regarding the practice of freelancing in South Africa. This sub-chapter gives a brief background on each of the 9 participants in this research. This background is important to understand the themes which started to emerge from the interview process. The list of the 9 artist is in no particular order, and the response below are written in direct quotation. None of the names used reflect the real identities of any of the

participants of this study. Confidentiality of all participants has been protected through this exploration.

"My journey as a freelance visual artist in South Africa began in the early 2000s. I pursued formal education in fine arts at a renowned South African art school, and after completing my studies.... I decided to embark on a career as a freelance artist. This decision stemmed from my desire for creative freedom and the ability to express my artistic vision without constraints. Over the years, I have had the privilege of working on various projects, ranging from commissioned artwork for private collectors and corporate clients to public art installations. However, my life as a freelance artist is not without its challenges. One of the most prominent hurdles I've encountered is the unpredictable nature of income... Art sales and commissioned work can be feast or famine, making it challenging to predict when the next project will come along. This financial instability has often led me to trade-off between my artistic pursuits and financial stability. Building a sustainable client base has been another significant challenge. The competitive landscape in the art world, particularly in a country like South Africa with a rich and diverse art scene, necessitates constant networking, self-promotion, and adaptation to changing market demands. To maintain my presence in the industry, I've had to invest time and effort in promoting my work through social media and other digital platforms, securing gallery exhibitions, and staying engaged with the art community" (Visual Artists, 2023).

"As a freelance musician in South Africa my journey has been both thrilling and challenging. I started my music career in the late 1990s after graduating from a music school which no longer exists. Being a freelance musician has offered me the artistic freedom to explore various genres of music and collaborate with diverse groups of artists. It's a career that I'm truly passionate about... However, it comes with its unfair shares of challenges. One of the most significant challenges has been the inconsistency in income and bookings. Giggling and performance opportunities have been very sporadic since COVID-19, making it hard to predict when my next project or performance will come. The need to balance creative expression with financial stability is a constant juggling act. Building a sustainable client base in a competitive industry has also been a major focus of my career. I leveraged most of my income from ensuring that i use online platforms such as Fiverr in-order to get constant projects. Since i started my career until now, I have seen that networking, self-promotion, and the ability to adapt to changing market demands have been essential to sustain my livelihood" (Musician, 2023).

"I ventured into the world of poetry during my teenage years and gradually transitioned into a freelance career. Being a black female poet in South Africa has its unique challenges and rewards. It's a path that has allowed me to tell stories, voice experiences, and explore the intricate tapestry of my identity. As a woman in the poetry industry, I've faced both personal and societal challenges. There's a constant need to assert my voice in a male-dominated literary world, where traditionally, women's voices have been marginalized. The creative process, however, has been a source of empowerment and a means to challenge stereotypes and biases. Financially, poetry can be a challenging field. Opportunities for paid performances, commissions, or book deals can be scarce, making it vital to diversify income sources. Nonetheless, the ability to share my thoughts and experiences through verse is a rewarding journey that I cherish" (Poet 2023).

"My journey as a freelance comedian in South Africa has been a mix of laughter and challenges. Hailing from Rustenburg, a small town far from the artistic hubs of Johannesburg, Pretoria, and Cape Town, I faced a unique path. Being a black male comedian from a small town has allowed me to bring a different perspective to the comedy scene. It's a field that's both rewarding and demanding. The distance from the main art centres presents logistical challenges. Travelling to perform in these cities can be time-consuming and expensive. Despite this, it's been an opportunity to introduce audiences to a different narrative and style of comedy. In Rustenburg, opportunities for live performances are limited, but I've organized local comedy events to build an audience and nurture, mine and others, talent. The journey has been about making people laugh while challenging stereotypes and promoting diversity in the industry" (Comedian, 2023).

"I've had the opportunity to work with various cooperating companies, providing graphic design and website development services. While I have the freedom to choose my projects and clients, I've often collaborated closely with companies on specific projects, acting as an external consultant or contractor rather than an employee. Working with cooperating companies has allowed me to tackle diverse projects, from designing branding materials to developing fully functional websites. Each collaboration presents unique challenges and opportunities, and I thrive on delivering innovative solutions that meet my clients' needs while adhering to industry standards and best practices" (Graphic Designer, 2023).

"As a freelance photographer in South Africa my journey has been incredibly rewarding, especially in terms of international recognition and collaboration with prestigious art galleries and auction houses. While I'm deeply rooted in the local artistic scene, the opportunity to showcase my work on an international stage has been life changing to say the least... Collaborating with art galleries and auction houses has allowed me to reach a global audience and establish myself as a prominent figure in the photography world. It's been immensely gratifying to see my work resonate with collectors and enthusiasts from diverse cultural backgrounds, sparking meaningful conversations and connections across borders. The international sales of my photographic work have not only provided financial stability but also opened doors to new opportunities for artistic exploration and collaboration. Through these engagements, I've been able to share my unique perspective as a black male photographer from South Africa with audiences worldwide, contributing to greater cultural exchange and understanding" (Photographer, 2023).

"Collaborating with international partners, participating in fashion shows, and showcasing my collections abroad have been pivotal in expanding my brand's reach and establishing a global presence. Through these collaborations, I've had the privilege of connecting with fashion enthusiasts from around the world, fostering meaningful relationships, and opening doors to new opportunities for creative expression and growth. My experience as a fashion designer in South Africa has been incredibly enriching, especially with the opportunity to showcase my work on an international platform. While I bring influences from my native country, living and working in South Africa has allowed me to infuse my designs with local culture and aesthetics, creating a unique fusion that resonates with a diverse audience" (Fashion Designer, 2023).

"I've had the opportunity to bring visual concepts to life, creating immersive and captivating experiences for audiences at various events and performances. My work as a lighting designer for large concerts allows me to play with light and shadow, enhancing the atmosphere and mood of live performances while highlighting the talent on stage. Additionally, my role as a sound studio mixing engineer enables me to work behind the scenes, shaping the auditory landscape of music recordings and ensuring optimal sound quality for a range of projects. By combining these different art forms—visual design, lighting design, and sound engineering—I'm able to offer an approach to my artistic expression, which enriches the overall sensory experience for audiences and clients alike" (Lighting and Sound Designer, 2023)..

"Leveraging platforms like TikTok, Instagram, and YouTube, I've been able to showcase my talent, creativity, and personality to a wide audience, building a loyal following and growing my brand exponentially. Starting with a formal background in acting, I recognized the power of social media early on and began creating content that resonated with viewers. Whether it's short skits, behind-the-scenes glimpses of my filmmaking process, or lifestyle vlogs, I've used these platforms to showcase my versatility and connect with my audience on a personal level. As my online presence grew, so did opportunities for monetization. I've been able to generate income through brand partnerships, sponsored content, and advertising revenue on my social media channels. Additionally, I offer consulting services for brands looking to leverage social media for their marketing and outreach efforts, drawing on my experience and insights as both a content creator and consumer" (Brand Influencer, 2023).

5.4 Unintended Economic Exclusion: Legitimacy Causes Compliance Issues.

The research delves into the intricate relationship between legislation, policies, and the lived experiences of freelance artists in the South African Cultural Industry and Economy. Examining the awareness of government legislations and policies among the participants reveals a spectrum of familiarity. A visual artist acknowledges grappling with the complexity of legal language, stating, "My understanding primarily revolves around taxation regulations, copyright laws, and some aspects of business registration." This sentiment is echoed by a musician who finds it challenging to stay fully informed due to legal intricacies, then highlighting the need for more accessible resources. The participants' perspectives unite around the necessity for clearer tax guidelines and simplified business registration procedures. A visual artist suggests, "Artist-specific tax guidelines that consider the irregular income patterns of freelance artists would make it easier to comply with tax regulations." This sentiment resonates with a multidisciplinary artist, emphasizing the importance of understanding the legal and regulatory framework to ensure compliance in projects.

The interviews reveal a multifaceted set of policy implications as a musician calls for "Clear guidelines for music performance licensing" to simplify compliance in the industry. A poet and author advocate for robust policies protecting freedom of expression and artistic freedom, emphasizing the importance of addressing social and cultural issues without fear of censorship.

Moreover, the discussion touches on the challenges and opportunities related to government funding and grants. A comedian, despite having navigated the competitive application process, suggests that "the process could be made more supportive, particularly for comedians from smaller towns like Rustenburg." This sentiment is echoed by a fashion designer who acknowledges the existence of funding opportunities but emphasizes the rigorous application process and the need for eligibility proof.

The need for inclusive policies emerges strongly, especially concerning equity, representation, and professional development. A comedian calls for policies promoting diversity in the entertainment industry, ensuring equal opportunities for underrepresented regions. A photographer stresses the importance of policies supporting professional development opportunities, including training programs and mentorship initiatives, to enhance global competitiveness. The lived experiences shared by freelance artists highlight the intricate landscape of the South African cultural economy. From navigating complex legalities to advocating for inclusive policies, the participants' insights provide a rich tapestry of challenges and recommendations. Policymakers and stakeholders are urged to consider these nuanced perspectives, crafting policies that not only address regulatory complexities but also foster an environment where freelance artists can thrive, express their creativity, and contribute meaningfully to the cultural tapestry of South Africa.

These findings shed light on the intricate interplay between legislation, policies, and the lived experiences of freelance artists in the South African Cultural Industry and Economy. The interviews with participants representing diverse artistic disciplines, valuable insights emerge regarding the awareness of government legislations and policies impacting freelance artists, as well as their implications for policy improvements and challenges faced in accessing government funding and grants. The findings reveal a varied level of familiarity with government legislations and policies among freelance artists. While some participants express a reasonable understanding of laws and regulations affecting their profession, others admit to grappling with the complexity of legal language and the absence of artist-specific resources. This highlights the need for clearer, more accessible information tailored to the artistic community to facilitate compliance and understanding of legal obligations.

The participants' perspectives converge around the necessity for clearer tax guidelines and simplified business registration procedures. Many emphasize the importance of understanding

the legal and regulatory framework to ensure compliance in projects. They propose artist-specific tax guidelines and streamlined business registration processes as potential solutions to facilitate easier compliance with tax regulations and encourage more artists to formalize their businesses. Furthermore, participants advocate for clear guidelines for music performance licensing, robust policies protecting freedom of expression and artistic freedom, and dedicated support for underrepresented regions and marginalized groups within the arts. These findings underscore the importance of equity, representation, and inclusion in fostering a thriving cultural economy. While opportunities exist, participants highlight the rigorous and competitive nature of the application processes, as well as the need for more supportive and inclusive funding mechanisms, particularly for artists from smaller towns and emerging talents lacking prior project history. These insights underscore the importance of ensuring accessibility and transparency in government funding processes to foster a more equitable and vibrant cultural ecosystem.

The interviews showed that respondents have a basic-average understanding of government legislation and policies related to taxation, copyright laws, and business registration. Some respondents found it challenging to understand the complex and jargon-filled language of legal documents, especially those without a formal legal or financial background. Theme which emerged suggested clearer tax guidelines, streamlined business registration procedures, and dedicated policies supporting artistic projects and public art initiatives. Various respondents suggested policies related to their specific fields, such as Music Performance Licensing, Freedom of Expression Protections, Arts Equity Initiatives, Representation, Travel Grants, Tax Incentives, Export Promotion, Intellectual Property Rights, Cultural Diplomacy, Professional Development, Digital Rights, Data Privacy, and Advertising Standards. Regarding government funding and grants, some respondents were aware of the opportunities but found the process to be rigorous and competitive, suggesting the need for more transparency and support, especially for emerging artists. There's a consensus on the necessity for clearer guidelines, increased support for projects, and more accessible funding opportunities to foster a thriving creative industry in South Africa.

5.5 Access to Market Opportunities and Financial Services.

The participants shed light on the impact of the current legislative and policy environment on the economic inclusion of freelance artists in South Africa. A multidisciplinary artist

emphasized, "Challenges remain in terms of access to financing, market opportunities, and social protections for freelance artists." The need for comprehensive support was echoed by a visual artist who remarked, "More needs to be done in addressing barriers to entry and promoting a more conducive business environment." The sentiment expressed by participants suggests that the current legislative and policy landscape presents hurdles for freelance artists, hindering their financial inclusion. Another respondent, a visual artist, highlighted, "Complex tax regulations and business registration processes can be daunting and may discourage artists from legal compliance." Another respondent, a comedian, added, "Making legal information and compliance procedures more accessible and understandable for artists from various backgrounds would be beneficial."

A visual artist proposed, "Simplifying processes, offering accessible financial resources, and providing targeted support could substantially enhance financial inclusion." This sentiment aligns with a digital artist's suggestion, "More targeted support for freelancers, such as tax incentives, access to affordable healthcare, and simplified business registration processes, would enhance financial stability." Regarding the legitimacy and compliance faced by freelance artists, vivid experiences were shared. A visual artist narrated, "Convincing clients of my legitimacy as an individual freelance artist has cost me projects and collaborations." A comedian from Rustenburg expressed, "There's a bias towards artists from the main cities, and breaking through this bias can be challenging."

In terms of registering freelance businesses, participants outlined the challenges and experiences. A visual artist shared, "Registering and maintaining a business is expensive, adding to the administrative burden for freelancers." On the other hand, a digital artist highlighted the importance, stating, "This formalization process allows me to operate legally, establish credibility with clients, and access certain benefits and services available to registered businesses". The hurdles in accessing economic services were vividly articulated by participants who applied for loans or funding. A visual artist shared the challenging process, "The process can be time-consuming and, more often than not, results in a denial or limited access to credit." A multidisciplinary artist, however, emphasized the importance of building relationships, stating, "Building a strong financial track record and maintaining good relationships with financial institutions increases the likelihood of approval."

The insights from participants provide a rich tapestry of their perspectives, experiences, and recommendations. The themes that emerged centre around the need for access to financing, market opportunities, social protections for freelance artists, and a conducive business environment to enhance the legitimacy, compliance, and economic inclusion of freelance artists in South Africa. On legitimacy and compliance, participants shared personal experiences highlighting the challenges faced by freelance artists. A visual artist recounted, "I've encountered legitimacy and compliance issues in my career." They described challenges convincing clients of their legitimacy and accessing financial services due to the irregular nature of freelance income. Similarly, a musician shared experiences of facing hurdles in proving legitimacy to corporate event organizers and accessing financial services due to inconsistent income patterns.

The interviews further explored the question of how the policy and legislative framework influence the legitimacy and illegitimacy of freelance artists in South Africa. A multidisciplinary artist emphasized, "I believe the current policy environment plays a significant role in shaping the financial inclusion of freelance artists in South Africa." They highlighted challenges such as access to financing, market opportunities, and social protections, and suggested solutions including affordable financing, market access facilitation, and strengthening social safety nets. Similarly, a visual artist shared, "The current legislative and policy environment can have a substantial impact on the financial inclusion of freelance artists in South Africa." They elaborated on complex tax regulations and business registration processes, stressing unequal access to financial resources and opportunities. This sentiment was echoed by a comedian who emphasized the need for making legal information and compliance procedures more accessible, particularly for artists from smaller towns.

The interviews offer valuable insights into the complex dynamics between policy, legislation, legitimacy, and economic inclusion for freelance artists in South Africa. Their experiences highlight the challenges faced in navigating regulatory frameworks, accessing economic and legal services, and establishing legitimacy in their professions. The respondents provided insights into their lived experience and multiple themes emerged, reflecting the challenges faced. Financial inclusion challenges were highlighted, with a consensus among respondents, on the impact of complex tax regulations and business registration processes. Respondents also highlighted challenges in legitimacy and compliance were expressed, with artists facing difficulties in convincing clients of legitimacy and accessing financial services. The need for

targeted support, including tax incentives and simplified business registration processes, was emphasized to enhance financial stability for freelancers. Registration processes were seen as burdensome, involving fees and administrative challenges, and loan applications were noted to be challenging due to irregular income patterns and financial institutions' reluctance. Discrimination and barriers in accessing economic and legal services were acknowledged, with the emphasis and importance of building a strong financial track record. The questions prompted findings that perception is not always tailored to the unique needs of freelance artists, prompting suggestions for changes in tax procedures, business registration, financial resources, and education.

5.6 Is The Lack of Financial Education Cause for Exclusion?

The findings of the study revealed a common sentiment among freelance artists regarding the lack of comprehensive education and support systems tailored to their needs. Many participants expressed frustration with the limited availability of workshops and courses focusing on the legal and financial aspects of freelance work. For example, a visual artist lamented, "Most times the workshops end with artists lamenting the challenges and experiences," highlighting the need for more targeted education on taxation, business management, and legal matters specific to artists. Similarly, a musician echoed the need for comprehensive education, particularly in areas such as copyright, taxation, financial management, and legal matters relevant to their profession. They stated, "Comprehensive education specific to musicians is still somewhat limited," underscoring the gaps in understanding performance contracts, royalties, and intellectual property rights. In contrast, multidisciplinary artist reported a more positive experience, citing access to formal education and professional development programs on navigating the legal and financial aspects of freelance work. The participant remarked, "I have received training and education on navigating the legal and financial aspects," highlighting the importance of staying informed and adaptable in the dynamic creative industry.

In contrast, the multidisciplinary artist shared a more positive experience, having received thorough training on navigating legal and financial aspects through formal education and professional development programs. They explained, "I have received training and education on navigating the legal and financial aspects of being a freelance artist." Their assertion that

such training covered a range of topics indicated a proactive engagement with regulatory requirements. The artists specific experience highlights the importance of proactive engagement with regulatory requirements by freelance artists. This theme suggests that freelance artists who actively seek out education and stay informed about relevant laws and industry practices may be better equipped to navigate regulatory frameworks effectively.

Regarding the need for more support and resources, respondents unanimously called for initiatives such as comprehensive education on legal and financial matters in addition to grants tailored to freelance artists and affordable studio spaces. The responses collectively underscored a significant gap in educational resources tailored to freelance artists, particularly in legal and financial aspects. This theme suggests that existing regulatory and compliance requirements may not adequately address the specific needs of freelance artists, indicating a need for more comprehensive educational initiatives. The poet expressed dissatisfaction with the current educational resources available to freelance artists, particularly in legal and financial aspects. They said, "I have attended various workshops, seminars, and courses; however, very few focused on the legal and financial aspects of being a freelance artist." Their observation that "comprehensive education tailored to freelance artists is still somewhat limited" highlighted a perceived gap in addressing the specific challenges faced by freelance artists. Similarly, the musician echoed concerns about the inadequacy of comprehensive education for freelance musicians. They shared, "I have attended various workshops, seminars, and courses to better understand and navigate the legal and financial aspects of being a freelance musician." Their emphasis on the necessity of workshops covering copyright, taxation, financial management, and legal matters reinforced the idea that existing regulatory requirements may not fully support the economic integration of freelance musicians.

Suggestions also included support for marketing and promotion, accessible venues, diverse festivals, mentorship programs, and scholarships targeting emerging artists. Moreover, respondents engaged in international sales and collaborations emphasized the need for export assistance, networking platforms, legal assistance, and training programs tailored to the intricacies of working internationally. Advocacy for fair treatment, recognition, and support through professional associations and industry organizations were also emphasized. These findings underscore the urgent need for enhanced support systems for freelance artists in South Africa. While some progress has been made in providing education and resources, significant gaps remain in addressing the diverse challenges faced by freelance artists across different

artistic disciplines. Tailored education, financial support, advocacy initiatives, and networking opportunities are essential to empower freelance artists and foster their growth and sustainability in the creative economy. These findings further contribute to a better understanding of the experiences and perspectives of freelance artists in South Africa and highlights the importance of concerted efforts to enhance support systems for this vibrant and diverse community.

The respondents' shed light on the availability of training and education regarding the legal and economic aspects of being a freelance artist in South Africa, highlighting both existing resources and areas for improvement. While some respondents expressed attending various workshops and seminars, they noted the scarcity of comprehensive education tailored specifically to freelance artists. Enhanced educational offerings including comprehensive coverage of legal matters such as financial management and contract negotiation would be beneficial. Other respondents emphasized the importance of staying informed about relevant laws and industry practices. A consensus emerged among the respondents, advocating for various forms of assistance tailored to different artistic disciplines. Suggestions included grants, affordable studio spaces, legal and financial education, promotion and exposure opportunities, performance venues, diverse poetry festivals, mentorship programs, and support for local comedy events. Additionally, specific recommendations for freelance artists engaged in international sales and collaborations were proposed, such as export assistance, networking platforms, legal assistance, and access to technology and resources. Overall, the respondents underscored the significance of tailored support and resources in fostering the growth, sustainability, and international competitiveness of freelance artists in South Africa's creative economy.

5.7 Freelance Artists Contribute Economically.

In examining the effectiveness of existing regulatory and compliance requirements in legitimizing and integrating freelance artists into the national economy, the participants' responses revealed critical insights into alternative models for supporting the legitimization, integration, and economic inclusion of freelance artists. These participants emphasized the importance of diversifying income streams, budgeting, and seeking professional assistance to ensure financial stability. One responded that, "I rely on a combination of income streams, including art sales, commissioned work, and occasional grants or awards." Their strategies

reflected the challenges faced by freelance artists in managing irregular income patterns, indicating a need for alternative support models. Conversely, these participants highlighted various alternative models for ensuring financial stability, such as collaborations, online platforms, and reputation-building.

A photographer interviewed explained, "Partnering with art galleries and auction houses for exhibitions and sales provides a steady source of income and exposure to collectors worldwide." Their experiences demonstrated the potential for freelance artists to leverage diverse opportunities for income generation and professional growth. The photographer reflects on their international recognition, expressing, "As a freelance photographer, collaborations with prestigious art galleries and auction houses have elevated my career." They emphasize the global exposure garnered through such collaborations, highlighting, "International engagements have facilitated cross-cultural dialogue and expanded my artistic horizons." Moving to our Fashion Designer, they discuss global collaborations, noting, "Participation in international fashion shows has widened my brand's reach and cultural influence." They underscore the fusion of local aesthetics with global designs, remarking, "Incorporating local influences into designs resonates with diverse audiences, fostering cultural exchange." Our Multidisciplinary Artist shares their approach, stating, "Blending visual design, lighting design, and sound engineering has enabled me to offer immersive experiences." They emphasize the sensory impact of their work, noting, "Creating multidisciplinary experiences enriches audience engagement and artistic expression". Lastly, our Actor, Filmmaker, and Influencer reflect on digital platforms, mentioning, "Leveraging social media platforms has expanded my audience reach and brand visibility." They discuss the versatility of content creation, stating, "Engaging audiences through various content formats fosters audience connection and brand loyalty."

The responses underscored the importance of adopting diverse strategies for financial stability and professional development in the freelance art sector. The photographer's approach, for instance, suggests that a multifaceted approach, encompassing both traditional and innovative methods, may be necessary to address the diverse needs of freelance artists and foster their integration into the formal economy. These findings offer critical considerations for policymakers and industry stakeholders seeking to create a more supportive environment for freelance artists in the national economy. The responses further revealed diverse strategies and affiliations among freelance artists in South Africa, highlighting potential alternative models

to support their legitimization, integration, and economic inclusion in the formal economy. Some respondents emphasized the importance of diversifying income streams, meticulous budgeting, and seeking professional assistance, such as collaborating with specialized accountants, to ensure financial stability. Others further underscored the significance of client relationships, emergency funds, diversified clientele, and investing in growth to sustain economic stability.

Visual Artist, reflects on their journey, stating, "Art sales and commissioned work can be unpredictable, leading to financial instability and necessitating a delicate balance between artistic pursuits and financial stability." While the musician shares their experiences, noting the impact of COVID-19 on bookings, highlighting, "The pandemic has disrupted gigging and performance opportunities, exacerbating income uncertainty and emphasizing the importance of networking and adaptability." Transitioning to the Poet/Author, they reveal, "Despite financial challenges, poetry serves as a means of empowerment, allowing for personal expression and the challenging of societal norms." The comedian discusses the logistical challenges of performing in smaller towns, sharing, "Local comedy events have been essential in nurturing talent and building an audience in Rustenburg." Digital artist discuss their collaborations, stating, "Working with various companies has provided opportunities for graphic design and website development." They underscore the flexibility of freelance work, noting, "Collaborations with companies allow for diverse project engagements, from branding to website development."

Additionally, respondents discussed their affiliations with trade organizations and associations, such as artists' associations, musicians' associations, poets' organizations, photography associations, fashion councils, and industry-specific associations, highlighting the benefits of networking, professional development resources, and advocacy efforts. While some respondents expressed limited awareness of or affiliation with such organizations, others emphasized the valuable support, networking opportunities, and industry insights gained through membership. These findings suggest that introducing alternative models, such as strengthening existing trade organizations, fostering industry-specific associations, and promoting networking platforms tailored to freelance artists, could further support their legitimization, integration, and economic inclusion alongside existing frameworks in South Africa's creative economy.

5.8 Legislations Impacting Freelance Work.

The discourse on statutory interpretation typically delineates a clear dichotomy between statutory text and legislative history. However, this article contends that scholars have overlooked the significance of a hybrid form of text that resembles legislative history but is enacted by Congress and signed by the president. This type of text often appears at the outset of a bill, labelled as "Findings" or "Purposes," and offers a comprehensive rationale for legislation, outlining Congress's intent and objectives. Notably, this enacted text is drafted in plain language by political congressional staff, making it more accessible to members of Congress and their high-level staff. Despite the potential importance of enacted findings and purposes in interpretation, courts seldom reference them and lack a coherent framework for their utilization in statutory interpretation. In cases where courts have acknowledged them, they have often relegated them to a status akin to unenacted legislative history, despite facing fewer formalist and pragmatic objections. The infrequent and inconsistent reliance on enacted findings and purposes by courts has led scholars to overlook their relevance to statutory interpretation, resulting in their largely unrecognized and untheorized status in legal literature.

This article posits that all enacted text of a statute must be read holistically and accorded equal weight as part of the entire law enacted by Congress to arrive at an interpretation that aligns with Congress's intent. Such an approach is more likely to yield an interpretation consistent with legislative objectives compared to methods that focus solely on the specific meanings of isolated terms using dictionaries, canons, or unenacted legislative history. By removing formalist objections against legislative history, enacted findings and purposes may offer a text-based avenue for purposivism, bridging the gap between textualists and purposive. This re-evaluation underscores the potential for a more constrained and defensible path forward for purposivism, which has faced challenges in recent years amidst staunch textualist critiques.

The legislative framework governing the South African Cultural Creative Industry and Economy profoundly shapes the landscape for freelance artists, impacting their legitimacy, compliance, and financial inclusion. Key legislation, such as the Copyright Act of 1978 and the Performers' Protection Act of 1967, delineates the rights and protections afforded to creators and performers, ensuring fair compensation and recognition for their work. Complementing these laws are pivotal policies like the National Arts Council Act of 1997 (NAC) and the revised White Paper 2020, aimed at fostering the growth and development of

the creative sector. While these policies provide support and resources, they may fall short in addressing the economic integration and inclusion of freelance artists within the industry.

The compliance landscape for freelance artists is further complicated by legislation such as the Tax Administration Act of 2011, which mandates tax registration and regular returns. This requirement poses a significant burden for artists who lack the requisite resources or expertise, leading to potential non-compliance and jeopardizing their professional legitimacy. Moreover, existing policies like the Basic Employment Act 75 of 1997 may not adequately cater to the unique needs of freelance artists. The challenges of navigating multiple laws and policies highlight the complexities faced by freelance artists in South Africa. There is a noticeable scarcity of literature addressing alternative models for integrating and legitimizing freelance employment within the Cultural Creative Industries and Economy.

This gap highlights the need for innovative approaches to streamline compliance processes and support the economic inclusion of freelance artists. To address these challenges, stakeholders can explore leveraging platforms like the NAC to streamline compliance requirements or adopt digital solutions that facilitate the creation and retention of work for freelance artists. The visual representation provided in the table below serves as a reminder of the intricate regulatory landscape and the imperative for targeted interventions to support freelance artists in South Africa and beyond. Through collaborative efforts and innovative strategies, the industry can work towards fostering a more inclusive and supportive environment for freelance artists to thrive.

TABLE 3: The Acts Under Consideration:

South African Act:	Requirements:
The National Arts Council Act 56 of The acts 1997	- Register with the National Arts Council. - Comply with the National Arts Council's guidelines and regulations. - Meet certain criteria for funding and support from the National Arts Council. - Attend training and workshops provided by the National Arts Council. - Report to the National Arts Council on the use of funds received.
The Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003	- Obtain a BBBEE certification or scorecard. - Meet certain criteria in areas such as ownership, management control, skills development, and enterprise and supplier development. - Submit annual compliance reports to the relevant authorities. - Meet a certain level of black ownership and management control. - Implement a skills development plan for employees.
The Companies Act 71 of 2008	- Incorporate the company and register it with the Companies and Intellectual Property Commission (CIPC). - Appoint and maintain a board of directors.

	- Maintain accurate records and financial statements. - Hold annual general meetings and provide notice to shareholders. - Comply with the relevant laws and regulations.
The Income Tax Act 58 of 1962	- Register for income tax and obtain a tax reference number. - Submit annual income tax returns. - Keep accurate records and retain supporting documents for tax purposes. - Pay income tax owed on time. - Comply with the relevant laws and regulations.
The Copyright Act 98 of 1978	- Register copyrighted works with the Companies and Intellectual Property Commission (CIPC). - Obtain permission or a license to use copyrighted works. - Credit the author or owner of the copyrighted work. - Comply with the relevant laws and regulations. - Respect the moral rights of the author.
The Performers Protection Act 11 of 1967 (PPA)	- Register as a performer with the Performers Protection Service (PPS). - Obtain permission or a license to use a performer's work. - Pay royalties to performers for the use of their work. - Comply with the relevant laws and regulations. - Respect the moral rights of the performer.

5.9 Concluding Remarks: Complaint, Registered and Legitimate.

In conclusion, the research findings offer valuable insights into the experiences and perspectives of freelance artists within the South African Cultural Creative Economy regarding legitimacy, compliance, and economic inclusion. Through a rigorous analytical approach, the study identified patterns, themes, and relationships within the data, providing essential understanding of the challenges and opportunities faced by freelance artists in this evolving economic environment. From the interview question process themes for consideration started to emerged. Despite the challenges faced by freelance artists, there is a silver lining in the form of resilience, creativity, and community support. The findings highlight the diverse strategies adopted by freelance artists to navigate the complexities of the industry and maintain financial stability. Moreover, the presence of affiliations and associations, alleviate varied in awareness and participation, underscores the potential for collective action and advocacy to drive positive change within the freelance artist community. By leveraging these strengths and fostering collaboration between stakeholders, South Africa can create a more inclusive and supportive environment for freelance artists to thrive and contribute to the country's vibrant creative landscape.

The discussion chapter following this research findings section will delve into the implications of the identified themes and explore potential avenues for policy reforms and industry initiatives to address the challenges faced by South African freelance artists. The findings of

the research indicate that freelance artists in the South African Cultural Creative Economy face numerous obstacles concerning legitimacy, compliance, and economic inclusion. Additionally, the study underscores several alternative models that could be implemented to aid in the legitimization, integration, and economic inclusion of freelance artists within the formal economy. These models encompass the creation of a specialized fund tailored for freelance artists, the initiation of mentorship and training initiatives, and the enactment of more adaptable and accessible regulations and laws.

Chapter 6 – Discussion: Thematic discussion

6.1 Introduction: Legality, Inclusion, Taxation and Compliance.

This chapter unfolds and weaves together the voices of freelance artists, legislative intricacies, and scholarly insights, with the ultimate goal of contributing to the discourse on the (il)legitimacy of freelance artists in South Africa scrutinizing the intricate interplay between government legislation, policies, and the economic inclusion or exclusion of this professional cohort. The pervasive labels of "(il)legitimate," "non-compliant," "unprofessional," and "informal" cast a shadow over freelance profession, restricting access to essential benefits and financial opportunities. The research aims and objectives, forged through a lens of urgency and relevance, propel this chapter forward. Scholars such as Kanbur (2009), Bhorat and Van der Westhuizen (2015), Ferguson (2019) Tanya Wagenaar (2011), Bokova and Clark, (2013) and Hartley (2010) will help in ensuring that the fundamental question is answered and address all emerging themes. The themes which will be discussed, are those which emerged from the research field work with the 9 participants. Addressing these themes will facilitate a balanced assessment of the extent to which current policies address financial inclusion and integration of freelance artists within the Cultural Creative Industries.

In the discussion chapter, several key points warrant consideration to comprehensively address the challenges and opportunities surrounding the economic inclusion of freelance artists in South Africa's creative economy. Firstly, an in-depth analysis of the effectiveness of existing policy interventions is crucial, with a focus on identifying specific areas requiring improvement. This assessment will provide valuable insights into the regulatory landscape and inform recommendations for policy adjustments to better support freelance artists. Secondly, the role of formal economic services in facilitating financial inclusion for freelance artists should be critically evaluated. Exploring how these services contribute to the economic stability of freelancers will shed light on the existing gaps and potential enhancements needed to strengthen financial support structures within the creative sector.

The discussion should also emphasize the significance of professional development and educational initiatives tailored to meet the unique needs of freelance artists. This entails an exploration of the current landscape of available resources and programs, evaluating their effectiveness, and proposing strategies to enhance the educational support available to

freelance artists, addressing specific challenges they face in legal, financial, and business domains. Furthermore, the potential impact of strengthening affiliations and associations on the integration and economic empowerment of freelance artists is a vital aspect to consider. Analysing the existing affiliations, their roles, and their effectiveness in advocating for freelance artists' rights and interests will provide insights into how such networks can be further strengthened to ensure a more cohesive and supportive environment for freelancers.

In examining the legislation and policies impacting freelance artists, we acknowledge the critical void in existing literature and underscore the need for targeted interventions to rectify economic disparities and (il)legitimacy. Through a qualitative methodology that scrutinizes documents and policies, employing lenses navigating the intersections of formality and informality, we present a contextualized analysis of the present legislative landscape for freelance artists in South Africa. Furthermore, we explore alternative models that can be introduced alongside existing frameworks, offering insights into the facilitation of legitimization, integration, and economic inclusion for freelance artists in the formal economy. As we navigate this landscape, our analysis is informed not only by scholarly perspectives but also by the lived experiences of freelance artists themselves.

Additionally, we probe into the potential of digital platforms and pay-gate services as alternative legitimization approaches, navigating the nuanced terrain of 'formality' and 'informality' within the freelance profession. The purpose of this chapter is clear: to present the results derived from in-depth interviews with 9 freelance artists, supplemented by a comprehensive review of relevant legislation and acts. Our thematic analytical approach offers a structured exploration of key findings, providing a nuanced understanding of the multifaceted challenges faced by freelance artists and the impact of legislative frameworks on their professional status.

6.2 Enhancing Economic Inclusion through Clearer Tax Guidelines, Simplified Application Processes, and Inclusive Policies.

The sub-chapter delves into the critical aspects of legislation and conceptual frameworks aimed at fostering economic inclusion within the freelance artist community. Through interviews with freelance artists, it became apparent that there is a fundamental need for greater clarity in tax

guidelines, streamlining of application processes, and the implementation of inclusive policies to support the economic integration of artists into the formal economy. Drawing from the work of Kanbur (2009), this sub-chapter adopts a conceptual framework to analyse the effectiveness of existing legislation and policies in promoting economic inclusion for freelance artists. By applying this framework, the sub-chapter aims to uncover insights that will inform actionable recommendations for policymakers, industry stakeholders, and freelance artists themselves, ultimately contributing to the enhancement of economic inclusion within South Africa's creative economy.

The discussion looks into arguments made by other scholars such as Chong (2006), Ncube (2018), Bokova and Clark (2013), Canclini (2019), Mathurine and Mapaling (2020) and Hartley (2010), who have written extensively about the landscape of freelance work concerning compliance, relevant legislations which impact the livelihood of freelance artists. This discussion will be supported by the findings in Chapter 5. The discussions revealed that many freelance artists struggle to navigate the complexities of government regulations, particularly in areas such as taxation, copyright laws, and business registration. The use of jargon-filled language in legal documents poses a significant barrier, especially for those without formal legal or financial training.

The examination and assessment of current government policies, strategies, and implementation approaches at various governmental levels have unveiled a potential systematic and administrative exclusion of freelance artists from the formal sector. Notably, much of the policy loosely employs terms such as "independent trader" or "independent contractor," which are practically interchangeable, as indicated by the South African Revenue Services (SARS, 2012). This is exemplified by SARS's detailed description, which suggests that an individual qualifies as an independent contractor if the payer only controls or directs the outcome of the work, equating independent contractors with "entrepreneurs" or "employers."

Ferguson (2019) presents a contrasting perspective, asserting that freelance artists do not establish an "employer-employee" relationship with any organization by definition. Consequently, they do not bear the same obligations and responsibilities as cultural entrepreneurs. Despite operating within the South African Cultural Creative Industry and Economy, freelance artists and cultural entrepreneurs exhibit significant disparities in their

compliance with regulations and laws. The paper by Joffe and Mukanga-Majachani (2023) "addresses how the predominantly atypical nature of cultural and creative work (CCW) (freelance, contractor, casual, once-off or part-time basis) is overlaid or impacted on by informality in the African context" (Joffe and Mukanga-Majachani, 2023). Freelance artists, operating independently, may not be beholden to the same regulations and laws as cultural entrepreneurs who function within organizational structures. The absence of formal affiliations with organizations or enterprises implies that regulations applicable to businesses and entities may not extend to freelance artists.

For this discussion, we will investigate the legislation which emerged in the findings chapter. Amidst these challenges, a consensus emerged among respondents regarding the necessity for clearer tax guidelines, simplified application procedures, and the development of policies tailored to the needs of freelance artists. In examining the challenges faced by freelance artists in accessing formal economic services, Ferguson's perspective sheds light on the systemic issues underlying these difficulties. "Why should a government pass a regulation which it then does not enforce?" (Kanbur, 2009:10), a question which is the silver lining of the chapter. It is argued that there are policies and laws which if put in place and implemented correctly to heed the call of legitimizing and financially including the profession of freelance work within the CCIs. Chong, (2006) highlights that concerns have been expressed concerning the effect of informality on economic growth, as well as to its impact on the erosion of the tax base with ensuing detrimental effects on publicly provided goods and services (Chong, 2006).

The Income Tax Act 58 of 1962 holds significant relevance for the financial inclusion of freelance artists in South Africa. This legislation, as highlighted by Kanbur (2009), serves as a pivotal regulatory framework governing the tax compliance of freelance artists, thereby influencing their legitimacy within the professional domain. Moreover, the Act plays a critical role in shaping the financial inclusion of freelance artists, impacting their access to formal financial services and potential eligibility for government funding. Some of the participants lament that " the application process is often rigorous and competitive" (Poet). A significant challenge encountered by freelance artists in South Africa pertains to their limited access to formal financial services and government funding, primarily stemming from non-compliance with tax regulations. As elucidated by De Koker and Jentzsc (2013), this issue is often exacerbated by a lack of awareness and comprehension regarding The Income Tax Act 58 of 1962. Moreover, the intricate and labour-intensive nature of compliance procedures further

complicates matters for freelance artists, hindering their ability to navigate the regulatory landscape effectively. This has seen some of the freelance artists choosing not to access financial assistance from government initiatives "I haven't personally received government funding or grants for my work as a freelance" (Multidisciplinary Artist).

Hartley (2010) suggests that the Income Tax Act can serve as a barrier to financial inclusion for freelance artists, as they may struggle to fulfil the requirements necessary to qualify for formal financial services and government funding. To comply with the Act fully, there are extensive steps which one needs to take. These steps have been seen to be burdensome to artists as they are required to "... provide extensive documentation, including bank statements, proof of income, and a business plan or project proposal, depending on the nature of the funding request" (Musician). De Koker et. al, (2012) argues that while transparency can hold benefits for a customer, for instance by providing easier proof that a specific transaction was conducted, it also improves access to customer information by third parties. Moreover, the lack of enforcement of relevant legislative policies can erode trust in state entities and programs, as it may result in limited access to funds for targeted groups. "Being based in Rustenburg, I've sometimes been seen as a higher risk for financial institutions, limiting my ability to invest in equipment, promotions, and expanding my reach as a comedian..." (Comedian), this experience highlights the very same critique that targeted and marginalized group suffer at the hands of inappropriate policy initiatives and designs.

Critics argue that the Income Tax Act 58 of 1962 fails to offer clear guidelines and adequate support for freelance artists, who often struggle with navigating the complexities of tax compliance. Scholars like Canelini (2019) and Ferguson (2019) assert that this lack of support can push freelance artists into informal operations, potentially compromising their legitimacy and financial inclusion. They point out that many freelance artists operate outside the formal tax framework due to a lack of comprehension of tax laws. What is also evident is freelance artists who operate with international companies or with a wider reach have managed to find a solution by "...building strong relationships with banks, legal advisors, and other service providers has been crucial in overcoming any potential barriers" (Multidisciplinary Artist). Respondents uniformly recommend that the government should offer tax education and assistance for freelance artists to promote compliance and enhance financial inclusion. They emphasize that the Income Tax Act significantly influences compliance with tax regulations and can pose obstacles for freelance artists in accessing financial services.

In addition to these challenges, freelance artists in South Africa may encounter difficulties in navigating the country's tax laws and regulations, as financial institutions may be sceptical about providing support to freelance professionals due to the irregularity of income and the underestimation of poetry's commercial potential, a respondent reflects that "...Financial institutions can be sceptical about providing support to freelance poets due to the irregularity of income and the underestimation of poetry's commercial potential" (Poet). Self-employed individuals bear the responsibility of registering for taxes and filing their returns, which can be a complex and confusing process. Additionally, they may lack access to the same tax benefits and deductions as salaried workers, making it challenging to manage their finances and plan for their financial future.

However, it's important to note that transparency in financial matters can have both positive and negative implications for consumers, as highlighted by De Koker et al. (2012). The legislation offers deductions and rebates for specific expenses, including those accrued by freelance artists during their professional activities. However as reflected by the definition of SARS, freelance artists aren't made provision in their systems thus creating a larger separation and non-compliance of laws by Artists. Currently, most freelance artists are paid in cash from gigs or using other forms of generating income with many sharing the sentiment that they "rely on various income sources, such as performing at events, workshops, commissioned pieces, and educational programs". (Photographer). When paid in "hard-cash" it becomes a challenge for freelance artists to account thus resulting in the transaction being unknown, perpetuating the "non-compliance" of freelance artists.

The Copyright Act of 1978 plays a significant role in determining the legitimacy of freelance artists in South Africa. This legislation grants legal protection to creators of original works, including freelance artists, by giving them exclusive rights over their creations. These rights include the ability to reproduce, distribute, and display their works. Consequently, freelance artists who produce original content like paintings, photographs, music, and software have legal authority over the use of their creations. According to a study by Acker and Stefanoff (2016) "Only 24% had heard about copyright and licensing; just over half of these said they wanted to know more about copyright" (Acker and Stefanoff 2016). Indeed, this legal protection ensures that freelance artists have the right to control the use of their works and to receive compensation for their use. This is crucial for safeguarding the economic interests of freelance artists and encouraging creativity and innovation within the cultural and creative industries. One of the

participants highlights that The legislation fails to consider the particular requirements of freelance artists, who might lack the resources or expertise to navigate the intricacies of the copyright framework (Graphic Designer).

There are also concerns that this Act may not be fully compliant with international standards, as it does not provide for moral rights or rights management (Bokova and Clark, 2013). Another collective experience from the participants is "...establishing industry standards and best practices...and safety protocols to ensure consistency and quality across projects" (Fashion Designer). It is also contended that in developing nations, copyright regulations are not adequately enforced, posing challenges for creators in safeguarding their rights and receiving compensation for the use of their works. Another experience by participants in this research highlights the need to "...strengthening intellectual property laws and enforcement mechanisms to protect...rights and ensure fair compensation for their creative work, both domestically and internationally" (Photographer, Graphic Designer, Multidisciplinary Artists). Although these challenges persist, the study by Acker and Stefanoff (2016), highlights that "The risk of unfair or unethical treatment does not discourage artists from working independently and engaging directly with private art trading businesses"(Acker and Stefanoff 2016). The lived experiences and sentiments of the artists interviewed in this research are that developing countries like South Africa may have challenges in enforcing these Act recommendations, due to a lack of relevant products to market, leading to a lack of compliance and financial inclusion for freelance artists

The limitations of the Copyright Act can indeed pose challenges for freelance artists, especially regarding works that may not meet the criteria of being original. This can potentially hinder their financial inclusion and ability to protect their creations from unauthorized use or exploitation. This situation can pose challenges for freelance artists working in areas like illustration and graphic design, where the concept of "original works" may not always apply straightforwardly. Canclini (2019) emphasizes that the Copyright Act provides a crucial framework for safeguarding creators' rights and ensuring equitable compensation for the use of their works. Additionally, Mathurine and Mapaling (2022) highlights in " South African Freelance Media Industry and Rates Report (2019/2020) " that ongoing reviews of the Act aim to address its limitations in adapting to digital advancements, potentially mitigating some challenges faced by freelance artists.

Reports commissioned by the Department of Sports, Arts and Culture highlight significant concerns regarding the COVID-19 relief fund for artists in South Africa. Minister Nathi Mthethwa's 2020 report revealed obstacles such as the lack of required documentation, demographic barriers, language issues, and unclear communication regarding claim amounts and time frames. This underscores how the absence of robust legislative policies can erode trust in state entities and programs. It further highlights and distinguishes the unique challenges that freelance artists face which could emanate from how the South African contract law and policies view this form of employment,

To tackle these challenges, it is imperative to implement practical measures and invest in enforcing legislative policies that legitimize and recognize Cultural Creative Freelancing as a professional form of employment. The research perspective provided by freelance artists distinguishes between two sectors: the "informal survivalist sector," operating at the periphery of the formal economy, and the "productive informal sector," which plays a crucial role in capitalist accumulation. The distinction between these two sectors highlights the potential consequences of non-compliance for freelance artists, which can hinder their financial inclusion and professional legitimacy. Conversely, exploring alternative models within the productive informal sector opens opportunities to enhance the financial participation of freelance artists. In addition, some policies are applicable but may not be compliant with the needs of freelance artists as argued by Kanbur (2009). It is therefore argued that using Kanbur's conceptual framework to assess the policies and their impact on the legitimacy and financial inclusion of freelance artists will yield solutions and alternative methods or strategies which can be employed to address these issues. As a result of doing this exercise, the research questions will be answered successfully with the corresponding recommendations.

6.3 Economic Support and Protections for Freelance Artists.

This sub-chapter delves into a specific focus on themes related to access to financing, market opportunities, social protections, tax incentives, and affordable healthcare. The interviews conducted with freelance artists offer invaluable insights into the challenges they encounter while navigating regulatory frameworks, accessing economic and legal services, and establishing legitimacy in their professions. The lived experiences of the respondents shed light on multifaceted challenges, emphasizing financial inclusion as a significant hurdle. The discussion looks into contributions made by scholars such as Bhorat and Van der Westhuizen

(2015), Skinner (2008), Ferguson (2019) Wagenaar (2011), Robinson (2004), Shafi, Sirayi and Abisuga (2020), De Koker et. al, (2012), Chong (2006), who have written extensively about the landscape of freelance work concerning business registrations and social protection of freelance artists. This discussion will be supported by the findings in Chapter 5. Complex financial regulations and cumbersome business registration processes were identified as key contributors to these challenges. Respondents consistently expressed difficulties in convincing clients of their legitimacy and faced obstacles in accessing financial services. In response, the need for targeted support mechanisms, such as tax incentives and simplified business registration processes, was underscored as vital to enhance the financial stability of freelancers.

The findings from the interviews highlighted the misalignment between existing perceptions and the unique needs of freelance artists. Consequently, the sub-chapter explores potential changes in social benefits, business registration, financial resources, and education to better cater to the distinctive challenges faced by freelance artists. The importance of equal access to funding and support from the National Arts Council (NAC) is emphasized as a crucial element in fostering economic inclusion within the Cultural Creative Industries. Recognizing the pivotal role of the Cultural Creative Industries in contributing to the country's economic growth the South African Cultural Observatory (SACO, 2019), estimates a significant annual contribution of close to R63 billion to the GDP.

Failure to enforce existing legislative policies or explore alternative models may lead to market saturation, thereby necessitating aligned government intervention at the developmental, consultative, and implementation levels. Now, credit constraints imply that richer households are in a better position to successfully engage in rent-seeking, and—as will be shown formally below—this relative disadvantage of the poor increases with inequality (Chong, 2006). Indeed, by delving into legislative frameworks and conceptual models, the aim is to provide insights that can inform recommendations to bolster the legitimization and inclusion of freelance artists within the broader national economic landscape. Through this exploration, opportunities for policy reforms and industry initiatives can be identified to address the challenges faced by freelance artists and promote their meaningful participation in the economy.

The enactment of the National Arts Council Act 56 of 1997 and the subsequent establishment of the National Arts Council (NAC) represent pivotal advancements in the promotion and sustenance of arts within South Africa. The NAC's mandate, aimed at fostering, nurturing, and

bolstering the arts sector in the nation, highlights its significance as a pivotal funding entity for various arts and cultural initiatives, as well as its pivotal role in offering support to artists and arts organizations alike. Section 3 of the National Arts Council Act of 1997 delineates the overarching purpose and functions of the legislation. It underscores the imperative of creating avenues for individuals to engage in artistic endeavours, fostering the cultivation of an environment where the arts are appreciated, understood, and celebrated, and advocating for the widespread integration of artistic expression within the community. This legislative framework underscores a steadfast commitment to nurturing a flourishing cultural sector and facilitating the active involvement of artists in South Africa's broader socio-economic milieu.

The National Arts Council Act 56 of 1997 indeed plays a crucial role in the protection and promotion of artistic works in South Africa. This legislation not only provides for the protection of literary, artistic, and musical works but also extends to various forms of creative expression such as visual art, photography, and software. By offering legal protection to artistic works, including those created by freelance artists, the Act serves to safeguard the intellectual property rights of creators and ensures that they receive due recognition and compensation for their contributions to the cultural landscape of the country. Additionally, the Act's provisions contribute to fostering a supportive environment for artistic creativity and innovation, thereby facilitating the growth and development of the arts sector in South Africa.

However scholars such as Ncube (2018) in " The Creative Industry and South African Intellectual Property Law", argue that the Act has not been without its challenges for freelance artists. Ncube's criticism of the National Arts Council Act 56 of 1997 highlights important shortcomings in the legislation, particularly regarding its ability to adapt to the rapidly evolving technological landscape. As technology continues to advance, new forms of artistic expression and modes of distribution emerge, posing challenges for traditional copyright frameworks. Furthermore, Ncube's observation that many freelance artists may not be fully aware of their rights under the Act underscores the need for increased education and awareness initiatives within the artistic community. Ensuring that creators understand their rights and how to enforce them is essential for empowering freelance artists and protecting their intellectual property in an increasingly digital world. Overall, Ncube's critique emphasizes the importance of ongoing review and updates to legislation governing the arts sector to address emerging challenges and effectively support freelance artists in South Africa. Some of the participants shared that they " ...have taken it upon myself to become reasonably familiar with government legislation and

policies affecting freelance artists. However, the complexity and often jargon-laden language of these legal documents can make it a daunting task" (Graphic Designer).

Durrer, Gilmore and Stevenson (2019) critique of the National Arts Council's (NAC) funding systems sheds light on the challenges faced by freelance artists, especially those from marginalized backgrounds, in accessing financial support. The complexity and arduous nature of the NAC's funding application process can act as a barrier for freelance artists, who may lack the resources or support networks to navigate it effectively. This criticism underscores the need for the NAC to review and streamline its funding processes to make them more accessible and inclusive for freelance artists. Simplifying application procedures, providing targeted support for applicants from marginalized communities, and offering resources to assist artists in navigating the process could help address these challenges. Moreover, enhancing transparency and communication about funding opportunities and criteria can ensure that freelance artists are aware of available support and can make informed decisions about applying for funding.

By addressing these issues, the NAC can better fulfil its mandate to support and promote the arts in South Africa, including the diverse contributions of freelance artists. This has been supported by the experience of some freelance interviews with one of the respondents reflecting that " ..one specific challenge has been convincing clients and institutions of my legitimacy as an individual freelance artist. Many clients, particularly larger corporate clients and government bodies prefer to work with registered businesses rather than individual freelancers" (Poet/Author). Criticism of the National Arts Council's (NAC) funding criteria, which prioritize established organizations and institutions over individual artists and small-scale projects, highlights an imbalance in resource allocation that may disadvantage freelance artists and grassroots initiatives. To address this issue, the NAC could consider revising its funding criteria to ensure greater inclusivity and equity. This might involve allocating a portion of funding specifically for individual artists and small-scale projects, implementing quotas or targets for funding distribution, or providing additional support for emerging artists and underrepresented communities.

Bhorat and Van der Westhuizen's (2009) research findings regarding the National Arts Council's (NAC) funding allocation raise concerns about equity and representation within the South African arts sector. Their analysis suggests that the distribution of NAC funding may not

adequately reflect the country's diverse demographics, including factors such as race and geography. This discrepancy as described by Bhorat and Van der Westhuizen's (2015) could perpetuate existing inequalities within the arts sector, limiting opportunities for artists from underrepresented communities and regions to access resources and support for their creative work. It may also reinforce disparities in cultural representation and access to artistic opportunities, perpetuating systemic barriers to participation and success. By adopting a more inclusive and equitable approach to funding allocation, the NAC can better fulfil its mandate to promote and support the arts in South Africa, ensuring that all artists have the opportunity to contribute to the country's cultural landscape and thrive in their creative endeavours.

The critique suggests that freelance artists from marginalized communities may face challenges in accessing funding and support from the National Arts Council (NAC). Despite these criticisms, it's important to acknowledge the NAC's efforts to tackle these issues. For instance, the NAC has implemented various programs and initiatives tailored to support freelance artists, including the Artist Development program, Performing Arts Network South Africa (PANSa), and the MZANSI GOLDEN ECONOMY initiative. However, there remains a consensus that additional measures are necessary to ensure equitable access to opportunities for freelance artists, especially those from marginalized backgrounds.

The Performers Protection Act 11 of 1967 (PPA) is designed to safeguard the rights of performers, including freelance artists, regarding their performances. It encompasses provisions aimed at preventing unauthorized use of performers' works and guaranteeing fair compensation for such usage. The PPA holds significance for freelance artists by safeguarding their rights and ensuring fair compensation for the utilization of their performances. Nevertheless, concerns have been raised regarding its efficacy in fully protecting freelance artists' rights, as enforcement and adherence to the Act may be inconsistent. Skinner (2008) suggests that the private sector often neglects to enforce or comply with the PPA, leading to freelance artists being deprived of the protection and compensation guaranteed by the Act. The study underscores the necessity for improved enforcement and compliance mechanisms to safeguard the rights of freelance artists. Ferguson (2019) asserts that the PPA might not provide comprehensive protection for freelance artists, particularly in addressing digital copyright infringement. The study advocates for amendments to the Act to address the implications of digital technology on safeguarding performers' rights.

Regarding the PPA, freelance artists possess the authority to govern the utilization of their performances, including the ability to grant licenses for commercial usage. As reflected by two participants " Partnering with art galleries and auction houses for exhibitions and sales provides a steady source of income and exposure to collectors worldwide" (Photographer). An essential component of the Act is the recognition of performers' moral rights, which include the right to be recognized as the performer of a work, the right to object to any derogatory treatment of the performance, and the right to prevent unauthorized use of the performance. Additionally, the Act ensures that performers are compensated for the use of their performances, a significant consideration for freelance artists who may not have ongoing commitments to specific employers.

This provision holds particular significance for freelance artists who may lack the backing of a larger entity to advocate for them during negotiations. Various authors and scholars, including Wagenaar (2011) in her paper "A Comparative Analysis of the Development of Performers' Rights in the United Kingdom and South Africa," have underscored this issue. She contends that the Act's enforcement mechanisms are insufficient and that performers lack support in asserting their rights compared to the UK. Participants in this study have expressed that providing more targeted support for freelancers, such as tax incentives, access to affordable healthcare, and simplified business registration processes, would bolster financial stability and promote entrepreneurship.

The Companies Act 71 of 2008, also known as the Companies Act, regulates the formation, registration, management, and closure of companies. In the realm of freelance artists and relevant legislation, the Companies Act plays a crucial role in determining the legal standing and operations of freelance artists within the South African Cultural Creative Industry. Robinson (2004) delves into the impact of the Companies Act on freelance artists in his work titled "Entrepreneurial challenges faced by freelance artists in South Africa." He argues that the stringent regulations and compliance requirements of the Companies Act present significant obstacles for freelance artists aiming to establish their own business ventures. This sentiment is echoed by one participant who noted, "It's not typical for a freelance comedian to register a business, but I've formalized my work to access performance opportunities in larger cities" (Comedian). Numerous freelance artists find themselves grappling with the complexities of the Companies Act, lacking the requisite resources, understanding, and skills to navigate its

intricate legal demands. Consequently, this challenge frequently hampers their capacity to register and conduct their businesses in accordance with legal standards.

In their paper " Issues, challenges and contributions of cultural and creative industries (CCIs) in South African economy " Shafi, Sirayi and Abisuga (2020) delves into the influence of the Companies Act on freelance artists. He asserts that the Act's stringent compliance demands, combined with inadequate government support for freelance artists, often compel many of them to operate informally, circumventing the legal framework. This is supported by a respondent who reflects that " Registering a business can be expensive, and it adds to the administrative burden for freelancers, particularly those who are just starting their careers" (Graphic Designer). Shafi, Sirayi and Abisuga (2020) also observes that such circumstances can impede freelance artists' access to formal financial services and benefits, like credit and insurance, while leaving them susceptible to exploitation and mistreatment.

Loan applications were noted to be challenging faced by many of the participants, due to the irregular income patterns inherent in freelance work and the reluctance of financial institutions to accommodate such variability. Additionally, discrimination and barriers to accessing economic and legal services were acknowledged, with an emphasis on building a robust financial track record to overcome these hurdles. In " The struggle for the streets: processes of exclusion and inclusion of street traders in Durban, South Africa" Skinner (2021) underscores the Companies Act's compliance requirements as a substantial hurdle for freelance artists aspiring to establish their own business entities. She also acknowledges that this complexity can hinder freelance artists from registering and operating their businesses within the legal framework, thereby exacerbating their marginalization and exclusion from the formal economy.

The Copyright Act of 1978 (Act 98 of 1978) serves to protect and ensure compensation for freelance artists by recognizing their moral and economic rights. This legislation provides a framework for fair use of copyrighted works and is administered by the Companies and Intellectual Property Commission (CIPC). Conversely, the Companies Act of 2008 (Act 71 of 2008) regulates the registration and compliance requirements for companies operating in South Africa, including those that engage freelance artists. This Act establishes regulations and enforcement mechanisms for registered companies in the country. Nevertheless, a significant portion of freelance artists operate as sole proprietors or unregistered businesses, rendering

them non-compliant with the provisions of the Companies Act. "Informal services are sometimes described as anonymous, especially by law enforcement representatives. In informal services, however, the transaction parties often know each other or have sufficient personal contact to be able to identify one another" (De Koker et. al, 2012). The lack of this foresight and provision puts many freelance artists in promiscuous financial exclusion and participating within the formal economic structure. " ... Many international bodies and development agencies are currently supporting financial inclusion initiatives in countries around the world" (De Koker et. al, 2012). Both these Acts advocate for transparency and accountability in business operations, which can positively impact freelance artists by ensuring equitable and punctual compensation.

Through the interview process and analysing the data from the interview, inequality of race and gender were highlighted by some participants. Bearing the historic tragedy of Apartheid, the South African landscape and context of race inequalities cannot be excluded from the argument. "This has been more acute due to stereotypes that downplay the value of poetry, particularly from black female voices " (Poet), this particular statement started to highlight the issue of race in this research which was never a variable or criterion when choosing the sample group. However, the outcome is that 90% of respondents in the study are Black and 10% White, highlighting an important point to consider when looking into the context of South Africa. The Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003 aims to promote and advance economic transformation in the country by addressing issues of racial inequality resulting from apartheid. The Act introduces empowerment credits, granted to companies fulfilling criteria regarding ownership, management, skills development, and procurement from black-owned suppliers. This initiative aims to promote racial representation, with 84% of individuals in cultural occupations in 2017 being black, spanning African, coloured, Indian, or Asian backgrounds (SACO, 2020).

The BBBEE Act holds promise in profoundly influencing the legitimacy, compliance, and financial integration of Black South African freelance artists. By prioritizing skills development and procurement from "black-owned suppliers," the Act opens avenues for artists to acquire training and resources, thereby enhancing their skills and fostering career success. Furthermore, as noted by Craik (2007), cultural planning advocate Hawkes considers culture as one of the four pillars of sustainability, alongside economic, social, and environmental development. This underscores the importance of integrating arts and culture into daily life and

planning processes to promote cultural sustainability. Appropriate initiatives to advance the goals and aims of this Act, within the Cultural Creative Industries are still in their infancy stages. Craik (2007) highlights a critical concern regarding government advocacy for elite arts, suggesting that this approach often prioritizes funding-driven art organizations over the genuine need for art, potentially leading to cultural impoverishment. Conversely, cultural entrepreneurs, being affiliated with businesses or organizations, are obliged to adhere to standard regulations and laws akin to any other business entity. Compliance with legal requirements precedes their ability to operate and earn income, emphasizing financial accessibility tied to regulatory adherence rather than creative expression output.

6.4 Uncovering More Than The Eye Meets: Applying The Conceptual Framework.

To comprehend these impacts thoroughly, it would be beneficial to structure the analysis and discussion around the four conceptual categories proposed by Kanbur (2009): (A) regulation applicable and compliant, (B) regulation applicable and non-compliant, (C) regulation non-applicable after adjustment of activity, and (D) regulation non-applicable to the activity (Kanbur, 2009). This framework lays the foundation for delving deeper into the current state of freelance artists and the Cultural and Creative Industries (CCI) landscape in South Africa and globally. By employing this framework, we can better understand the solutions necessary to address the research aims, objectives, and questions. The insights garnered in previous chapters offer a perspective on the experiences and legal framework impacting South African freelance artists not only presently but also historically.

As illustrated in both sections 6.2 and 6.3, policies and legislations are crafted to establish a framework within which freelance artists can operate, ensuring their compliance with pertinent regulations and facilitating their participation in the formal economy. Based on the investigation and analysis conducted in sections 6.2 and 6.3, the key legislative instruments identified for exploration include The Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003, The National Arts Council Act 56 of 1997, The Companies Act 71 of 2008, The Income Tax Act 58 of 1962, The Copyright Act 98 of 1978, and The Performers Protection Act 11 of 1967 (PPA). These acts collectively aim to provide freelance artists with a legal framework within which to operate, ensuring their compliance with regulations and facilitating access to necessary resources and support for their success. Category A is termed "formal," while the rest (B, C, and D) fall under the umbrella of "informal." Notably, category B is considered the most explicitly "illegal" within this framework. The Nuances within the

Informal, Kanbur contends that labelling all three categories (B, C, and D) as "informal" oversimplifies the distinctions among them.

The exploration revealed that The National Arts Council Act 56 of 1997, The Performers Protection Act 11 of 1967 (PPA), and The Copyright Act 98 of 1978 are crucial pieces of legislation that provide protection for performers, including freelance artists. These acts establish the rights of performers to control the use of their performances and ensure fair compensation through the payment of royalties. As such, they fall under conceptual category A, which pertains to regulations applicable and compliant. This category refers to regulations that apply to the activity and the actors involved comply with them. This category epitomizes a symbiotic relationship between legislative frameworks and freelance practices, cultivating an environment wherein freelance artists can function within legal parameters without sacrificing their creative autonomy. Scholars like Canclini (2019) argue that regulations falling under Category A are essential for the sustainability and growth of freelance professions, preventing exploitative practices while providing a supportive framework for economic inclusion.

However, it has been shown throughout the research that, although applicable to Freelance work they do not clearly state their requirements for compliance and the unique needs of many freelance artists. The Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003, The Companies Act 71 of 2008, and The Income Tax Act 58 of 1962 under category B. These acts apply to activities within the formal economic sector, but freelance artists, operating as individuals rather than enterprises, may not always comply with their requirements. This misalignment can indeed hinder the ability of freelance artists to fully contribute to the Cultural Creative Industries and may stifle their creativity due to regulatory constraints, as noted by Power (2012).

The Acts you mentioned, when effectively implemented, should contribute to the legitimization and integration of freelance artists into the formal national economy. By providing opportunities and supporting alternative models, these Acts can help foster inclusion and legitimization within the Cultural Creative Industries (CCIs). The exploration of these categories underscores the importance of ensuring that legislation aligns with the unique needs and characteristics of freelance work within the CCIs in South Africa.

Table 4: Category A and B

Category	Act	Freelance Artists
B	The Broad-Based Black Economic Empowerment (BBBEE) Act 53 of 2003	Applicable & non-compliant
A	The National Arts Council Act 56 of 1997	Applicable & Compliant
B	The Companies Act 71 of 2008	Applicable & non-compliant
B	The Income Tax Act 58 of 1962	Applicable & non-compliant
A	The Copyright Act 98 of 1978	Applicable & Compliant
A	The Performers Protection Act 11 of 1967 (PPA)	Applicable & Complaint.

Category C: Regulation Non-Applicable until/after Adjustment of Activity.

Category C, as delineated, encapsulates scenarios where regulations are in place but may not directly pertain to the particular activity or sector of freelance artists. Nevertheless, there exists potential to adapt these regulations to align more closely with the requirements of the industry, thereby fortifying the legitimization and integration of freelance artists into the formal national economy. This adjustment process involves tailoring existing regulations or creating new ones to address the unique characteristics and challenges faced by freelance artists within their respective industries. Thompson (2018) also highlights the rapid pace of change within the creative economy, emphasizing the need for regulatory frameworks that are agile and adaptable. In this category, the regulation is not originally tailored for the specific activity or industry but can be modified to encompass it. Indeed, the Occupational Health and Safety Act of 1993 (OHSA), initially designed for manufacturing and construction sectors, could be tailored to accommodate the needs of freelance artists in the creative industry. By adapting this regulation, freelance artists could gain access to safe working conditions and protection from hazards within their work environments.

This adaptation would require considering the unique circumstances and risks faced by freelance artists, such as those related to ergonomic concerns, equipment safety, and workspace arrangements. Utilizing OHSA in this manner could contribute to legitimizing and integrating freelance artists into the formal national economy by prioritizing their well-being and productivity. Indeed, the Basic Conditions of Employment Act 75 of 1997 (BCEA), crafted for

formal employment settings, can be modified to suit the needs of freelance artists. By extending its provisions to cover freelance work, the BCEA could safeguard these artists from exploitation and guarantee them fair working conditions. This adaptation would involve tailoring the act to address the unique circumstances of freelance employment, such as setting standards for payment terms, establishing guidelines for project deadlines and milestones, and defining mechanisms for resolving disputes between freelance artists and their clients. Adapting the BCEA in this manner would contribute to the legitimization and integration of freelance artists into the formal national economy by ensuring their rights and well-being are protected.

These instances demonstrate the potential for modifying existing regulations to encompass the cultural creative sector and safeguard freelance artists against exploitation and hazardous work environments. However, it should be recognized that such adjustments may not always provide complete protection for freelance artists, underscoring the need for additional legislation or policies tailored to the distinctive needs of the creative industry. While initial regulations may not directly apply to the specific activities or sectors of freelance artists, they can be modified to better suit their needs and promote their acknowledgment and integration into the formal national economy. This may entail revising existing laws or introducing new legislation specifically crafted to address the requirements of freelance artists.

Table 5: Category C

Category	Act
C	Occupational Health and Safety Act of 1993 (OHSA),
C	The Basic Conditions of Employment Act 75 of 1997 (BCEA)
C	Employment Equity Act Amendment Act 2022
C	Pension Fund Amendment Act 11 of 2007
C	Wages Amendment Act 58 of 1981
C	National Qualifications Framework Act 67 of 2008

Category D: Regulation Non-Applicable to the activity.

This category concerns situations where regulations do not encompass the activities performed by freelance artists. This discrepancy may arise due to the nature of the activity itself or its misalignment with the specific scope of the regulation. For example, in the context of the South African Cultural Creative Industry and Economy, the Copyright Act 98 of 1978 serves as an

example. While this legislation aims to protect the rights of creators and artists, it may not extend to certain types of freelance artists, such as street performers or buskers. These individuals may not create works eligible for copyright protection, thus exempting them from the regulatory framework applicable to other artist categories.

This category also includes freelance artists operating within the informal economy. For example, if a freelance artist sells their work at local markets or through social media platforms, they may not be subject to the same regulations as artists selling through formal galleries or online marketplaces. As a result, regulations may not directly address the activities of these freelance artists, and they might not need to adhere to the same compliance standards as their counterparts. However, while this category provides some degree of flexibility, it also poses challenges regarding legitimacy and financial inclusion. Without the protective measures and support provided by regulatory compliance, freelance artists in this category may find it challenging to access markets and resources, potentially leading to exploitation or marginalization. This highlights the importance of adopting a nuanced and adaptable regulatory approach in the South African Cultural Creative Industry and Economy. Policymakers and regulators must customize regulations to suit the unique needs of freelance artists, ensuring their legitimacy and financial inclusion effectively, rather than applying a one-size-fits-all approach.

6.5 What Does The Industry Say To The Law And Policymakers?

The significance of this chapter is underscored by Ferguson's (2019) argument that freelance artists lack the same level of support and resources as entrepreneurs. The laws and policies discussed provide a crucial framework for freelance artists, ensuring their financial inclusion and legitimization. Failure to adhere to these regulations could result in penalties, fines, and legal repercussions, significantly affecting the livelihoods of freelance artists. It's important to recognize the distinct differences in compliance with regulations between freelance artists and cultural entrepreneurs. Freelance artists operate independently, without affiliation with or authorization from an organization, whereas cultural entrepreneurs organize, manage, and bear the risks of a business or enterprise.

Improving the legitimization and integration of freelance artists into the formal economy can be achieved by adjusting certain legislations and incorporating provisions for alternative models, as well as providing educational resources and support for freelance artists. The stringent regulations and compliance requirements mandated by various Acts pose a significant barrier for freelance artists, hindering their ability to operate their profession within legal bounds. Consequently, this exacerbates their marginalization and exclusion from the formal economy. Therefore, it is imperative for the government to offer assistance and resources to help freelance artists navigate the legal intricacies of these Acts. Additionally, there is a need for a comprehensive review of the Acts to ensure they adequately accommodate the needs and circumstances of freelance artists.

Chapter 7 – Something Has Got To Give.

7.1 Introduction: Change is Inevitable and Achievable.

In navigating the intricate web of legislative and policy frameworks shaping the status of freelance artists within South Africa's Cultural Creative Industries, this research embarked on a comprehensive exploration. The focal point was the examination of existing policies and the exploration of alternative models, with a particular emphasis on leveraging digital platforms to bolster the legitimacy, integration, and economic inclusion of freelance artists within the formal economy. Through rigorous inquiry, the research aimed to unravel the complexities surrounding the status quo and propose innovative solutions to enhance the economic landscape for freelance artists. Addressing the central research question and its subsidiary inquiries, the research journeyed into the multifaceted challenges confronting freelance artists. By delving into the nuances of legislative and policy landscapes, the study unearthed critical insights into the barriers hindering the economic participation of freelance artists. Moreover, it endeavoured to shed light on viable pathways towards their economic empowerment and inclusion within the broader creative ecosystem.

Throughout the research process, alternative models emerged as pivotal mechanisms for reshaping the trajectory of freelance artists' engagement with the formal economy. In particular, digital platforms emerged as promising avenues for streamlining processes, enhancing visibility, and fostering economic opportunities for freelance artists. By interrogating the status quo and envisioning novel pathways forward, this research seeks to catalyse meaningful change and foster a more conducive environment for the flourishing of freelance artists within South Africa's Cultural Creative Industries.

7.2 Current Legislative Landscape.

In the diverse landscape of South Africa's Cultural Creative Industries (CCIs), freelance artists find themselves navigating a labyrinthine legislative framework that shapes the contours of their professional existence. A comprehensive examination of pivotal legislation, including the Copyright Act of 1978, the Performers' Protection Act of 1967, the National Arts Council Act of 1997, and Abisuga and Sirayi (2018), unveils a multifaceted regulatory framework characterized by both protective measures and formidable challenges. At its core, the Copyright

Act of 1978 stands as a bastion of protection for creators across a spectrum of artistic disciplines. This legislation serves as a bulwark, safeguarding artists' rights to equitable compensation and due recognition for their creative output. Likewise, the Performers' Protection Act of 1967 serves as a sentinel, ensuring performers' rights to acknowledgment, remuneration, and preservation of the integrity of their performances, thereby fortifying the foundation upon which the artistic community thrives.

Despite the protective scaffolding provided by these legislative edifices, lacunae persist in addressing the nuanced needs of freelance artists, particularly concerning economic inclusion and integration. While the National Arts Council Act of 1997 and Abisuga and Sirayi (2018) endeavour to foster the growth and vitality of the creative sector and extend supportive measures to artists, formidable challenges persist on the ground. Foremost among these challenges are the erratic income patterns endemic to freelance work, which pose formidable obstacles to financial stability and professional legitimacy. Moreover, the inherently transient nature of freelance employment often translates into limited access to formal economic services, exacerbating the financial precarity experienced by artists. Furthermore, navigating the intricate web of legal and regulatory frameworks presents a formidable hurdle, requiring not only a mastery of complex statutes but also an understanding of the administrative intricacies involved.

Compounding these challenges are the persistent disparities between urban and rural artists, with biases often tipping the scales in favour of their urban counterparts. This geographic imbalance not only skews opportunities and recognition but also perpetuates inequities within the creative ecosystem. Furthermore, the entrenched hierarchies within the artistic community, wherein established artists wield disproportionate influence and enjoy preferential treatment, create an environment rife with exploitation and uncertainty for emerging talents. In light of these pressing challenges, there is an urgent imperative to explore alternative pathways to promote economic inclusion and empower freelance artists. By redressing the gaps within the legislative framework and advocating for policies that prioritize equity and accessibility, stakeholders can cultivate an environment that nurtures the creative spirit, enabling freelance artists to flourish and contribute meaningfully to South Africa's Cultural Creative Industries. Through concerted efforts and collaborative initiatives, the artistic community can chart a course towards a more inclusive and vibrant future, wherein every artist has the opportunity to thrive and realize their full potential.

7.3 Effectiveness of Regulatory Compliance.

The exploration into the legislative and policy frameworks impacting freelance artists in South Africa's Cultural Creative Industries revealed a complex and intricate regulatory landscape. Through an analysis of existing legislation such as the Copyright Act, Performers' Protection Act, National Arts Council Act, Creative Industries Growth Strategy, and Broad-Based Black Economic Empowerment (BBBEE) Act, it became evident that these laws, while designed to protect artists and promote economic empowerment, labour gaps that pose challenges for freelance artists. The need for clarity, adaptability, and a nuanced understanding of the diverse freelance landscape emerged as a recurring theme from the findings. Legislation and policies wield significant influence in shaping the environment for freelance artists in South Africa. Key statutes like the Copyright Act of 1978 and the Performers' Protection Act of 1967 serve as cornerstones, ensuring fair compensation for creators and performers while safeguarding their intellectual property rights. Similarly, the National Arts Council Act of 1997 and Abisuga and Sirayi (2018) play crucial roles in advancing the creative sector and providing support to freelance artists. Despite these efforts, notable gaps persist, particularly concerning economic inclusion and integration of freelance artists, prompting calls for alternative approaches.

Navigating the legitimization and qualification processes for freelance work poses challenges for South African artists, raising concerns about potential disparities compared to international counterparts seeking freelance opportunities in the country. The core argument advocates for alternative methodologies to foster economic inclusion for freelance artists. The challenges facing freelance artists in South Africa are multifaceted and complex. The erratic nature of income streams poses significant hurdles to both financial stability and legitimacy, while limited access to formal economic channels exacerbates the challenges faced by artists. Negotiating the labyrinth of legal and regulatory frameworks proves to be a daunting task, further compounded by prevailing biases towards artists from urban locales. Additionally, entrenched preferences for established artists over emerging talents perpetuate an environment fraught with exploitation and volatility. The exigency for further research to delineate the specific financial challenges confronting freelance artists in South Africa underscores the need for comprehensive exploration and analysis.

7.4 Alternative Models for Legitimization.

Digital platforms have emerged as promising alternatives for legitimizing and integrating freelance artists. As I delved into the literature and conducted interviews, it became evident that these platforms hold transformative potential for the freelance community. They offer disintermediated distribution channels, enable financial inclusion, and provide invaluable networking opportunities for artists. The insights gleaned from the literature review were complemented by findings from interviews with freelance artists. These individuals highlighted the benefits of digital platforms in expanding their reach, securing opportunities, and accessing financial services. It became clear that embracing digital platforms could significantly enhance the economic inclusion of freelance artists in South Africa's Cultural Creative Industries. In light of these findings, several recommendations were proposed to support freelance artists in leveraging digital platforms effectively. First and foremost, initiatives to enhance digital literacy among artists are essential. Many freelance artists may not possess the necessary skills to navigate these platforms efficiently, and providing training and resources in this area could be immensely beneficial.

Moreover, creating artist-tailored online platforms can facilitate easier access to opportunities and resources. These platforms could serve as centralized hubs for artists to showcase their work, connect with potential clients, and access relevant information and support services. Additionally, policy reforms supportive of virtual transactions are crucial. Streamlining compliance procedures and fostering an environment conducive to online transactions can remove barriers for freelance artists and promote their financial inclusion. Ultimately, the exploration of alternative support models for freelance artists underscores the importance of embracing digital platforms in today's evolving landscape. By harnessing the power of digital technology, freelance artists can overcome traditional barriers and thrive in the Cultural Creative Industries.

7.5 Addressing the Conceptual Framework.

The examination of the challenges encountered by freelance artists was underpinned by a robust conceptual framework. Drawing upon Kanbur's legislative categories, Varley's insights on informality, and Bokova and Clark's layers of the creative economy, a comprehensive lens was developed to explore the complexities within the freelance landscape.

Kanbur's Conceptual Categories:

Kanbur's legislative categories served as a guiding framework for understanding the regulatory environment impacting freelance artists. By categorizing legislative provisions into distinct dimensions such as compliance requirements, enforcement mechanisms, and institutional support, a nuanced analysis of the legislative landscape was achieved. This approach facilitated a deeper understanding of the challenges posed by existing laws and policies on the economic inclusion of freelance artists.

Varley's Perspective on Informality:

Varley's perspective on informality provided valuable insights into the informal aspects of freelance work within the Cultural Creative Industries. By recognizing the diverse forms of informality prevalent among freelance artists, including irregular income patterns and limited access to formal economic services, a more holistic understanding of the freelance landscape was attained. This perspective shed light on the unique challenges faced by freelance artists operating outside conventional regulatory frameworks.

Bokova and Clark's Layers of the Creative Economy:

Bokova and Clark's conceptualization of the layers of the creative economy enriched the analytical framework by highlighting the interconnectedness of various sectors and activities within the Cultural Creative Industries. By delineating the core, interrelated, and support layers of the creative economy, a comprehensive understanding of the ecosystem in which freelance artists operate was achieved. This framework facilitated the exploration of the broader economic dynamics shaping the freelance landscape.

Synthesis and Integration:

The integration of Kanbur's legislative categories, Varley's perspective on informality, and Bokova and Clark's layers of the creative economy provided a multifaceted lens for analysing the challenges faced by freelance artists. By synthesizing these perspectives, a comprehensive framework was developed, offering a structured approach to understanding the complexities of the freelance landscape. This analytical framework served as the basis for subsequent analysis and discussion, enabling a nuanced exploration of the economic inclusion and regulatory challenges confronting freelance artists in South Africa's Cultural Creative Industries.

7.6 Contributions to Knowledge and Policy.

The study fills voids in South African academic literature, providing significant findings beneficial to policymakers, industry players, and freelance artists. It offers both theoretical insights and practical guidance, underscoring the evolving landscape of regulations and policies within the Cultural Creative Industries. By delving into the effects of legislation, challenges with compliance, and the imperative of economic inclusion, the research not only highlights obstacles but also lays out a path for future legislative deliberations. The existence of Chinese "Sesame Credit Scores," promoting financial inclusion through digital interactions and contributions, prompts a call for further inquiry into the applicability of such systems for South African freelance artists.

7.7 Consideration for Future Research.

The key considerations are derived from the research findings aimed at addressing the challenges confronted by freelance artists in South Africa within the Cultural Creative Industries (CCIs). It should be considered that the establishment of a national system for monitoring freelance income, taxes, and benefits is could be beneficial as seen from countries like China, Mauritius and Croatia. Such a system would streamline administrative processes, enhance accountability, and provide a comprehensive database of freelance artists. Additionally, further investigation into the feasibility and potential benefits of implementing a national registration system is warranted to assess its viability and impact.

Another consideration should be that policymakers should undertake a comprehensive review of existing legislation to better accommodate the unique needs of freelance artists in South Africa. Clearer guidelines for compliance and economic inclusion should be delineated within the legislative framework to create an enabling environment for freelance practitioners. Other initiatives aimed at promoting digital literacy among freelance artists are imperative. These programs should offer training and resources to enhance artists' proficiency in navigating online platforms effectively. By equipping freelance artists with digital skills, opportunities for financial inclusion and broader audience reach can be significantly augmented. Furthermore, government and industry stakeholders should collaborate to develop targeted support programs tailored specifically to the needs of freelance artists. These initiatives may encompass grants, legal and financial education workshops, and accessible funding opportunities. By providing

comprehensive support mechanisms, the creative industry can cultivate a conducive ecosystem for freelance practitioners to thrive.

A flexible regulatory framework is essential to accommodate the diverse activities and modes of operation prevalent among freelance artists. Regulations should be adaptable and responsive to the evolving dynamics within the industry, ensuring equitable treatment and facilitating sustainable growth. Finally, encouraging freelance artists to form associations can foster a sense of community, provide valuable industry insights, and facilitate networking opportunities. These affiliations can serve as platforms for advocacy, knowledge-sharing, and resource mobilization, thereby bolstering the collective voice and resilience of freelance practitioners. By bearing in mind these considerations, policymakers, industry stakeholders, and freelance artists can collaboratively work towards creating a more supportive and inclusive environment within the South African Cultural Creative Industries.

7.8 Final Conclusion and Remarks.

This final conclusion is reached after a thorough critical analysis of research findings from The 9 participants and South African Acts that have a direct impact on freelance profession. The conceptual lenses deployed is inspired by the conceptual categories introduced by Kanbur, Bokova and Clark, Varley and Ferguson. The main thesis is that existing policies failure to adequately address the unique challenges faced by South African freelance artists, leaving a critical void in understanding their economic participation. I further conclude that there's a greater need for this phenomenal to be explored further, in order to advance the legislative framework around freelance. There's also a greater need to include freelance artists in such research in future as they give tangible and lived experiences which bring undisputed insight. Acknowledging the research design limitations of this study imposed by limited time frames of a master's degree there is scope for further investigation which would require a larger group of respondents which will provide a more in-depth analysis.

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