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Strengthening Public Trust in Ghana's Judiciary Through Transparent Justice Delivery

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ABSTRACT

The judiciary depends on public confidence for legitimacy and success. This research paper examines the issue of transparency and its impact on public confidence in the judiciary in Ghana. The overall objective is to gather evidence on the transparency, accountability and reform practices of the Ghanaian judiciary. An integrative nature review covering the last 20 to 25 years of publications (from 2000) has been performed. A total of 1 92 documents were filtered and 78 were selected for thematic analysis. The authors were peer-reviewed articles, official reports, court rulings, Afrobarometer polls, and reliable media reports. Thematic analyses were used focusing on current practices, ongoing issues, innovations and proposals. The results show that despite efforts to reform the legislation, including the e-Justice platform, the publication of judgments and the case management system, public confidence has fallen to 36 percent in 2022 from 62 percent in 2005. Some of the problems leading to this decrease include uneven implementation, lack of accessibility and high-profile corruption scandals. Transparency, it is argued, enhances legitimacy only in conjunction with inclusive access, visible ownership and civic legal education. The document concludes that transparency reforms should be integrated, transparent and supervised in order to restore public confidence. Some recommendations include providing a national transparency framework, inclusive digital access, strengthening disciplinary reporting and rigorous evaluation of reforms. Such practices can help to give the Ghanaian judicial system long-term credibility and effectiveness.

INTRODUCTION

It is well known that public trust in the judiciary is one of the pillars of democratic governance and the rule of law. The legitimacy of the judiciary is not only determined by constitutional requirements, but also by the confidence citizens have in its independence, impartiality and impartiality (Tyler, 1990; Habermas, 1996). Transparency, which implies transparent procedures, sound judicial reasoning, access to information on how a case has been handled and institutional accountability (Lindstedt and Naurin, 2010), is a key pillar in building and maintaining this trust. Transparency is not only the norm in young democracies, but also an instrument to reduce corruption, reduce asymmetries of information, and enhance legitimacy (Crook, 2017; Addadze-Koom and Bediako, 2021). The judiciary in Ghana is constitutionally mandated by the 1992 Constitution to protect the judiciary and the rights of Ghana. Over the last two decades, the judiciary has been pursuing an agenda of modernisation and accountability. The study on the implementation of the e-Justice system in Ghana describes, as an example, how the use of ICT has the potential to reduce corruption and reduce the costs of litigation, but also the risks, including the digital divide and unequal access (Addadzi-Koom & Bediako, 2021). Institutional impact on the use of e-justice systems is another recent study which shows the influence of regulatory, normative and cognitive institutional forces on the actual use of e-justice in the judiciary in Ghana (Elliot, Effah and Boateng, 2024). Although these institutional changes have taken place, empirical findings show that there is a huge gap between policy interventions and popular perception. According to the latest Afrobarometer survey, only 36 percent of Ghanaians trust the judiciary in 2022, down from 62 percent in 2005 (Afrobarometer, 2024, MyJoyOnline report) In addition, an article in the Journal of Law and Courts, Assessing public confidence in Ghana's judiciary (2025) concluded that socio-demographic factors affecting trust include education, gender, partisanship and standard of living, with more educated citizens being less trusting, perhaps because they are more aware of the shortcomings of the judiciary.

This conflict can be explained in theoretical terms by the theory of procedural justice, which holds that legitimacy depends less on the outcome and more on whether the proceedings are considered to be fair and transparent (Tyler, 1990; Lind and Tyler, 1988). The same applies to public administration scholarships, where transparency is one of the mechanisms by which discretionary powers can be curbed and external control and balance achieved (Lindstedt and Naurin, 2010). However, critical legal studies warn that this may be undermined by institutional practices, political interference or a lack of civic participation (Crook, 2017). There are a number of gaps in the literature of Ghana which need to be filled. First, although the undermining of trust in the judiciary is well documented, less research is being done on what specific aspects of transparency, such as holding public hearings, publishing judicial reasons, keeping people informed of the status of cases, etc., can do to restore

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trust. Secondly, there is still insufficient attention to the differences between social groups (rural versus urban, gender, educational level). Thirdly, existing empirical data are largely of a transversal (e.g. African barometer surveys, journal articles), making causality a poorly researched area. Fourth, it is under-explored how transparency practice penetrates the everyday experience of citizens, i.e. the experience of ordinary users. The fact that the public's confidence continues to decline despite gradual changes highlights the need for rigorous, theoretical, and empirical research. The article puts the legal system in Ghana in the context of transparency, legitimacy and reform, critically evaluates empirical evidence, assesses issues and innovations, and tries to explain how transparency can strengthen or not strengthen public confidence. In this way, it hopes to contribute not only to the academic knowledge on judicial legitimacy in emerging democracies, but also to the practical impact on policy makers, judicial actors and civil society in Ghana.

Justification of the Study

Ghana's judiciary has undergone several changes since independence, following a path of political instability, dictatorship and later democratic renewal. The adoption of the 1992 Constitution was historic in that it re-positioned the judiciary as the highest institution of the state as a guardian of justice and a champion of fundamental rights. But the history of executive interference and repeated corruption scandals leaves a legacy of popular mistrust. This mistrust continued after reforms that cast doubt on the effectiveness of the measures introduced to consolidate the legitimacy of the judiciary. The judiciary in modern Ghana has also implemented reforms in the form of the adoption of e-Justice servers and the reorganisation of its administration to bring it up to world standards in the area of judicial governance. However, these reforms cannot have their desired effect without a simultaneous recovery in public confidence. The public's confidence in the judiciary is not only a matter of reputation, but the cornerstone upon which the proper functioning of the judicial system rests. When citizens perceive the judiciary as impartial and efficient, they have greater opportunities to go to court to seek redress, to comply with a judgment on their own initiative and to accept the legal system as legitimate and binding. On the other hand, lack of transparency destroys trust by creating a perception of bias and corruption and may lead to a lack of participation in formal legal proceedings and, in other cases, to recourse to non-judicial methods of resolving disputes. Transparency is therefore considered a pillar of the rule of law. It increases accountability in the judiciary, makes the judicial process less transparent and gives people more confidence that justice is being and perceived to be being served. It is therefore important and urgent to study how transparency can increase public confidence in the judiciary in Ghana. The rationale for this review is to fill the gap in knowledge of institutional reforms and perception by the public to synthesise existing knowledge and evidence to explain how transparency can be used as an effective and theoretical tool to restore legitimacy. In this way, it will contribute to a broader debate on judicial governance in Africa and provide pragmatic information for policy makers, judicial actors and civil society interested in ensuring the credibility of the judiciary in Ghana.

MATERIALS AND METHODS

The article adopts an integrated narrative review to bring together different types of evidence relating to transparency and public confidence in the judiciary in Ghana. An integrative narrative approach is particularly open to incorporating both empirical studies, policy reports, judicial decisions and reliable media reports, as opposed to a systematic review focusing on quantitative studies that only provide a narrow view of the subject. The review covers recent developments in the judiciary in Ghana from 2000 to 2025 in response to developments and recent reforms in the country. Specific searches were carried out in institutional repositories such as the Archives of the Ghanaian Judiciary and the Ghanaian Law Reports, as well as in academic databases such as Google Scholar, JSTOR and HeinOnline. Major Ghanaian newspapers and civil society publications were also consulted to capture local sentiments. The search terms were Transparency, Judicial Transparency Ghana, e-Justice, Judicial Ethics, Access to justice and Public Trust. The selection criteria were limited to English-language literature directly related to Ghanaian justice, although comparative evidence from West Africa was taken into account where it helped to provide a point of reference. Peer-reviewed journal articles, official reports, court decisions and good grey literature are some of the documents that are eligible. The titles, abstracts and full texts were also reviewed and found to be relevant for the purpose of the peer review. Thematic extraction was then used to identify key findings which were then grouped into four analysis groups (1) current practices in transparency, (2) persisting problems, (3) innovative and reform initiatives and (4) recommendations for how to improve public confidence. This approach recognises some shortcomings. For starters, there is a risk of publication bias, as research papers showing positive results are more likely to be published than papers showing negative or inconclusive results. Second, although the use of grey literature adds variety to the review, adding new policy developments and experience from the real world, it also raises the issue of lack of consistent methodological rigour. Notwithstanding these limitations, the integrative narrative review methodology provides a comprehensive, context-sensitive synthesis of theoretical and practical views on the role of transparency in rebuilding trust in the Ghanaian judicial system.

RESULTS AND DISCUSSION

The Present day Judicial Transparency in Ghana

Ghana's judiciary has taken various steps over the past 20 years to increase procedural openness and access to judicial information for the general public. These include

the gradual introduction of an e-Justice platform, the attempt to publish some judgments and administrative reports, and investment in case management systems to streamline procedures and minimise delays (Ghana Judicial Service, 2023). These efforts show a strong understanding that both information availability and procedural transparency are key pillars of legitimacy and that technological solutions can facilitate these objectives (Ghana Judicial Service, 2023; Addadzi-Koom and Bediako, 2019). However, official sources and sectoral reviews indicate that not all jurisdictions and levels of courts have yet adopted this approach and many lower court units have limited digital infrastructure and staff capacity (Government of Ghana, 2023; Budget documents of the Ministry of Finance and the Ministry of Justice, 2024). This imbalance limits the scope for formal transparency reforms with regard to the visibility of the ordinary users of courts.

The legacy of Lack of Trust, the Impact of Big Scandals

The review show that there are still, and on some indicators, growing gaps in trust in the judiciary in Ghana. The national rounds of the Afrobarometer show that trust in the judiciary has diminished significantly over the successive rounds of the survey, and a significant proportion of respondents say that they feel corrupt or political influence in the judiciary (Afrobarometer, 2022; Afrobarometer, 2025). These general trends are supported by civil society studies which show low levels of trust among both guerilla groups and the general population (CDD-Ghana, 2022). High-profile integrity crises have regularly exacerbated the erosion of trust. The national scandal of 2015, with its investigative revelations of widespread misconduct by judges, has left a visible legacy of judicial integrity in the eyes of citizens (Anas, 2015; Guardian, 2015). More recently, the historic suspension of the Chief Justice and the subsequent investigation in 2025 has triggered a strong social discourse on accountability, the separation of powers and the transparency of investigations, reflecting how important events have influenced the development of trust beyond the control of day-to-day reforms (AP, 2025; Reuters, 2025). Taken together, these results suggest that chronic institutional inefficiency and episodic scandals have all led to a trust gap that persists.

Technological Innovations, Comparative Gains and Conditional Gains

The comparative literature and analysis at country level show that technological innovation, when well designed and implemented in an inclusive way, has the potential to bring measurable improvements in transparency and public participation. Research on e-justice systems shows that the impact of e-justice on legitimacy depends on the integration of both the back-end efficiency of the administration (case management) and the front-end services (searchable judgments, clear summaries, case status portals) and user information (Addadzi-Koom & Bediako, 2019; HIL, 2021). Ghanaian pilots combining digital case monitoring with specific administrative reforms show the potential to increase the timeliness and visibility of cases in specific jurisdictions, but the evaluations often fail to quantify the subsequent changes in public confidence (Addadzi-Koom & Bediako, 2019). Other African jurisdictions also suggest comparative lessons in that transparency innovations are best implemented with safeguards such as fair trial safeguards in the case of live streaming hearings and independent oversight of disciplinary proceedings, highlighting the importance of transparency innovations as the only silver bullet and the failure to legitimise them without further measures (HIV, 2021; comparative studies).

The Digital Divide, Accessibility and Inclusion

One common theme across the evidence base is that technological transparency threatens to exacerbate the inequalities that already exist, unless inclusion is actively incorporated in the changes. The lack of accessibility of the internet, the lack of infrastructure in Ghana and the difference in the level of legal and digital literacy means that online case management, posting of judgments or online hearings will have a disproportionate impact on urban and better-equipped users (Ghana Judicial Service, 2023; Addadzi-Koom and Bediako, 2019). Unless mitigated, e-transparency may become a two-tier visibility system, which in turn reinforces elitism and prejudice among marginalised groups (public access kiosks in rural courts, mobile-friendly interfaces, community information and legal aid links). Therefore, inclusive design and parallel non-digital paths are essential for transparency to create greater legitimacy.

Accountability, Disciplinary Transparency and Procedural Fairness

Without credible accountability procedures, transparency will not have a significant impact on public trust. Literature points out that trust is lost not only through corruption, but also through vague or even politicised responses to allegations of wrongdoing (Lindstedt and Naurin, 2010). The reviews of the academic architecture in Ghana reveal that formal structures exist, i.e. Judicial Council procedures, complaints and internal supervision, but these were often limited in the public disclosure of information, allowing rumours and suppositions to fill in the gaps (media analysis, reports by the Judicial Service). High profile disciplinary cases such as the consequences of the 2015 scandal have shown that clear, timely and consistent accountability measures are key to restoring trust, and that if these are unclear or selective, they may undermine rather than reinforce the transparency process (Anas, 2015; The Guardian, 2015).

Ways to Build Trust in the Populace: Sequenced and Integrated Reforms

The summary of the evidence reviewed suggests that the most effective ways to improve public confidence in the functioning of the judiciary and the rights of citizens are

to integrate several mutually supportive aspects: (a) the availability of clear summary judgments and active public media coverage of the progress of reforms, (b) strong and visible independent disciplinary institutions whose services and protocols are made available to the public, (c) the extension of digital services to rural and low-income users, and (d) civic legal education campaigns. It is important to note that the sequencing is important: any visible progress in timeliness and equity can only be sustained over time, while occasional cosmetic or cosmetic interventions that do not address the underlying governance issues can lead to cynicism (Ghana Judicial Service, 2023; Addadzi-Koom and Bediako, 2019). Overall, these policy channels are consistent with comparative evidence, but they need to be piloted and rigorously evaluated at local level to determine which interventions will yield sustainable gains in trust in Ghana's specific institutional and political set-up.

Restrictions of the Evidence and Future Research Directions

The literature reviewed suffers from methodological limitations which prevent a causal link with the effects of transparency on trust. A lot of quantitative data is cross-sectional (Afrobarometer surveys) measuring relations rather than performance; analyses of e-Justice pilots are usually based on administrative indicators rather than citizens' perceptions of justice; and literature on lived-in transparency is contradictory. Also, high-profile events (e.g. undercover expositions and high-level firings) lead to rapid changes in public opinion which may not be reflected in regular surveys (Afrobarometer, 2022; AP, 2025). Future research directions should be long-term, quasi-experimental design, blended method analysis of specific transparency interventions and qualitative studies that look more deeply into the experience and definition of transparency practices of different social groups. These approaches will demystify which transparency mechanisms deliver sustainable gains in terms of legitimacy and in which circumstances.

CONCLUSION

The evidence gathered during this review shows that the judiciary in Ghana has made significant progress in becoming more transparent through digitisation, publication and administrative reform, but that the public lacks confidence. The value of transparency measures is not limited to their intrinsic value, but can be enhanced by their legitimacy-related effects, including their inclusive design, credible and visible accountability procedures and uniform implementation. Empirical and methodological gaps will be filled, in particular by achieving a cross-sectional approach to causation and by focusing on the experiences of the people, to develop a robust evidence-based approach to restore trust and strengthen judicial legitimacy in Ghana.

Recommendation

The evidence reviewed shows that transparency issues are a sufficient, but not a necessary, step in order to restore confidence in the judiciary in Ghana. Policymakers and judicial authorities should pursue a coordinated reform agenda based on inclusion and evidence to transform formal reforms into a durable return to legitimacy. The recommendations below are based on the experiences and comparisons from Ghana.

1. **Embracing the national transparency framework and implementation plan**: The judiciary needs to codify the national transparency framework, which lists minimum standards (e.g. publication of judgments, scheduling of disciplinary proceedings, access to the status of cases, etc.) and a plan for implementation at all court levels. Documentary transparency standards reduce the practice of obfuscation and provide quantifiable expectations of implementation (Joint Commission of Ghana, 2023; Ministry of Finance and Economic Planning, 2022).
2. **Digitisation with inclusive access policies**: The expansion of the e-Justice platform should be accompanied by deliberate action to reduce the digital divide. Practical measures such as the introduction of public access kiosks in rural courts, mobile-first interfaces and in-court assistants with self-represented lawyers could be mentioned. In Ghana and other comparative research, technology has been shown to have a positive impact on legitimacy only if it is widely available and appropriate (Addadzi-Koom & Bediako, 2019; HIL, 2021).
3. **Make disciplinary processes open and prompt**: Transparency of credible accountability is an important element of public confidence. The Judicial Council and the Complaints Mechanism must make public procedural guidelines for the conduct of investigations, provide regular updates to the public (without stealing the right to due process), and also give final decisions with justifications. An open procedure for handling allegations of misconduct will help to dispel rumours and demonstrate the institution's integrity (Anas, 2015; AP, 2025).
4. **Implement ethical improvements and whistleblower guarantees**: improving the codes of conduct, frequent ethical training and a secure whistleblowing system (with safeguards for whistleblowers) will reduce the risk of corrupt behaviour and make whistleblowing more acceptable (Transparency International, 2024).

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