

Research Article

Justice for Gains, a Potential Threat to National Security-a Tortuous Trip to Ghana

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Abstract

Globally, the judiciary arm of the state has come under attack in recent times regarding its role in the dispensation of justice. Allegations, where some judges exchange justice for gains, are often being made, thus casting shadows on the integrity of members of the fountain of justice. To this end, citizens in Ghana as much as elsewhere have also come to lose faith in this third realm of the state. It is argued that this social injustice may have daunting national security implications in Africa in particular, thus affecting the rule of law and constitutional governance. This paper evaluates the authenticity of this assertion, using the case of Ghana. The study adopted a quantitative method approach that involved 1,123 Ghanaians from all 'walks of life'. The survey, which was conducted from 15 August 2022 to 10 January 2023, observed the following: some elements within the judiciary exchange justice for material, social and political gains; and corrupt activities and partial decisions undertaken by such judges have negative national security implications that are capable of derailing Ghana's democratic gains. The study amongst others recommends that culpable judges are not only dismissed but also jailed, while people and authorities who engage judges in these unacceptable dealings are severely punished as a deterrence. Moreover, there is a need to sanitize the system through structural reforms, especially in the area that has to do with the recruitment of honest judges with proven character.

Keywords: Corruption; Gains; Ghana; National Security; Social Justice

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Part 1

Introduction

The phenomenon of social injustice is deep in history, permeating all societies throughout the ages. That notwithstanding, it is unclear as to whether there will ever be justice in its full sense, as the phenomenon continues to threaten the foundations of human security and development. Its prevalence is mainly motivated by the gains it brings to the perpetrators of the social ill, thus explaining why it is one of the most dreadful, most condemned, and most resisted ills in all societies. More often than not, the victims are minorities, children, women, aliens, the working class, the ruled and the 'have nots'.

Earlier on, great thinkers such as Plato, Aristotle, Saint Thomas Aquinas, and Thomas Hobbs, amongst others, have resisted the ill through their writings and advocacies, and many have died for their persistence against social injustice. Writing in his work *Republic*, Plato saw justice as both an individual virtue (soul) and the defining characteristic of the ideal political entity [1,2]. Aristotle on his part conceived justice as the rule of law, one that is based on the pursuit for common good, fairness in dealings between individuals (reciprocal justice), and equitable distribution of benefits and burdens among individuals (distributive justice) [3]. Saint Thomas Aquinas coming from a Catholic background, held that the purpose of political authority as premised on social justice is to promote the good of the community, where benefits are correspondingly distributed within society as more prominent members receive greater benefits [4]. His philosophy became the official doctrine of the Roman Catholic Church. John Locke, Thomas Hobbs, and Jean-Jacques Rousseau developed an influential concept of justice (a human creation) based on the notion of a social contract that legitimizes and delimits political authority on the grounds of individual self-interest and rational consent [5]. Their philosophy is in recognition of a set of natural individual rights that the ruling authority is under an obligation to protect in particular, the judiciary arm of the state [6]. Later philosophers such as John Stuart Mill linked justice with the legal and moral rights of individuals as these two give the long-run experiences of a greater level of happiness for a greater number of people in society [7].

Social justice as a concept encompasses a politico-philosophical theory that focuses on the ideals of relational fairness among individuals in society, in respect of equal access to opportunities, wealth, human rights, and social privileges [8,9,10]. Indeed, it denotes the fair treatment and equitable status of all individuals and social groups within a society or state [8]. Its emergence conceded with the Industrial Revolution of the 19th Century, as ignited by efforts to reduce the exploitation of marginalized groups in society [1]. At that time, there was a vast disparity between the 'haves' and 'have-nots' where the focus was on wealth, property, and capital distribution, which has come to include human rights, marginalized groups, and the wellbeing of individuals in recent times [8]. Historically and to some extent even today, many of these groups have been discriminated against based on their sex, age, social status, ethnicity, religion, culture, and *inter alia*. Against this backdrop, social justice promotes efforts to

redistribute wealth and other opportunities to the underprivileged, while upholding their fundamental human rights in every basic unit of society [8]. Five main principles or foundations underpin the concept—access to resources, equity, participation, adherence to human rights, and understanding diversity. The first principle underpins access to resources where individuals are given an equal start in life within socioeconomic groups involving healthcare, food, shelter, and education, among others [5]. Second, the principle of equity where individuals are given tools specific to their needs and socioeconomic status, towards the attainment of similar incomes through commensurate policies that provide support for the overturning of systematic barriers [8]. Third, the principle of participation where everybody is given a voice in society to express their opinion on matters, and at the same time afforded roles in decision-making [7]. Fourth, the principle of adherence to fundamental human rights, where the rights of individuals are both promoted and protected by the state and other actors of the society [10]. The fifth principle has to do with understanding diversity where policymakers execute policies that make room for cultural, religious, economic, and social diversities [3].

There are various forms of justice including natural justice, social justice, distributive justice, commutative justice, restorative justice, economic justice, procedural justice, retributive justice, restorative justice, moral justice, legal justice, and *inter alia* [11]. This work focuses on legal justice that entails the restoration of fairness in the ‘eyes’ of the law, where the law itself is an embodiment of a set of objective rules that measure societal morality while punishing wrongful actions based on the degree of injustice [12]. Essentially, legal justice means fairness, justness, impartiality, and rightness on the part of actors who are charged with the responsibility of its implementation; within the context of recognition, application, and enforcement of laws by the courts through impartial judges [13]. Against this backdrop, judges who are the repository of legal justice have to rule out material gains, political favors, incompetence, fears, self-dealings, conflict of interests, unlawful rulings, and partiality when deciding cases or interpreting the law [14]. Anything less than this connotes legal injustice and should not be tolerated by society and the state.

Many have come to be victims of judicial injustice in many respects and it is reported that this phenomenon is not only attributable to countries of the Global South under fledgling democracies but even highly developed democratic countries of the Global North. In the United States of America and many European countries such as the United Kingdom, reports of judges being bribed or subjected to political pressure and interferences are sometimes made, thus breaking the basic principle of equality before the law and depriving citizens of their right to a fair trial [15,16]. These negative reports are even more pronounced in Asian, African, and Latin American countries, where the legal systems appear to be more vulnerable, lowering judicial integrity [17].

According to [13], the best indicator of any nation’s political success is the level at which it administers justice, and one of the most important functions of the state is to ensure justice for its citizens. The Ghanaian judiciary has come under scrutiny and attack in recent times for various reasons by the public, court users, civil society, academia, state agencies, and the media fraternity. There are claims that judge-motivated injustices are on the ascendency as the delivery of justice has been wrapped in unfair trials, deliberate delays, impartiality, incompetent justice delivery, entrenched partisan political viewpoints, corruption, *inter alia*, within both low and high-profile

cases across the hierarchy of the court system [18,19]. This has led to a loss of trust in the legal system where citizens are regrettably reluctant to seek redress and justice in the system that was once considered sacrosanct [20,21]. Gradually, the judiciary is losing its role as the repository of wisdom and natural justice in Ghana. This paper investigates these claims and legal injustice in Ghana, following the alleged indulgence of some members of the judiciary fraternity in corrupt and other unethical activities that have led to the misapplication of justice that threatens national security.

Part 2

The judiciary and socio-legal justice: The global outlook

The term ‘justice’ as explained by [22], is one of the attributes of God that has been in recognition by varied cultures since creation. The term connotes the equitable and fair distribution of both benefits and burdens among citizens by socio-political institutions within a nation [23]. To that end, the state as a moral political entity brings its citizens together within the context of fairness and justice, premised to a large extent on Plato’s social justice theory of rationalism (wisdom, tolerance, and discipline), spiritualism (law and order) and repetitiveness (satisfaction) [24]. Justice is an equality concept and as Aristotle averred, injustice only arises when equals are treated unequally, and where unequals are treated equally [25]. Elements of social justice thus come to include several rights and privileges afforded to citizens of a nation, itemized by [26] as moral, social, political, and economic freedom; within the context of first, second, and third-generation rights. In reference to [27] submission, of all the members of the three arms of the state that are constitutionally placed to uphold the tenets of justice, the judiciary plays a key role in this scheme of affairs. However, it is globally reported that this arm of the state which is the main preserver of justice in society, has rather deviated from this course, entangling itself in an ocean of injustices—foremost, exchanging justice for personal and group gains.

Broadly, judicial misconduct which constitutes injustice entails conduct or omission by a judge in the course of his/her duties, that departs from the standards of judicial conduct whether generally or in a particular occasion, thereby; bringing the administration of justice into disrepute [27]. In respect of judicial conduct, international principles as set out in the 1995 United Nations Basic Principles on the Independence of the Judiciary, state under Principle 19 that, all disciplinary, suspension, or removal proceedings shall be determined per established standards of judicial conduct. In that vein, abuse of legal processes, bullying, incivility while in office, biased decision-making, delay in delivering judgments, unprofessional misconduct, administrative misconduct, sexual harassment, moral or politically reprehensible behavior, and abuse of judicial power such as deciding cases in a manner to gain personal benefits, constitute elements of judicial misconduct [25].

However, of all these vices, abuse of power by members of the judiciary in terms of gaining personal benefits to the detriment of social and legal justice, is the most widely reported; thus lowering public opinion and trust in the integrity and legitimacy of the court system. For the public to keep trust in the courts which are the last resort to finding justice, the courts must comply with the general principles of natural justice and offer impartial adjudication and judgments, devoid of political, economic, and social motivations. Article 6 of the European Court of Human Rights (ECHR) lists the skillful application of the law, judicial independence, adherence to the rule of law,

access to court processes, avoiding undue delays, approving complaints systems and accountability machinery to address allegations against members of the judiciary; as some of the ways that will make people put their trust in the courts.

Issues of judicial corruption are widely reported across the globe in both developed and developing countries, indeed, across the Global North and South divide. The [28] and [29] surveys show that perceptions about judicial corruption are widespread, including in developed countries such as the United States of America. Further, in its 2011 Annual Report, Transparency International (T.I) noted that globally, 46 percent of people surveyed perceive their judiciary as corrupt; while the [30] report that a third of Europeans think corruption is widespread in the judicial service. In some countries such as Ukraine and Morocco, the judiciary is seen as the most corrupt of all public institutions [31]. In an earlier report, [32] indicated that systematic petty corruption or bribe in judicial systems is a global canker where one in ten court users interviewed in the United States of America and some African, Asian, Latin America, and European countries, intimated they paid a bribe to judges to influence their cases. For instance, in many Latin America countries where judges are afforded prominent positions in the functions of the state, judicial corruption is an everyday occurrence, which government and many individuals view as minor evils [14].

The consequences of judicial corruption are generally destructive in terms of the socio-politico-economic development of nations. Indeed, the global phenomenon may jeopardize the independence of the judiciary, while undermining judges' ability to fulfil their accountable functions. The perception and reality of judicial corruption undermine the credibility of courts, erode public trust in the courts, and harms core judicial functions such as the determination of disputes and law enforcement [14]. Corrupt judges tend to fracture and split communities, as well destroying the integrity fiber of judicial systems across the globe [12,32]. Additionally, the consequences of judicial corruption on society and social justice have economic, social, ethical, and moral connotations. For example, the economic growth of nations in particular developing countries is retarded and degraded due to judicial corruption as manifested in partial trials in favor of officials who misused and looted state funds [33]. On a general note, judicial corruption erodes the rule of law, undermines democratic mechanisms, conspires against adequate economic performance, and destroys the independence and importance of the judiciary [34]. Moreover, judicial corruption also has ethical and theological implications in that, 'justice' is a core biblical component as embedded in Deuteronomy 16:19-20 [33]. It reads, "*You must not distort justice, do not show impartiality, and do not accept bribes, for bribes blind the eyes of the wise and subverts the cause of those in the right. Without impartial justice, it would be impossible to live and occupy the land that the Lord your God is giving unto you*". This, explains why society, state and non-state entities, the church, and other religions must constantly speak against corruption.

The subject of corruption in public institutions since the Graeco-Roman World has only just received sustained scientific analysis [35]. According to [36], many people have abused their entrusted public offices for private gain against established customs, norms, and laws; and wonder if corruption would ever seize as the graft among public officials is on the increase, depriving many citizens of access to quality justice delivery.

Corruption is the misuse of public office or entrusted power for private gain [25]. It also includes all forms of inappropriate influence that damage the image of the justice system, involving actors such as judges, lawyers, and administrative support staff. As explained by [37], it is the utilization of official positions or titles for personal or private gains, either on an individual or collective basis, at the expense of the public good in violation of established rules and ethical considerations. It is an act or acts undertaken with the deliberate intent of deriving or extracting personal and/or private rewards against the interests of the state, and through the direction or inducement of participants of one or more public officials whether they are politicians or bureaucrats [19,38] defines corruption as a term whose meaning shifts with the speaker...but in common, it is the misuse of public power for private or public gain. Finally, Article 4 of the African Union Convention on Corruption defines acts of corruption in the following terms: "*The, direct or indirect solicitation or acceptance, by a public officer or any other person, of any goods of monetary value or other benefits, such as a gift or favor, promise or advantage for himself or herself or another person or entity in exchange for an act or omission in the performance of his or her public functions*" [39].

[40] Submits that systemic judicial corruption, which takes place throughout all stages of court proceedings, involves not only judges but also prosecutors, police, public defenders, lawyers, and individual court users. The gain need not necessarily be material as it can also be sexual favors or something offered in furtherance of political or propriety ambitions [14]. Bribery and corruption take many forms within the judiciary, including fees that court personnel levy on court users, fees paid by court users to get their cases through to favorable outcomes, bribes paid to judges, assistant staff, and lawyers to remove files or get cases assigned to a particular judge, and politically-motivated judgments [25,28,30]. Many corrupt activities across the globe are illegalities that manifest in fraud, conflict of interest, embezzlements, bribes, corporate malfeasance, nepotism, and self-dealings, amongst others [12]. Commenting on judicial corruption, [18] submits that inappropriate influences and interruptions of judicial processes by actors within the court system for private gains also constitute corruption.

Corruption among public officials especially the judiciary is caused by several factors. According to [41], judicial corruption as mostly initiated by the judiciary grows into an organized culture that becomes highly resistant and resilient to change as judges in seeking to augment their inadequate remunerations, succumb to bribes to meet personal needs. Additionally, corrupt judges rely on inadequate information or the absence of legal information due to unreliable partial judicial judgments and concealed legal documents, to perpetuate wrongful practices [42]. Furthermore, judicial corruption happens because of the social tolerance levels of corruption by some judges who value social capital rather than the rule of law [14]. Basing his argument on the Hedonistic theory, [42] posits that judges just like any other human being, naturally gravitate towards pleasurable things rather than things that constraint and produce pain. He also submits that human behaviour is controlled by social norms and values, where modernity has brought about laws to foster peace and punish lawbreakers. Once the lawbreaker goes unpunished on account of judicial corruption, some elements in society would tend to adopt instant justice on lawbreakers, creating a system of the survival of the strongest, as a means of correcting injustice and moral decadence. However, judges ought to conform to the rule of law at all times, ensuring that

legislation is applied to all fairly, reasonably, and indiscriminately, while lawbreakers are punished for the socio-economic development of nations [42].

Yet still, a well-functioning justice system is crucial to address issues of corruption in society effectively, even though judicial institutions are themselves corruptible [25,43,44]. This is explained by the fact that the judiciary within democratic systems, is entrusted to uphold civic rights and sanction citizens and representatives of other branches of state who act unlawfully. For these reasons, the canker of corruption in society can be effectively tackled if judicial corruption is addressed in pragmatic terms. Judicial corruption can be curbed through various means. First, the motivation for corruption must be curbed by giving judges and judicial staff good remunerations as a way of improving their material conditions [45]. Second, opportunities that will give judicial officials the leeway to engage in corrupt activities must be curtailed by handing down stiff sanctions on corrupt officials. Third, normative changes in terms of professional transformation must be brought to bear on court officials such as the strict implementation of the codes of conduct for judges, lawyers, and judicial support staff. Fourth, transparent procedural measures should be injected into court administration such as the filling of cases, allocation of cases to judges, and improvement in case management systems; thus reducing the scope for individual discretion and the avoidance of corrupt activities.

Fifth, disciplinary and accountability systems in the form of effective complaint mechanisms must be established for members of the public to report judicial misconduct [46]. Sixth, the provision of administrative, financial, or budgetary autonomy within the judiciary from executive control is needful for the independence and effective functioning of the court. Seventh, the appointment of judges based on professionalism and meritorious criteria, should be left to independent Judicial Councils or Judicial Services Committees to handle other than the executive arm of the state [44]. Eighth, the resilience, competence, and professional status of judges can be upgraded through training and the creation of global and regional forums for judges to meet to share experiences and give support towards their professional development [47]. This way, judges will be guarded under high standards of integrity, productivity, accountability, and honesty, when passing judgments. Ninth, a judge without honesty has little chance of executing his/her moral and constitutional duties, no matter how many rules of ethics exist. Hence, the wide discretionary powers (such as granting of the motion, following of precedent, interpretations of facts or statutes, etcetera) given judges that serve as potential opportunities for corruption, must be moderated by the court system itself [47]. Lastly, passionate efforts should be made to address the legal, political, social, economic, and cultural factors that motivate judicial corruption. Eliminating opportunities for the personal gain of judges would require the destruction of the independent judicial system. To avoid this, however, we require honest judges to navigate the ship of justice through these dangerous waters by developing processes where only skilled and honest judges are hired to do the job with minimal interferences from multilevel oversight mechanisms [43].

Indeed, the Singaporean model as tested remains one of the most potent global schemes that take on judicial corruption head-on, with corresponding results. The effective and efficient implementation of the provisions of the model has yielded great dividends in minimizing judicial corruption in that country. The model as adopted by the researcher is shown below:

Singapore's Ten Commands of Judicial Integrity to Combat Corruption

1. Transparency in the selection of judges based on merit, competency, and experience.
2. Adequate remuneration for judges and other court officials.
3. Independent but accountable judiciary.
4. Coherent case management systems that diminish mismanagement and corruption.
5. Performance standards for judges with time-based, volume-based, and disposable-based indicators.
6. Consistent and objective criteria in the administration of justice including fines, fees, and sentences.
7. Clear ethical markers and guidelines for judges.
8. A common vision for the judiciary.
9. Full transparency in the justice delivery processes at all times--hearings, documentation, decisions open to public scrutiny, and rights of appeal to higher courts.
10. Learn from lessons of forward-looking institutions through strategic partnerships with the progressive judiciary and law-related agencies.

Source

Chua Chen Yak, "Singapore's Three-pronged Program to Combat Corruption: Enforcement, legislation, and adjudication," OECD, 2007.

<https://www.oecd.org/daf/asia.com/pdf/n/02-cpib.pdf?17>. adapted.

[48] Has also outlined within its Topic Guide, several approaches, which when implemented would 'nip' the canker of judicial corruption in the 'bud'. They include:

1. The strengthening of oversight mechanics for the judiciary.
2. Improving human resource management within the judiciary.
3. Improving the education and training of judicial actors.
4. Ensuring accountability and discipline of judicial actors.
5. Promoting transparency.
6. Making budgeting processes within the judiciary autonomous.
7. Regularizing the assessments and monitoring of judges.
8. Increasing awareness among judges concerning the public role of the judiciary.

Part: 3

Justice for gains: The case of Ghana

Judges occupy special places in Ghana and are revered, feared, and honored as representatives of God on earth, given their role in the determination of justice. Without any contradiction, society upholds the judiciary arm of state way beyond the two other arms namely, the executive and legislature. This stems from the chasteness and

impartiality they attach to their duties, as well as, the distance they keep from the public eye, unlike the other two arms that are constantly in touch with the public. To that extent, hardly could one hear condemnation of the judiciary in public but in the 'closet'. Today, the story is different as the judiciary is attacked daily in the open and by people from all 'walks of life'. What has gone wrong that this onetime revered institution has come close to ridicule? Answers to this question come under the purview of this study.

Legal structure and composition in Ghana

Ghana runs a common-law legal system and it is understandable since that comes as a colonial legacy inherited from its former British colonial rulers. To that end, Ghana operates under a hierarchical judicial system guided by the *stare decisis* principle, where decisions of higher courts in previous legal cases are either binding on or persuasive for lower courts [26]. The common law of Ghana comprises rules as generally noted as the common law, rules of the doctrine of equity, and rules of customary law including those determined by the Superior Court of Judicature. As a whole though, the laws of the land in addition to common law include the Constitution of Ghana, existing law, enactments made by or under the authority of the Parliament of Ghana, and any Orders, Rules, and Regulations made by any person or authority under a power conferred by the Constitution of Ghana.

The 1992 Fourth Republican Ghana Constitution outlines the legal structure of Ghana. For the start, Article 125 (1) establishes the independence and prime duty of the judiciary in the following words '*Justice emanates from the people and shall be administered in the name of the Republic by the Judiciary which shall be independent and subject only to this Constitution*'. The Judiciary which consists of (a) the Superior Courts of Judicature (Supreme Court, Court of Appeal, High Court, and Regional Tribunals) and (b) lower courts and tribunals (Circuit Courts, Magistrate Court, and Tribunals), has the Supreme Court as its apex Court (Article 126).

As established under Articles 128 and 129, the Supreme Court, which shall consist of the Chief Justice and not less than nine Justices of the Court who are of high moral character and proven integrity, shall be the final court of appeal where its decisions on questions of law shall bind all other courts. Additionally, under Articles 33 and 130 (1), the Supreme Court shall have exclusive original jurisdiction in—(a) all matters concerning the enforcement or interpretation of the Constitution of Ghana; and (b) act as a check on persons or authorities concerning whether they have made enactments that are more than the powers conferred on Parliament, persons or authorities by law or under the Constitution. Furthermore, members of the Court that have supervisory jurisdiction over all courts shall be appointed by the President of the Republic of Ghana and confirmed by Parliament. However, the appointment of judges of the superior court of Ghana according to [49], compromises justice delivery as the executive may tend to exert pressure on the judges to decide cases in its favor.

Second, the Court of Appeal shall consist of the Chief Justice and not less than ten Justices of the Appeal Court and such other Justices of the Superior Court of Judicature that may be deemed fit for the determination of a particular case, which shall hear and determine appeals from a judgment, decree or order of the High Court, Regional Tribunal and such other appellate jurisdiction as conferred on it by the Constitution (Articles 136 & 137). Third, the High Court consists of the Chief Justice, not less than twenty Justices of the High Court, and such other Justices of the Superior Court of Judicature as determined

by the Chief Justice. Unlike the two Superior Courts, a single justice of the Court constitutes the High Court and shall have jurisdiction in all civil and criminal matters and such original, appellate and other jurisdictions as conferred by the Constitution (Articles 139 & 140). Fourth, every region of Ghana shall have a Regional Tribunal consisting of the Chief Justice, one Chairman, and such members as designated by the Chief Justice to sit as panel members to have jurisdictions to try such original and appellate offenses against the state and the public interests as Parliament may by law prescribe (Articles 142 & 143). Finally, magistrates who are appointed by the Chief Justice in consultation with the Judicial Council to sit on cases of both law and facts constitute the lower courts of first instance as established throughout the country.

Judicial corruption in Ghana-perception or reality

Both the African Charter (Article 14) on Human and People's Rights and the [50] Ghana Constitution state that, the judiciary arm of the state is under an obligation to provide citizens with access to the efficient delivery of justice [51,52]. Ghana's Justice Section in the 2019 Rule of the Index was adjudged the sixth-best in Africa, having dropped from the number one position in only 2018 [29]. Today, Ghana's judicial system is befuddled with threatening challenges as far as efficient justice delivery is concerned, in terms of affordability, proximity, comprehensibility, and responsiveness. As [53] indicated, access to legal assistance is problematic even for the state where inadequacies of state lawyers are reported, thus compromising the effective functioning of the Attorney-General's Department. It is also worth noting that real and perceived cases of corruption against judges not only taint the reputation of that august arm of the state but also affect justice delivery [54].

The appearance of impropriety of judges affects the revered institution in many respects [55]. As suggested by [33], the scale of justice is tipped when courts become corrupt and judicial corruption happens when the voice of the innocent goes unheard, while the guilty act with impunity. Recent surveys and events indicate that judicial corruption is a significant problem in Ghana, striving in a country where judges have so many discretionary powers. First, a survey by Ghana Integrity Initiative [32] on judicial corruption in [32] reveals that judges and magistrates breach their code of ethics by accepting money or gifts to influence the outcomes of disputes. The survey further discovered that 52% of judges and magistrates, 64.2% of lawyers, and 13% of litigants agreed that judicial corruption is not just a perception but also a reality in Ghana [32]. The situation according to the survey is influenced by factors of low remuneration, nepotism, poor conditions of service, lack of clear guidelines for staff promotion, poor supervision of court staff, and unethical conduct on the part of lawyers. It is within this context that [21] argues that bribery and corruption among some members of the judiciary are pervasive, acts that usually influence the outcomes of many judgments in Ghana. In the given milieu he claimed, the wealthy and powerful in society are favoured, to the detriment of the poor and vulnerable as attested to daily by the media, politicians, civil society, court users, and lawyers.

Second and very significantly, a survey conducted by AfroBarometer in conjunction with the Ghana Centre for Democratic Development (CDD-Ghana in 2019 (2020) reveals that the Ghanaian judiciary is saddled with instances of judicial corruption. Notwithstanding, little has been achieved so far regarding the combatting of judicial corruption. In as much as Ghanaians generally endorse the legitimacy

of the courts, they see court officials as being highly corrupt and untrustworthy, and highly biased towards the poor and less powerful in society [56]. By inference, 85% of Ghanaians per findings of the said survey, see some judges and magistrates as being corrupt, while 40% think most or all court officials are corrupt and therefore do not trust the courts. Fifty-eight percent representing the majority of Ghanaians, think people are ‘always’ or ‘often’ treated unequally under the law, while 61% think officials ‘always’ or ‘often’ commit crimes and yet go unpunished. The survey affirmed assertions made by [45] that, incentives that motivate judges to sell justice are mostly informed by material things, while the reason why parties and lawyers purchase wrongful justice is the fear of losing cases.

Third, judicial corruption that hitherto was held within the public domain as a perception was proved real with the Anas Ameriyaw Anas’ exposé of judicial corruption within the judicial system of Ghana in 2015. The undercover journalist and his ‘Tiger Eye PI’ organization broke the iceberg when 31 lower court magistrates and High Courts judges were caught on videos receiving various sums of money or payoffs in the form of livestock to influence outcomes of cases pending before them. Before then, the exposure of judicial corruption has been a tedious undertaking giving reasons why it remained a perception for a very long time in Ghana [21]. This brought to a conclusion that judiciary corruption is not just a perception but also a reality. Additionally, the exposé did not only strengthen perceived judicial corruption in Ghana but also initiated the Ghana Bar Association and the Chief Justice into seeking ways of cleaning and sanitizing the judiciary to strengthen the rule of law and democracy in Ghana. Moreover, the exposé, which was keenly followed by the Ghanaian public and the international media, led to the swift joint-action of President John D. Mahama, Chief Justice Georgina Theodora Wood, and the Judicial Council that culminated in the setting up of an Investigative Committee to investigate the scandal. All but one of the 31 defendants after weeks of the investigation were found culpable, and variously punished per the magnitude of their wrongdoing—they were either dismissed without benefits, dismissed with benefits, reprimanded to be of good behaviour, or suspended (Ghana News Agency, September 15, 2015). Under Article 162, subsection 5 of the 1992 constitution of Ghana, the mass media is empowered to uphold the principles, provisions, and objectives of the constitution; including the responsibility of holding public officials accountable for their actions.

Fourth, many individuals, lawyers, civil society organizations, and public office holders have also decried the pervasive nature of judicial corruption in Ghana. In 2011 during a lecture, seasoned lawyers including Abraham Amaliba, Raymond Atuguba, Chris Ackumey, and Larry Bimi decried the high spate of judicial corruption in the country, eventually sparking a sharp reaction from some members of the bench. In corroboration however, the Institute of Economic Affairs (IEA) and the Judicial Debt Commission of Ghana attributed the loss of gargantuan sums of money to the state through corrupt processes within the judiciary (Daily Graphic, Sept 9, 2015 edition). During a sensitization workshop for the judiciary on the National Security Strategy 2020 on April 8, 2022, Hon. Albert Kandapaah, Ghana’s Minister for National Security, stated that injustice is a threat to national security. While urging members of the judiciary to ensure fair trials, the minister reiterated that incompetent justice delivery or delays in justice delivery would always lead to a loss of trust in the legal system, a time when citizens would take the law into their own hands. He further highlighted that the maintenance of law and order is not only the responsibility of national security but also of the judiciary.

The minister pointed to the necessity for coordinated efforts to ensure the country’s safety in this manner;

“The need to safeguard our collective security as a state requires that we work assiduously to eliminate all forms of injustice. The ultimate responsibility in doing so lies, squarely, at the feet of members of Ghana’s judicial system, who are entrusted with the power to ensure effective justice delivery. Against this backdrop, I would like to emphasize the readiness of the Ministry of National Security to support all activities of the judiciary geared towards safeguarding the peace, security, and stability of Ghana. I remain confident that the new partnership that would be forged between the judicial fraternity and actors within Ghana’s security architecture, anchored on the tenets of the new National Security Strategy, would go a long way to consolidate Ghana’s peace, security, and stability.” (Razak., DailyGuideNetwork).

A former president of Ghana, John Dramani Mahama while addressing lawyers of the National Democratic Congress (NDC), pointed out that members of the bench under the influence of politicians tend to have entrenched political viewpoints in the fulfillment of their duties; thereby weakening the trust and faith of the public. To repair the ‘dented image’ of the judiciary, the former president called for the removal of the top leadership of the current judiciary. He reiterated in this manner;

“So badly has the image of our Judiciary deteriorated that many of our citizens openly make a mockery of our justice system and of our justices. The phrase ‘Go to Court’ is these days met with derisive laughter, instead of hope that one will truly get justice. There is, therefore, an urgent need for the Ghanaian Judiciary to work to win the trust and confidence of the citizenry, and erase the widely held perception of hostility and political bias in legal proceedings at the highest courts of the land.” (Oppong, Citinewsroom, August 29, 2022).

All of these point to a growing lack of trust and confidence among Ghanaians in the justice system, which poses severe challenges to national security. In current times, it does appear worrisome that the judiciary arm of government is under an obligation to ensure fair trials and pass good judgments so that Ghana’s peace, security, and stability are preserved, is rather being constantly accused of taking entrenched political positions, as well involved in the sale of justice, when carrying out its constitutional mandate. This paper, evaluates the implications of judicial corruption on national security and cohesion, using Ghana’s judiciary as a reference point.

Part 4

Theoretical framework

Libertarianism theory of social justice

Two Theoretical frameworks namely, the Libertarianism Theory of Social Justice and the Securitization Theory inform this study. Several great thinkers have propounded several social justice theories. First, Bentham, Mill, and Austin put forward the Utilitarianism theory, which emphasis the fact that practicality and utility are the measures of virtue and justice [57,58]. Second, Bradley is the leading founder of the Self-perfectionism Theory, which stresses that where each individual does his/her assigned duties (my station and its duties) honestly and efficiently, then the establishment of a just and good society is easily attainable [59,60]. Third, the Karl Marx’s Theory of

Social Justice suggests that justice developed over the ages based on economic relations, where the economic structure plays a decisive role in establishing and maintaining social justice [61]. The theory further submits that there has always been a continuous struggle between the ‘haves’ and ‘have nots’ in the pretext of social justice, where the latter have always been exploited by the former and unable to attain justice since the problem of exploitation is rooted in the economic structure itself [62].

The Libertarianism theory that underpins this study is a political and moral philosophy that traditionally views justice as respect for law and established rights, as based on individual liberty, political equality, and the rule of law [63]. According to the theory, the notion of justice assumes that some agency is responsible for the distribution of benefits in society, where the quest for social justice involves the replacement of stifling bureaucratic structures and the market economy by this agency that exercises complete control over the flow of resources to individuals [64]. Furthermore, the theory shares the idea that the state and its laws should remain neutral, concerning the varying conceptions of the good life held by individuals [65]. The theory, moreover, detests interference with the personal freedom of individuals in as much as people are only prevented from doing as they please with resources that are allocated to them for distributive purposes [66]. Rawls represents one of the new-liberals who argues that each individual must be given equal rights and basic liberties as any other person and that social and economic inequalities are to be arranged such that the greatest benefits go to the least-advantaged [67]. The most distinctive element in Rawls’ Theory of Social Justice is premised on the principle that inequalities in the allocation of goods are only permissible if they work to the benefit of the poor members of society. This study is fairly situated within the context of the Liberalism theory of justice, as long as the theory is primarily premised on the principle of neutrality on the part of agencies of a state that administer justice and distribute national wealth among citizens. To that end, judges who exchange justice for gains are out of touch with the liberalists’ grant advocacy plan.

Securitization theory

Modern concepts of national security arose in the 17th Century during the European Thirty Years War and the English Civil War. The Peace of Westphalia in 1648 established that national security connotes the idea of sovereign control of a nation-state in both its internal affairs and external security [68]. For the most of the 20th Century, the concept of national security focused on military security. However, at the dawn of the nuclear age, the definition shifted away from military engagements or campaigns of nation-states to a wider perspective that focused on human security [68].

The expansion has come to include economic security, energy security, environmental security, food security, health security, personal security, political security, community security, minority security, and human security, *inter alia* [68]. In essence, human security is a broad term that encompasses peoples’ safety from hunger, disease, and repression [69]. Secondly, environmental security involves transnational responses to conflicts caused by an environmental crises such as water shortages, energy disruptions, and climate changes [69]. Thirdly, political security has to do with the protection of the sovereignty of a government and its political systems as well as the safety of society from unlawful pressures, while economic security involves the protection of the economy and the degree to which government and its people are free to control their economic and financial decisions [68].

The United Nations has led this redefinition from one a onetime military undertone to that of an economic and social phenomenon, where the international community has been given the role of protector.

The securitization theorists outline five sectors of security—economic, social, military, political, and environmental [70]. In each of these sectors, there is a specific threat to a referent object. For example, while within the social sector, the referent object is ‘identity’, the referent objects are the ecosystem and endangered species and the state in the environmental and military sectors, respectively [69]. The theory also highlights the contextual nature of security where for instance, suicide bomb attacks while of a greater source of anxiety for some others, are of less concern to others, and therefore do not necessarily constitute a global threat to international security. However, following the 2015 attacks in a range of European cities by the Islamic State group (ISIS or ISIL), suicide bombing has become a high priority in the security agendas of most nation-states, where the securitizing actors include politicians and security professionals such as police, military, immigration, customs and intelligence services who define the security landscape [70].

The theory further postulates that national security issues whenever labelled as ‘dangerous’, ‘menacing’, ‘threatening’ or ‘alarming’ by ‘securitizing actors’ must be articulated as problems and dealt with urgently [69]. The theory, for this reason, challenges traditional approaches to security in International Relations and asserts that issues are not essentially threatening in themselves nor do they become problems until and unless they are upheld as ‘security’ issues. Finally, the main, national Security Strategy goals involve the preservation and the protection of the integrity of a nation’s domestic institutions and systems from both internal and external interferences, as well as, the promotion and preservation of the human security elements of national security. This theoretical framework is equally an important guide to this study to the extent that it embraces social ‘injustices’ as a key element and embodiment of the political, social, economic, and human security components within the domain of national security. Within this context, distortions of the justice system by some judges for personal gains could constitute threats to national security.

Part 5

Methodology of the study

The study, which investigates the implications of judiciary corruption on national security, was conducted from 15 August 2022 to 10 January 2023 to gather primary data across all sixteen regions of the country using the quantitative method approach.

Research Design

The researcher adopted an exploratory case study, one that portrays real-life situations where the standpoints of respondents on the issues at stake are highly valued in a study as this [71]. Moreover, this holistic design model enables the gathering of an in-depth information database of the phenomenon under study, reflective of the emphatic and integrated worldview of respondents [72]. Further, the study is underpinned by the interpretative philosophy where individuals constantly pursue an understanding of the world in which they live and work, thereby developing subjective meanings of their experiences in various forms [73].

Research Approach

The researcher adopted the sequential exploratory quantitative approach in the conduction of the survey where perceptions of Ghanaians were censored on the subject matter of judiciary corruption and national security implications. As [74,75] submit, the quantitative research approach appropriately answers the researcher’s research question or problem as contained within the questionnaire. The quantitative method even though does not allow the researcher to gain a more complete picture of the study as in mixed methods, nonetheless, is relevant for reasons of flexibility, generalizability, contextualization, and credibility [74]. Quantitative research involves the processes of collecting and analyzing numerical data to find patterns, make predictions, and generalize results to wider populations within the context of descriptive, correlational, and experimental research undertakings [76,77]. Additionally, the context analysis of secondary data was employed during the study from textbooks, journals, news media, and internet sources.

The Population of the Study

[76,78] submit that a population of a study is a group (referring to people or elements of objects, organizations, events, species, or organisms) that a researcher concludes. The population of this study in the quantitative approach terms comprised the entire Ghanaian population, which stands at 30.8 million people (50.7 % female and 49.3 % male) at the time of this study, per the 2021 Population and Housing Census report from the [79].

Sample Size/Sampling Techniques

Thousand One Hundred and Twenty-Three (1,123) adult respondents from all ‘walks of life’ throughout the 16 administrative regions of Ghana including judges, lawyers, academia, politicians, civil society, traditional rulers, religious clerics, ordinary citizens, trade union members, state institutions, amongst others, were engaged in the nationwide survey. In all, people of diverse backgrounds from 85 occupational profiles participated. The quota sampling procedure was used to gather views across the country in fulfillment of the fair representation requirement [80]. Initially, 1,150 questionnaires were administered but in the end, 1,123 responded, which ratio [81] admits is a fair representation. It stands out to say that most respondents had pre-knowledge and interest in the subject area [82,83,84]. The sample size of that nature yields country-level results with a margin of error of +/-3 percentage points at 90% confidence level. The full list of respondents and their demographic information is outlined in Tables.

Research Instruments

The instruments employed in the quantitative survey involved both open-ended and closed-ended structured questionnaires [85]. As [81] observed, in an explorative survey like this, respondents’ knowledge-bases are reflection of their understanding, experiences, thoughts, and behavior in any given circumstance, hence the administration of questionnaires was carefully done with that in mind. The questionnaire was developed and deployed using 16 research assistants who are postgraduate students of the researcher. As hinted earlier, respondents were required to indicate whether they strongly agree, agree, strongly disagree or disagree or none, with regards to the 8 closed-ended questions; while regarding the 2 open-ended questions, respondents were allowed to fill in the spaces. The instrument was circulated for four months so that the researcher could meet the targeted size, especially those within rural settings [82].

Data Analysis

Qualitative data were collected systematically and thematically analyzed in consonance with the research questions [86,87,88]. Multi-purpose investigative approaches involving triangulation were employed to address shortfalls of the study results in terms of validity, generalizability, and reliability [89,90,91]. The validity, authenticity, and reliability of the data were ensured by subjecting the data to the 22 version of the Statistical Package for Social Sciences (SPSS) that repeatedly reflected the content with precision and consistency [92,93,94].

Ethical Considerations

The researchers obtained ethical approval (written) from the University of Education, Winneba, and verbal approval from individuals who participated in the survey. In keeping with ethical demands, the researcher and his team observed responsive practices as guided by the principles of safety, choice, collaboration, trust, and empowerment [95]. The ethical principles of informed consent, anonymity, confidentiality as well as rights of withdrawal were brought to bear fully throughout the processes.

Positionality

The study acknowledged and addressed issues of positionalities relating to the conduct of the survey where the researcher’s worldview, values, beliefs, and biases as an expert in the area, were not allowed to influence nor becloud the perspectives of the respondents [96].

The gender distribution of respondents as shown in Table 1.1 and Figure 1.1 represent as follows: 805 males (71.7%) and 318 females (28.3%). Females form the majority Ghanaian population per the 2021 Population and Housing Census report [97]. However, this did not reflect in the survey, as Ghanaian women tend to sheer away from participating in voluntary surveys.

Gender	Frequency	Percentage (%)
Male	805	71.7
Female	318	28.3
Total	1,123	100

Table 1.1: Gender Distribution of Respondents.

Source: Field Data, 2022/2023

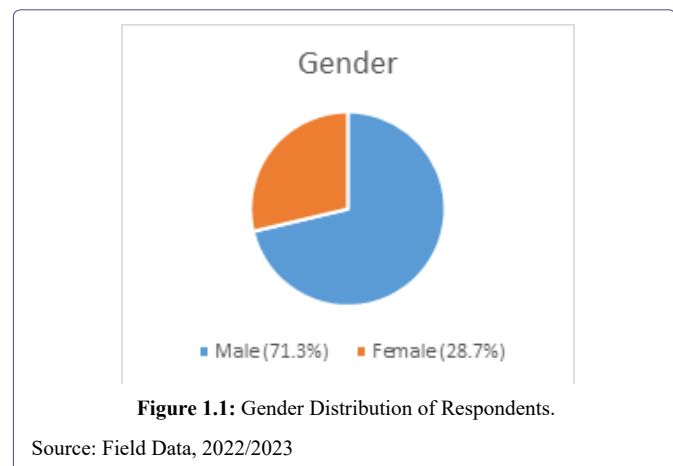


Figure 1.1: Gender Distribution of Respondents.

Source: Field Data, 2022/2023

Table 1.2 and Figure 1.2 reflect the age distribution of respondents as follows: age range 18-30, 256 (22.8%); age range 31-40, 355 (31.6%); age range 41-50, 308 (27.4%); age range 51-60, 123 (11.0%); and 61 years and above 81, (7.2%). It is indicative from the figures that, the majority of the respondents fall within the youth group, representing 54% of the sampled size.

Age Range	Frequency	Percentage (%)
18-30	256	22.8
31-40	355	31.6
41-50	308	27.4
51-60	123	11.0
61 years and above	81	7.2
Total	1115	100

Table 1.2: Age Distribution of Respondents.

Source: Field Data, 2022/2023

Age Distribution

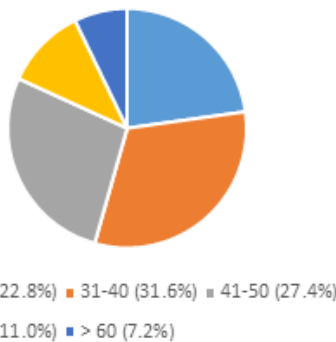


Figure 1.2: Age Distribution of Respondents.

Source: Field Data, 2022/2023

As indicated in Table 1.3 and Figure 1.3, 69.2.0% of respondents are majority Christians, 18.8% of respondents are Muslims, 7.2% of respondents practice African Traditional Religion, and 4.8% of respondents practice other faiths.

Religion	Frequency	Percentage (%)
Christianity	778	69.2
Islam	211	18.8
African Traditional	81	7.2
Others	53	4.8
Total	1,123	100

Table 1.3: Religious Backgrounds of Respondents.

Table 1.4 and Figure 1.4 depict the educational background of respondents as follows: Tertiary education, 689 (61.3%) from the majority of respondents; Secondary education, 285 (25.4%); Basic Education, 118 (10.5%); and no formal education, 31 (2.8%). The majority of the respondents (61.3%) have tertiary education; whilst (2.8%) of respondents representing the least, have no formal education.

Religious Background

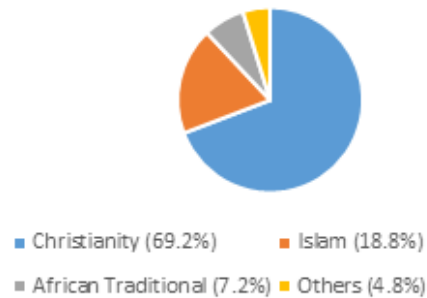


Figure 1.3: Religious Backgrounds of Respondents.

Source: Field Data, 2022/2023

Educational Level

Educational Level	Frequency	Percentage (%)
Tertiary	689	61.3
Secondary	285	25.4
Basic	118	10.5
No formal education	31	2.8
Total	1115	100

Table 1.4: Educational Background of Respondents.

Source: Field Data, 2022/2023

Educational Background

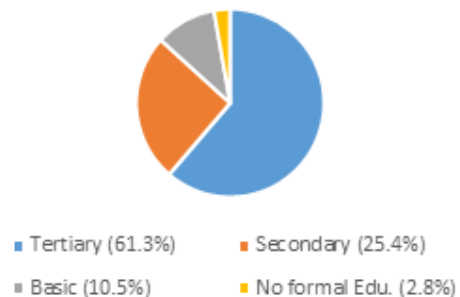


Figure 1.4: Educational Background of Respondents.

Source: Field Data, 2022/2023

Table 1.5 categorizes the diverse occupational profiles of the 1123 respondents covering 65 occupations of which, 241 (21.5%) students constituted the majority of respondents, followed by 217 (19.3%) teachers. Ninety (8.0%) respondents were unemployed while 6 (0.5%) did not indicate their occupational status.

Occupation	Frequency
Student	241
Teacher	217
Insurance	6
Unemployed	90
Paramedic	5
Beautician	7
Military	13
Prison Officer	3
Minister of State	5
Accountant	20
Driver	15
Journalist	6
Retiree	19
Farmer	19
Public Servant	40
Administrator	10
Civil Servant	11
Clergy	15
Banker	34
Nurse	8
Artisans	25
Lecturer/Professor	25
Parliamentarian	17
Trade Unionist	7
Receptionist	8
Traditional Herbalist	1
Construction	10
Engineer	11
Musician	3
Caterer	4
Immigration Officer	2
Council of State Member	2
Auditor	3
Chief	13
Queen mother	4
Fashion Design/Sewing	4
Counselor	8
IT Technician	7
Mining	5
Sports	5
Surveyor	5
Politician	22
Nutritionist	2
Fire Officer	3
Judiciary	6
Civic Educator	1
Researcher	12
Police	13
Entrepreneur	10
Air Hostess	2

Environmental Health	1
Real Estate	1
Finance Officer	3
Veterinary Officer	2
Assembly Member	8
Banker	4
Social Worker	8
Lawyer	16
Human Rights Activist	10
Medical Doctor	6
Geologist	1
Writer	1
Pharmacist	1
Trading/Business	30
Fishing	1
None	6
Total	1123

Table 1.5: Occupational Distribution of Respondents.

Source: Field Data, 2022/2023

Part 6

Discussion of findings

The study purposed to examine the impact of judicial corruption on the security of Ghana, as underpinned by four main research objectives. They are the following:

1. Ascertain if judicial corruption is real and pervasive in Ghana.
2. Identify the causes and effects of judicial corruption in Ghana,
3. Evaluate the justice system in Ghana.
4. Analyze the implications of the corrupt activities of judicial officials on national security.

Appropriate questions were generated from the four themes that informed the research instrument. The data having been gathered from 1,123 respondents in four months, was screened and analyzed using simple frequency tables and charts. Following this, the findings of the survey are presented below and discussed under themes, guided by research objectives.

Key Findings

- Judicial corruption is real and endemic in Ghana and court officials are widely seen as corrupt and untrustworthy. By inference, over 89 percent of Ghanaians say court officials including judges and magistrates are corrupt; whilst over 60 percent of respondents insist court officials are most untrustworthy.
- The causes underlining judicial corruption are multifaceted and mainly motivated by the urge to achieve material gains. Responses from the respondents indicate that more than 71.44 percent think judges and magistrates are mostly motivated by economic factors to sell out justice to the wealthy and influential.

- The effects of judicial corruption on the socio-politico-economic development of Ghana are devastating, as well as compromising the rule of law and justice delivery in the country. Whilst 85.2 percent of respondents think the effects of judicial corruption draw back the country’s socio-economic development, 76.4 percent think it derails the justice delivery system and the rule of law.
- Ghana’s judicial system is bedeviled with instances of delays in justice delivery, biased rulings, adversarial and costly nature of court proceedings, thus leading to people’s inability to use the formal court system in Ghana. For example, over 70 percent of respondents noted the costly nature of proceedings is a disincentive to citizens using the formal court systems.
- In evaluating the judicial system of Ghana, 54.9 percent of respondents agree the judiciary is independent, and 45.1 percent think the judiciary is not independent as they are under the influence of the executive who appoints them. Over 54 percent, 45.5 percent, 32.2 percent, and 30.3 percent of respondents rate the judicial system in terms of professionalism, fairness, responsiveness, and transparency; respectively.
- Judicial corruption has dire consequences on national security and cohesion if not checked. Over 55 percent of Ghanaians think the rulings of judges are mostly politically motivated and come with national security implications; whilst over 80 percent think rulings are outcomes of corruption in the urge of making personal gains from court users. Ninety percent of respondents and by inference Ghanaians conclude that judicial corruption is a threat to national security.
- By extension, Ghanaians cite judicial reforms as some of the remedies to judicial corruption.

Respondents answered the closed-ended questions on five themes by selecting only one of the responses such as: Strongly Agree (SA), Agree (A), Strongly Disagree (SD), or Disagree (D). Respondents were unanimous that the perverseness of judicial corruption in Ghana is not only a perception but also a reality on the ground. As reflected in Table 6: 1, only 20.5% of respondents think judicial corruption in Ghana remains a perception, while 1000 respondents (89 %) submit it is a reality and very high in society (50.8%). By inference, the Ghanaian public admits that judicial corruption and misconduct is a reality, especially as the survey suggests that only 7.7% of respondents hold that judicial corruption is nonexistent in Ghana [98]. It was revealed in the survey that judicial officials rather than parties to conflicts, lawyers, the wealthy, and the powerful are most blamable for incidents of judicial corruption in society. The responses are as follows: Strongly agree (45.8%), agree (10%), strongly disagree (25%), and disagree (18.9%). From the results, it is gathered that 627 respondents representing 55.8% either strongly agree or agree that the menace is most blamable on members of the judiciary. The judiciary arm of the state is one of the three most corrupt institutions in Ghana as either strongly agreed or agreed by 64.4% of 1123 respondents. Even though it was generally discovered that judicial officials are corrupt, only some judges rather than all judges were seen as corrupt (65.7%); whilst (68.2%) of respondents think most court clerks and administrators are corrupt (Table 2.1 and Figure 2.1) To that end, Ghanaians admit that only some judges and magistrates indulge in corrupt activities.

No.	Perception	% Frequency of Responses				Total
		SA	A	SD	D	
1	Judicial corruption is only a perception in Ghana	81 (7.2%)	150 (13.3%)	605 (53.9%)	287 (25.6%)	1123 (100%)
2	Judicial corruption is a reality in Ghana	745 (66.3%)	255 (22.7%)	54 (4.8%)	69 (6.2%)	1123 (100%)
3	Judicial corruption is non-existent in Ghana	30 (2.7%)	56 (5.0%)	650 (57.9%)	387 (34.4%)	1123 (100%)
4	Judicial corruption in Ghana is very high	375 (33.3%)	195 (17.6%)	223 (19.8%)	330 (29.3%)	1123 (100%)
5	Lawyers, parties to conflicts, politicians, the wealthy and powerful are mostly to blame for judicial corruption in Ghana	261 (23.2%)	397 (35.3%)	362 (32.3%)	103 (9.2%)	1123 (100%)
6	Judicial officials are to blame most for judicial corruption in the country	514 (45.8%)	113 (10.0%)	284 (25.3%)	212 (18.9%)	1123 (100%)
7	Corruption within the judicial system falls between the first three institutions in the country	452 (40.2%)	272 (24.2%)	184 (16.4%)	215 (19.2%)	1123 (100%)
8	Most judges and magistrates are corrupt	231 (20.6%)	112 (10.0%)	301 (26.8%)	479 (42.6%)	1123 (100%)
9	Some judges and magistrates are corrupt	456 (40.6%)	282 (25.1%)	154 (13.7%)	231 (20.6%)	1123 (100%)
10	Most court clerks and administrators are corrupt	461 (41.0%)	305 (27.2%)	155 (13.8%)	202 (18.0%)	1123 (100%)

Table 2.1: Perceptions and realities about judicial corruption in Ghana.

Source: Field Data, 2022/2023

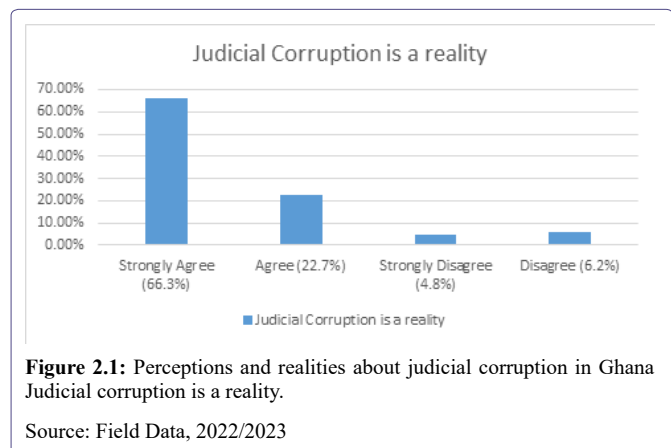


Figure 2.1: Perceptions and realities about judicial corruption in Ghana
Judicial corruption is a reality.

Source: Field Data, 2022/2023

Regarding the causes of judicial corruption within the Ghanaian judicial system, such factors were listed by the respondents: material gains (81%), premised on Ghanaian cultural norms (43.2%), financial (75.4) (Table 2.2 and Figures 2.2 & 2.3), nepotism (63.6%), influenced by the wealthy and powerful in society (78.1%), other material considerations (69.8%), poor remuneration and poor working conditions and (50%) [98]. The factor with the highest frequency is gains (81%), indicative of the fact that Ghanaians consider gains as the major contributing factor; whilst the issue of poor remuneration and working conditions are the least considered factor [99]. It is also revealed that judicial corruption has dire consequences on Ghana's socio-politico-economic development as confirmed by 956 respondents representing 85.1 percent of Ghanaians in terms of reference.

No.	Factor	% Frequency of Responses				Total
		SA	A	SD	D	
1	Court officials are mostly motivated by gains 63.6%to indulge in corrupt activities	738 (65.7%)	195 (17.4%)	84 (7.5%)	106 (9.4%)	1123 (100%)
2	Judicial corruption is premised on the cultural norm of the Ghanaian society	234 (20.8%)	251 (22.4%)	312 (27.8%)	326 (29.0%)	1123 (100%)
3	Motivations for judicial corruption are mainly financial	345 (30.7%)	502 (44.7%)	172 (15.3%)	104 (9.3%)	1123 (100%)
4	Judicial corruption is equally based on nepotism	444 (39.5%)	270 (24.1%)	134 (11.9%)	275 (24.5%)	1123 (100%)
5	Judicial misconduct and corruption in the form of biased ruling are influenced by politicians, the wealthy, and the powerful in society	473 (42.1%)	416 (37.0%)	89 (7.9%)	146 (13.0%)	1123 (100%)
6	Promotion and other material considerations play a key role in judicial corruption in Ghana	619 (55.1%)	211 (18.8%)	193 (17.2%)	100 (8.9%)	1123 (100%)
7	Poor remuneration and poor working conditions also account for judicial corruption in Ghana	390 (34.7%)	177 (15.8%)	346 (30.8%)	210 (18.7%)	1123 (100%)
8	Judicial corruption impacts negatively on Ghana's socio-politico-economic development	660 (58.8%)	296 (26.4%)	50 (4.4%)	117 (10.4%)	1123 (100%)
9	Judicial corruption has nothing to do with Ghana's socio-politico-economic development	89 (7.9%)	223 (19.8%)	606 (54.0%)	205 (18.3%)	1123 (100%)

Table 2.2: Causes and implications of judicial corruption on the socio-politico-economic development of Ghana.

Source: Field Data, 2022/2023

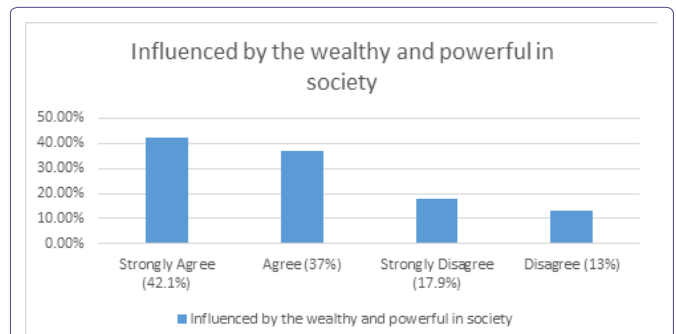


Figure 2.2: Factors influencing judicial corruption in Ghana.

Source: Field Data, 2022/2023

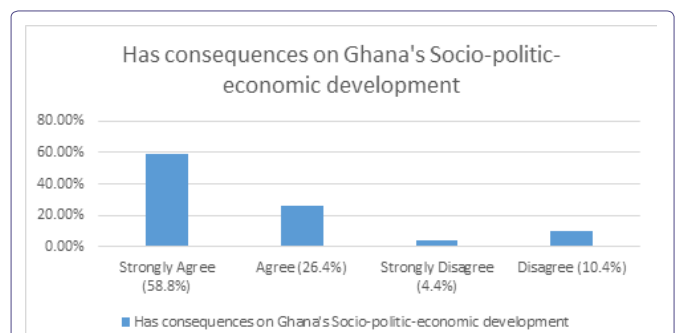


Figure 2.3: Consequences of judicial corruption on Ghana's socio-politico-economic development.

Source: Field Data, 2022/2023

In evaluating the Ghanaian judicial system, many revelations came up. Sixty-nine and a half percent of Ghanaians affirm the legitimacy of the formal judicial system in Ghana, irrespective of the current happenings within the system (69.5%). Only 30.5% think the system is not legitimate, perhaps necessitating reforms. Of all the 1123 respondents, only 7% of them appear to have had personal contact with the system. By reference, most Ghanaians (93%) for various reasons have never used the formal courts. This revelation is unhealthy for the improvement of justice delivery in the country. Regarding other ratings of the judicial system (Table 2.3 and Figure 2.4), the following were discovered: transparency (30.3%), justice delivery (23.6%), and bias (80). From the results, it is clearly deduced that the majority of Ghanaians 69.7% think procedures and proceedings within the judicial system lack transparency; and at the same time, justice delivery is problematic and inappropriate thus confirming [19] assertion that corruption affects justice delivery in many judicial systems across the globe. As to the reasons why Ghanaians hardly use formal judicial systems, the following were listed: bias (80%), mistrust, expensive nature of proceedings and procedures, long delays, unavailability of service providers to the public, inter alia (83.5) [100]. A slim majority of Ghanaians (54.9%) affirm the courts are independent and judicial officials are professional though proceedings and procedures in the courts are not fair (54.5%). Moreover, responsiveness with regard to court procedures and proceedings is inappropriate (67.8%).

Overall as noted in Table 6.4, judicial corruption has grave national security implications (57.4%), consequences on the peace of the country (58.3%), has no destabilizing effects on Ghana's constitutional gains (58.4%), dints Ghana's international image (77.1%), affects

No.	Evaluation	% Frequency of Responses				Total
		SA	A	SD	D	
1	Ghana's judicial system notwithstanding the challenges is legitimate	502 (44.7%)	278 (24.8%)	201 (17.9%)	142 (2.6%)	1123 (100%)
2	I am or have been a formal court user	41 (3.7%)	37 (3.3%)	816 (72.6%)	229 (20.4%)	1123 (100%)
3	A relative, colleague, or friend has contacted the formal court system	78 (6.9%)	123 (11.0%)	631 (56.1%)	291 (26.0%)	1123 (100%)
4	Justice delivery via the formal judicial system is transparent	134 (12.0%)	206 (18.3%)	554 (49.3%)	229 (20.4%)	1123 (100%)
5	Justice delivery by the formal judicial system is nothing to write home about	361 (32.1%)	497 (44.3%)	200 (17.8%)	65 (5.8%)	1123 (100%)
6	Judicial judgments are biased toward the wealthy and powerful	585 (52.1%)	313 (27.9%)	184 (16.4%)	41 (3.6%)	1123 (100%)
7	Reasons why people do not use formal judicial systems include: the expensiveness of court proceedings, mistrust, long delays in proceedings, the system favors the wealthy and powerful, complexity and technicality of processes and proceedings, unavailability of service providers in most parts of the country, and others	356 (31.7%)	582 (51.8%)	80 (7.1%)	105 (9.4%)	1123 (100%)
8	Courts are independent and officials are professional	345 (30.7%)	272 (24.2%)	291 (26.0%)	215 (19.1%)	1123 (100%)
9	Administrative processes and proceedings are fair	229 (20.4%)	282 (25.1%)	469 (41.8%)	143 (12.7%)	1123 (100%)
10	Responsiveness with regard to justice delivery and administrative processes and proceedings are inappropriate	257 (22.9%)	105 (9.3%)	423 (37.7%)	338 (30.1%)	1123 (100%)

Table 2.3: Evaluation of the Ghanaian judicial system.

Source: Field Data, 2022/2023

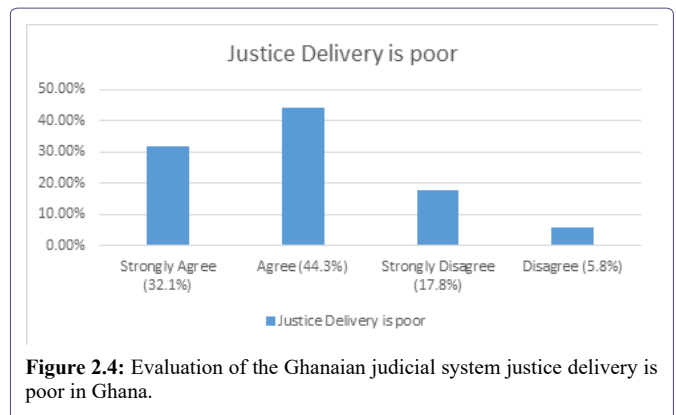


Figure 2.4: Evaluation of the Ghanaian judicial system justice delivery is poor in Ghana.

investment (62.2%) recipes for the social and legal disorder (77.7%), affects rule of law (63.4%), affects governance (60.9%) [101]. According to the survey, all these under-listed factors if not checked have dire national security implications as alluded to recently by the Minister of National Security in his address to members of the judiciary (Table 2.4 and Figure 2.5).

No.	Implication	% Frequency of Responses				Total
		SA	A	SD	D	
1	Judicial corruption and misconduct have severe consequences on national security	378 (33.7%)	266 (23.7%)	164 (14.6%)	315 (28.0%)	1123 (100%)
2	Judicial corruption and misconduct have dire consequences on Ghana's peace	316 (28.1%)	339 (30.2%)	244 (21.7%)	224 (20.0%)	1123 (100%)
3	Judicial corruption and mistrust in the courts have destabilizing effects on Ghana's constitutional rule	237 (21.1%)	230 (20.5%)	462 (41.1%)	194 (17.3%)	1123 (100%)
4	Corruption within Ghana's judicial system affects Ghana's international image	376 (33.5%)	489 (43.6%)	125 (11.1%)	133 (11.8%)	1123 (100%)
5	Corruption within Ghana's judicial system affects non-security issues such as domestic and external investment	386 (34.4%)	312 (27.8%)	110 (9.8%)	315 (28.0%)	1123 (100%)
6	Judicial corruption and biased rulings are recipes for instant crowd justice and disorder in society	336 (30.0%)	458 (40.7%)	150 (13.3%)	179 (16.0%)	1123 (100%)
7	Judicial misconduct negatively affects Ghana's governance structure	243 (21.6%)	341 (30.4%)	382 (34.1%)	157 (14.0%)	1123 (100%)

8	Judicial misconduct and corruption affaffect the rule of law	341 (30.4%)	370 (33.0%)	252 (22.4%)	160 (14.2%)	1123 (100%)
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Table 2.4: Implications of judicial corruption and misconduct on National Security and Constitutional practice in Ghana.

Source: Field Data, 2022/2023

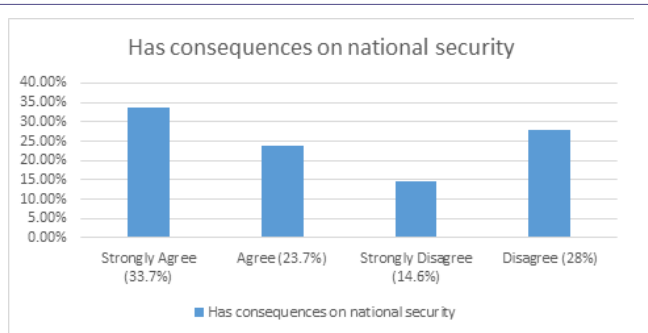


Figure 2.5: Implications of judicial corruption and misconduct on National Security and Constitutional practice in Ghana. Judicial corruption has grave consequences on national security.

Source: Field Data, 2022/2023

Under Table 6.5, respondents affirmed a number of remedies in their responses. They included: addressing legal and other socio-economic factors (84.1%); appointment of judges and magistrates by professional bodies based on merit and competence (90.8%); monitoring and supervision of judicial staff (59.6%); professional training (70.1%); streamlining judicial discretionary powers (54.7%); and accountability (52.4%). The rest are, enhancing the welfare and remuneration of judicial staff (34.7%); the application of heavy sanctions as a deterrence measure (77.9%) [102]; and improving case management within the judicial system (56.2%). Among these measures, an overwhelming majority of Ghanaians subscribe to the appointment of judicial officials based on merit, integrity, integrity, competence, and professionalism and by professional bodies other than the executive; thereby needing a constitutional amendment [19,103] (Table 2.5). It is also observed that the issue of remuneration of judicial officers as a stopgap to judicial corruption is given less attention to in Ghanaian society [18].

Conclusion and Recommendations

Judicial corruption, which is an injustice in society, is real and pervasive in Ghana. Its multifaceted impacts have negatively affected the socio-politico-economic development of Ghana, as well as adversely affecting the rule of law and justice delivery. Moreover, its upsurge is a threat to national security as law and order may eventually break down when citizens who have lost trust and faith in the judicial system will resort to instant justice [18]. Equally, factors that form good grounds for judicial corruption and misconduct are multifaceted and woven in complexity, largely premised on the urge of some judges, magistrates, and other categories of judicial officials to make gains; thus hurting justice as it exchanged for such gains.

The recent media exposé that led to the severe yet appropriate sanctioning of some culpable members of the judiciary has served as a deterrent, compelling many corrupt judicial officials to pull a break [21]. Further, judicial reforms and efforts including the ‘paperless

No.	Factor	% Frequency of Responses				Total
		SA	A	SD	D	
1	Address legal, political, social, and economic factors that motivate judicial corruption					
2	Appointment of judges, magistrates, and top judicial officials must be based on professionalism, competence, integrity, and merit and should be done by professional bodies other than the executive	538 (47.9%)	407 (36.2%)	78 (6.9%)	100 (9.0%)	1115 (100%)
3	Effective monitoring and supervision of judicial staff whereby their conduct will fall in line with rooted law	762 (67.8%)	258 (23.0%)	50 (4.5%)	53 (4.7%)	1115 (100%)
4	The discretionary powers of judges should be streamlined using clear markers and guidelines	302 (26.9%)	367 (32.7%)	145 (12.9%)	309 (27.5%)	1115 (100%)
5	To enhance professionalism and efficient performance, judges and other judicial staff must receive both in-service and out-service professional training	444 (39.6%)	170 (15.1%)	275 (24.5%)	234 (20.8%)	1115 (100%)
6	Demand accountability from judicial officials	573 (51.0%)	214 (19.1%)	197 (17.6%)	139 (12.4%)	1115 (100%)
7	Improve the remuneration and working conditions of judicial staff	256 (22.8%)	332 (29.6%)	236 (21.0%)	299 (26.6%)	1115 (100%)
8	Make judicial corruption unattractive through effective sanctioning mechanisms	255 (22.7%)	359 (32.0%)	234 (20.8%)	275 (24.5%)	1115 (100%)
8	Make judicial corruption unattractive through effective sanctioning mechanisms	453 (40.4%)	421 (37.5%)	96 (8.5%)	153 (13.6%)	1115 (100%)

9	Improvement in case management within the judicial system	309 (27.5%)	323 (28.7%)	221 (19.7%)	270 (24.1%)	1115 (100%)
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Table 2.5: Remedies to judicial corruption in Ghana.

Source: Field Data, 2022/2023

court’ initiative, the Justice for All Programme, and the Anticorruption Action Plan, have helped in improving case management, reducing time for trials, and promoting benchmark issues such as integrity, transparency, accountability, and responsive to corruption complaints, within the judicial system (Judicial Digests, 2018). It is therefore not for nothing that, judicial corruption has since seen a slight decline even though the judiciary’s bruised image in the eyes of the public, is yet to see restoration.

This paper nonetheless argues that the fight has just begun, as many measures need to be implemented if this menace is to be ‘nipped in the bud’. First, opportunities that usually motivate judicial officials to engage in corrupt activities must be closed [45]. Second, normative changes in terms of professional transformation are needful in the circumstances to inject integrity, competence, and professionalism in judges to enhance justice delivery. Third, corrupt judicial officials should be made to face stiffer sanctions any time they are found culpable [44]. Lastly, judicial officers must be appointed by professional bodies but not members of the executive to avoid interference in the work of judges [104-110].

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