

# Perception of Justice Delivery in the Court System in Ghana

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## Abstract

This study aimed to assess the knowledge level of Ghanaian residents on basic legal issues (i.e., legal systems and structures) and how this knowledge affects their perception of justice delivery in the court system. A structured questionnaire was used to randomly gather data from 400 respondents across all 16 political regions in Ghana.

## Keywords

Justice, Legal Systems, Common Law, Equity Law, Perception, Knowledge

## 1. Introduction

### 1.1. General Overview of Law

The maxim “The law is made for man, not man for the law” indicates the good intentions of the law for man existence and therefore ought to seek justice for the innocent at all time. However, the materialisation of this intention is the subject for discussions.

The main purpose of the law is to prevent unconscionable acts within a jurisdiction. Thus a behaviour that is commonly agreed to be unacceptable within a jurisdiction. Therefore, to achieve this, the legal system is expected to work to the desired perfection. As stated by *Delperee (2012)*, the law is particularly intended to establish the conditions under which rights and freedoms are exercised and justice administered at all time. However, the level of justice delivery by the court system globally continues to witness low satisfaction among patrons, although the court is said to be the house of Justice. As a matter of principle in common law, the court is not in place to execute fairness as in the chancery or the ecclesiastical legal system which focused more on ensuring that there is equitable settlement in dispute. The common law or modern law court focuses more on the application

of established legal principles and case precedents in disputes settlement which in most cases are not appreciated by the layman due to inadequate knowledge of those principles used in common law administration.

## **1.2. Historical Development of Common Law and Equity Law**

Common law and equity law are two legal systems that emerged in separate periods in the legal history of England to meet societal needs. The common law system originated after the Norman Conquest of 1066 from the customs and judicial decisions of the royal courts. Before then cases of disputes were resolved by the ecclesiastics who were referred to as lord chancellors at the chancery court. Their role in justice was to ensure that there is the establishment of unconscionability in a dispute and to exercise equitable remedy to the disputed parties and the law was practised more in personam where proceedings were geared towards establishing a party personal rights and interests in the case. This form of disputes administration revolved to an era where the ecclesiastics were then appointed as judges to pass verdicts on disputes. The appointment of judges to the chancery court made disputes settlement more formalised as the customs or case precedents of the royal or chancery court were then relied on by the judges to settle disputes. This practice then gave birth to common law as judges made decisions on documented previous rulings or practices of the royal court. This practice transformed to the modern common law where established principles and case precedents are used to rule disputes. The use of documented case precedents and principles in the Common law had accorded it the features of rigidity and formality in operation. The Common law is also noted for its limitation in remedies to only monetary compensation.

The rigidity and too much formality of the common law promulgated the introduction of Equity law which was practised at the chancery court to response to these limitations in common law. The equity law as practice in the chancery law, was introduced to operate alongside the common law, to give an alternative in settling a disputes besides application of laid down principles. In equity law, the focus is to provide equitable settlement in justice and provide remedies that are more varied and flexible than those in common law. Equity offers legal privileges such as injunctions, specific performance, and rescission, which make justice more comprehensive. To achieve the perfect or comprehensive justice desired, these two legal systems now operate within a unified judicial framework in modern law (fusion law).

## **1.3. Concept of Legal Justice**

The concept of what constitute justice is different in the perspective of law, ethics, morality, rationality, equity and belief, and therefore depending on the angle one stands, justice will be seen differently. To appreciate and understand Justice better, one should be positioned at the correct angel to view it. In the legal context, justice is the determination of a wrongdoer (guilty) and the award of remedy to the innocent or victim through the application of accepted principles and case prece-

dence. According to Moore (2021), justice is a human perception that individuals should be treated equitably and fairly. Leviticus 19:15 in the Holy Bible explained that, in justice delivery, there shall be no partiality in favour of the great to the detriment of the vulnerable in judgement, but it should rather be done fairly.

However, the attainment of the desired justice at the court system continues to attract divided assertions. Whereas some schools of thought believed that the court delivers justice with the application of the laws, the others think otherwise. According to Aderoju (2023), there are key factors that affects justice delivery by the court system: the human factor limitations in the application of legal principles, thus committing error in the application of legal principles, corruption, influence from powerful individual or institutions, deficiency of legal knowledge by some lawyers and judges in newly established legal principles among others. There have been instances in Ghana where lawyers and judges have been alleged of bribed or influenced by powerful personalities to corrupt justice for their favour (Baneseh, 2015; Gordon, 2017). Kretzer (2023), also added that the limited knowledge of patrons of the court in the legal principles and existing laws also influence their perception in justice delivery.

Ironically, as one would have thought that it is only the low educated or the layman in society, that may have inadequate trust in the court justice system, literature had disclosed instances where the educated and influential personalities too expressed dissatisfaction of the court justice delivery.

**“...while I disagree with the court’s decision, I accept it. I accept that what the court says brings a finality to the election dispute. We shall not be asking for a review of the verdict, so we can all move on in the interest of our nation”**

This was a statement made by the then Presidential Candidate for the New Patriotic Party (NPP) in Ghana, Nana Addo Dankwa Akufo-Addo during the electoral dispute in 2012 court ruling.

Similar dissatisfaction of a court ruling was expressed again in the 2020 electoral dispute also by the then President and the Presidential Candidate for the National Democratic Congress (NDC), H.E John Dramani Mahama.

**“...much as I am aware that we are legally bound by the decision of the highest Court of the land, the Supreme Court of Ghana, I disagree with the process of the trial and the ruling of the court,”**

Critical analysis of these two scenarios of expression of dissatisfaction of the court justice delivery revealed the low level of trust that patrons of the court system have on its justice delivery. It is therefore an empirical fact that both the highly and less educated have inadequate satisfaction in the court system justice delivery. These dissatisfactions are not only premised on the patrons perception, but empirical literature had established factors such as corruption, expensive nature of court justice pursuit, influence of powerful personalities in society, inadequate knowledge in legal issues by patrons of the court justice system, error in application

of the law by judges among others.

The rate of court verdicts rejections or appeal in the country, is alarming hence discrediting the legal system in the country. This has multiple adverse effects on the country's economy and international relationship. Thus reduces foreign investment, lawless, social vices, poor bilateral relationship with other countries among others. This research therefore sought to discover the knowledge level of respondents in the basic legal issues in Ghana and how their knowledge level in the legal issues influenced their perception of justice delivery in the court system in the country. The outcome will help stakeholders to identify areas in the court justice system that needs more improvement to improve public trust and acceptance of justice delivered by the court. It will also build on existing literature findings or otherwise.

#### 1.4. Research Hypotheses

Data collected on the objectives above was analysed and tested on these hypothesis to draw a scientific conclusion on each objective and the overall research problem.

**H<sub>0i</sub>:** There is inadequate knowledge in the legal system in Ghana.

**H<sub>Ai</sub>:** There is adequate knowledge in the legal system in Ghana.

**H<sub>0ii</sub>:** There is inadequate knowledge in the legal structure in Ghana

**H<sub>Aii</sub>:** There is adequate knowledge in the legal structure in Ghana

**H<sub>0iii</sub>:** There is inadequate justice delivery in the court system in Ghana.

**H<sub>Aiii</sub>:** There is adequate justice delivery in the court system in Ghana.

## 2. Literature Review

### 2.1. History of the Law

To appreciate and understand the origin of law, understanding of legal philosophy and legal thought is very important to explore. According to [Gagarin and Woodruff \(2005\)](#) as cited in [Miller and Biondi \(2007\)](#), during the era of Plato, legal thought existed and not legal philosophy. This is an indication that, legal thought birthed legal philosophy. [Miller and Biondi \(2007\)](#) added that in legal thought theory, law was demonstrated in the works of poets, philosophers, sophists, or historians before the coming into being of written law or legal philosophy. This assertion of legal thought before legal philosophy is supported in [Genesis 2: 16-17](#) when God gave the first humans guidelines on their habitation in the garden of Eden. This was the first legal thought-print in the mind of human before the discovery of writing in human evolution which is asserted to have evolutionalised most theories ([Miller and Biondi, 2007](#)). With this legal thought-print in the mind of human from creation, growing societies began to develop their own laws or codes to aid in the governance of societal relationships hence given birth to the legal philosophy theory. The legal philosophy of law as asserted by [Quashigah \(2008\)](#), had been existence as far back as 500 and 300 BCE. According to [Mark \(2021\)](#), written codes roots can be traced to the Ancient Greece (between 500 and 300 BCE). According to [Quashigah \(2008\)](#), the origin of law therefore continues

to record divided acceptance from authorities and researchers as some assert law to have been originated from Ur dated as far as 2100 BCE, others also assert Hammurabi's code, inscribed around 1772 BCE for King Hammurabi of Mesopotamia is the root to law. However, per the literature review analysis of this research, the origin of law or legal thought can be traced to the period of human creation in Genesis 2: 16 - 17. Though the book of Genesis is believed to have been composed around the 5th century BC (Arnold, 1998), this period was after creation and therefore the origin of legal thought or law is before the 5th century BC. The law continues to go through transformations to meet generational and society needs and therefore at any point in time that it does not serve the interest of the society, there is always a legal room for it's amendment, change, or replacement as normally cloused in legal documents.

Man made laws are unique to a particular jurisdiction and continue to go through reforms to meet the growing societal needs, hence the maxim that "Law is not static but dynamic" and therefore changes with society. Based on the literature reviewed on the history of law, it is deduced that law has gone through series of transformation as displayed in **Figure 1** below.



**Figure 1.** Transformation phases in Law history. (source: from researcher conceptual analysis).

## 2.2. Legal Systems

As indicated in **Appendices 1-7**, the law is not the same everywhere. Each jurisdiction has it's set of laws applied for justice delivery in a unique way either through generally accepted interpretation or by specific interpretation. How these sets of laws are applied is regulated by a legal system. Legal system is an accepted framework of rules and procedures used by a particular jurisdiction to interpret and enforce the laws of that jurisdiction.

Though there are many other legal systems in operations, the commonest legal system used globally are discussed below.

### 2.2.1. Common Law System

This legal system rises out of case precedence. Thus the decisions from judges in disputes or cases settlements are based on previous case rulings of similar cases. The common law application covers the following levels of law.

1) **Civil law.** Civil law focuses on settling non-criminal social disputes between individuals or entities without the state involvement in the prosecution actions but the disputed parties go to the court and the judges hear and take decision on the case based on underlying legal principles or case precedence.

2) **Criminal Law.** This aspect of the common law deals with cases of crime nature when a person or a group of person life is endangered or properties and endangered. The state in most case take interest in such cases and becomes a

stakeholder or a party to the dispute settlement.

3) **Customary law.** It is a law constituted as a result of a long-standing traditional practices of a jurisdiction. They are normally not enforced for governments nor enacted by an authorised body or individual but from a long standing way of doing things within a particular community which the court deems it right to base on that particular community way of life to rule a case within that particular community.

### 2.2.2. Religious Legal System

This legal system principles are calved from the doctrinal or religious believes of a state used to regulate individuals and entities relationships. Thus disputes and crimes cases are mainly based on the religious believes or principles constructions and interpretations. Example of such laws are the Islamic Law, Canon Law, Talmudic Law, Mosaic Law among others.

### 2.2.3. Hybrid or Mixed Legal System

This system integrates more that one of the legal systems in cases settlement. It could be adoption or integration of more than one full legal systems or parts of each legal system in administration.

## 2.3. Legal System in Ghana

The people of ancient Gold Coast now Ghana lived within a unique traditional guiding principles and beliefs before the colonisation of the country which resulted in the integration of new laws by the colonial masters into the existing customary laws of the people. The then Gold Coast had its' own legal system that was used in administering justice before its' colonisation which resulted in the fusion of colonial masters legal system to the existing customary laws of the people. Since then, the country's legal system has gone through many reforms to meet growing society needs and international relations.

The Ghana legal system, as in other jurisdictions, is unique in its own way. The common law blended with the culture of the people. Though it is asserted that Ghana's legal system conforms to the common law system, the 1992 constitution description of the country's legal system is more of hybrid legal system in nature than the common law system (Quashiga, 2008).

Thus, the 1992 constitution, Article 11 (1) indicates that the country's legal system is made up of;

- a) the 1992 Constitution;
- b) enactments made by or under the authority of the Parliament established by the Constitution;
- c) any Orders, Rules, and Regulations made by any person or authority under a power conferred by this Constitution.
- d) the existing law (Customary law); and
- e) the common law.

The 1992 constitution is considered as the spirit of the people of Ghana hence should be treated as sacred at all times in the enforcement of the laws. Any action

from any quarters that threatens the operations of the constitution is an act of treason with a sever punishment (Addey, 2023). Though the constitution of Ghana permits its coexistence with other juridical laws, such laws must operate within the ambit of the 1992 constitution and therefore any other law within or outside the jurisdiction of Ghana that contradicts the 1992 constitution shall be void on the content of the contradiction in Ghana jurisdiction.

Therefore, in the application of any of these laws in Figure 2 by the judiciary, the 1992 constitution is always a reference point hence application of any of the laws contravening the 1992 constitution is void.

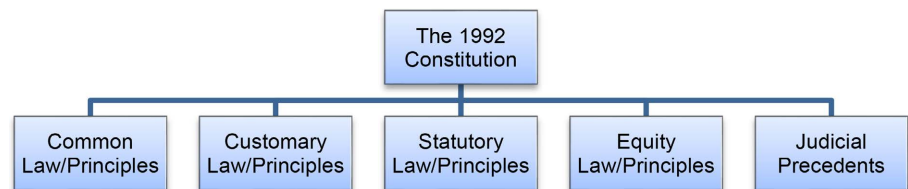


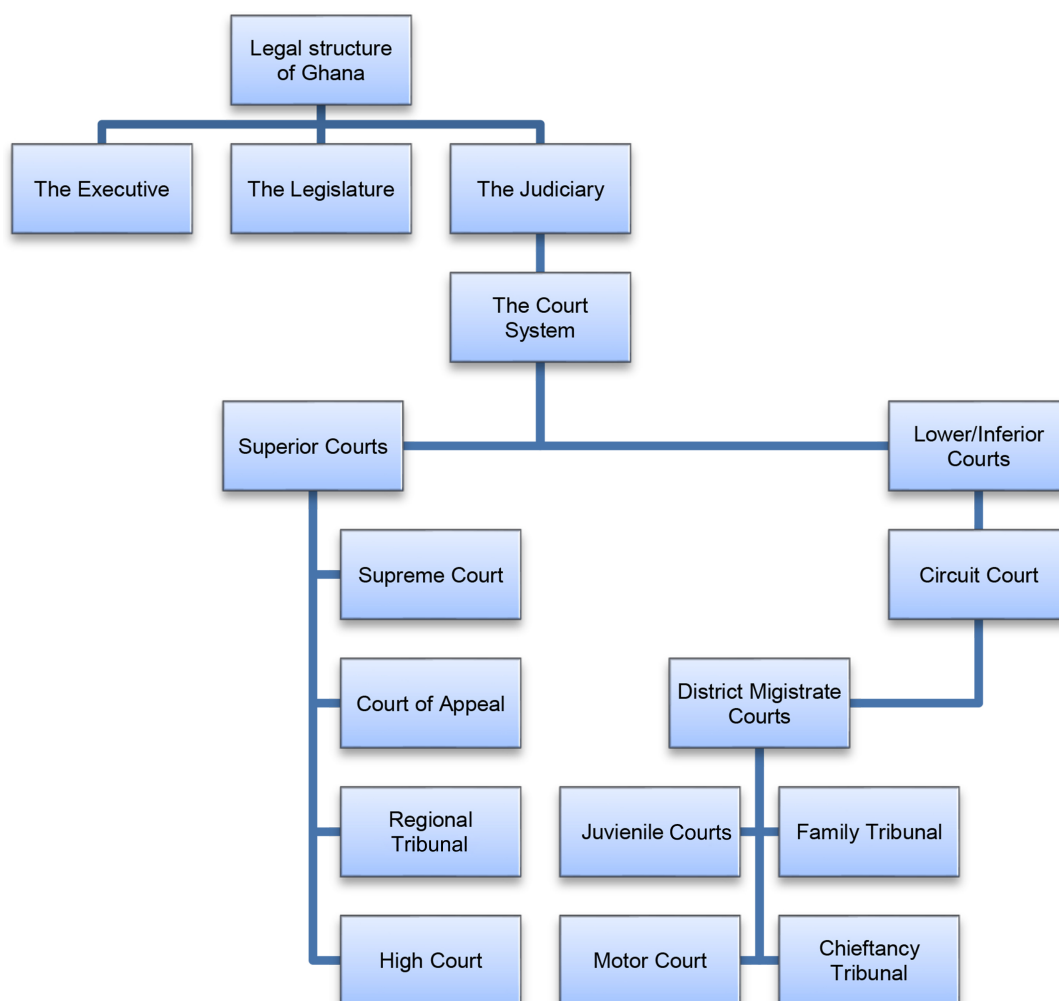
Figure 2. Legal system in Ghana.

#### 2.4. Legal Structure in Ghana

The legal structure is a layout of responsibilities in the administration of a legal system. In Ghana, the 1992 Constitution outlines the legal structure of the country to comprise 1) the Executive, 2) the Legislature and 3) the Judiciary as depicted in Figure 3, with each arm having an independent separate powers of functionality in the country's legal system.

The parliament of the country is vested with the legislative powers with core responsibilities of making laws which are to be assent by the executive to become enforceable laws for the application by the judiciary. The executive power is vested on the President who is responsible for the functioning of the various public sectors in the implementation or enforcement of the laws passed by the legislature. The judiciary is the court systems which is empowered to interpreted the 1992 constitution or any other laws within the jurisdiction of Ghana and give final verdict on cases settlement.

Though these three arms of the legal structure of the country have independent jurisdictional powers of operations, the permit of the 1992 constitution for the executive to appoint the jury of the Supreme Court of the judiciary had been assessed to be flaw to the independence of the Judiciary. The recent ruling of the Supreme Court of Ghana preventing the legislature (Speaker of Parliament) from applying its' proceedings to order four members of parliament (MPs) to vacate their parliamentary representation due to their decisions to contest in the 2024 parliamentary elections as independent candidates complicated the constitutional independence of the legal arms in the country. According to the Speaker, his decision was premised on parliamentary proceedings in line with Article 97(1)(g) and (h) of the 1992 constitution, which states that an MP seat becomes vacant if the MP resigns or decides to become independent from the political party under which the MP was elected to parliament.



**Figure 3.** Ghana's legal structure. (source: from researcher conceptual analysis).

The interference of the judiciary in this parliamentary operations created chaos in public and the legal fraternity as to the independence of the arms as in the 1992 constitution. Whereas others argued that the Supreme Court acted unconstitutional in violation of the independence of the legislature, other believed that the Supreme Court has the constitutional powers to interpret the 1992 constitution if it is misapplied by any institution or individual and even the executive or the legislature and the judiciary itself, hence the Supreme Court role in the parliament decision on the vacant seats was not an interference of the legislature operational independence but to give an interpretation to the application of the article relied on by parliament in its decision. Therefore in a 5 - 2 jury decision, the Supreme Court explained that article 97(1)g and (h) as constructed by the framers was intended to prevent an MP who declares his or her intention to join another political party or become independent in a prevailing parliament other than the political party that brought him or her to the House, holding him or her self as an MP, and not an intent in a future parliament (Hawkson, 2024). The Supreme Court ruling added that, the decision of the Speaker did not only contravene the 1992 Cons-

titution but also breached the social contract the electorates had with the MPs and it is only the electorates that have the authority to alter it. It however clarified that if an MP decides to resign from his or her political party to join another political party or become independent in the prevailing parliament, then Article 97(1)(g) and (h) can be applied to make the MP seat vacant in that parliament. However the MP can only refill his or her seat in that prevailing parliament if the electorates re-elect him or her to represent them in the capacity of his or her decision to join another political party or be an independent.

Though per the 1992 constitution court verdicts must be complied and executed, and the Supreme Court has the final verdict which can not be challenged by any other court or entity or individual, the Speaker of Parliament is yet to give an official adherence to the Supreme court order, though he had alleged the executive arm's influence on the judiciary to interfere in the legislature's businesses.

This recent tussle between the judiciary and the legislature coupled with the existing debate of the judiciary independence from the executive fuelled public and legal debates on the review of the 1992 constitution to address current challenges in its' operationalisation.

Because the research sought to assess the judiciary, discussion was narrowed to the judiciary structure of the country's legal structure.

#### **2.4.1. The Judiciary System in Ghana**

The judiciary is a legal arm of government in Ghana headed by the Chief Justice and has the mandated to interpret and enforce the constitution and any other laws in Ghana towards the security of the country and delivery of justice to residents in Ghana. The judiciary system functions in two court systems namely the Superior Courts of Judicature, and lower level courts or tribunals. The court can be described as a person or an institution mandated within a particular jurisdiction to adjudicate legal disputes between parties by creating a fairly ground for hearing to carry out the administration of justice by the application of laid down principles or case precedence [Walker \(1980\)](#). Though the court system is the commonest avenue for disputes resolutions in Ghana, there are other systems like the Alternative Dispute Resolution (ADR) or arbitration), customary system, religious bodies and family system that are also used as supplementary avenues for disputes settlement. However the court system has the constitutional powers to override any verdict passed by any of these avenues in disputes settlement ([Brakopowers, 2023](#)) when the need arises.

#### **2.4.2. The Court Administration System in Ghana**

The court system in Ghana has been segmented into the Superior Courts of Judicature and the inferior or Lower Courts with a unique powers in dispute settlement. Per the 1992 constitution, the judiciary is responsible for judicature of justice through then use of the court system and all residents in Ghana have the right and unimpeded access to the courts for disputes settlement. Thus all people within the jurisdiction of Ghana have the right to bring their claims before a court to have

fair verdict. However the court is not always mandated to at all time to give a verdict in a case but could give the parties the opportunity to withdraw a case for an alternative redress outside the court when it is non-criminal case.

The courts composition in the country varies by the type of court. Thus the human resources involved in administration of justice differ from the type of court to the other. However the commonest human resources across all the courts in justice delivery in all the type of courts in the country are the: 1) Judges and magistrates 2) Court Registrars 3) Court clerks 4) other administrative staff 5) Lawyers 6) litigants 7) witnesses and 8) Security personnel. The role(s) of each of these human resources help to facilitate and improve the justice delivery at the court.

### **2.4.3. Court Litigation Processes in Common Law System**

To access legal verdicts in a dispute, each of the legal systems has some unique procedures to follow. In the case of the common law system which this study focused on, there are differences in the procedures of litigation in civil case and that of criminal case as discussed below.

A disputed case can only be heard at the court system through the act of litigation. Thus a party reporting the dispute to an authority to be forward to the court for settlement or a party directly reporting a dispute to the court for redress. Therefore litigation is a legal process where a party to a dispute either civil or criminal seeks settlement at the court. The party who initiates the case and makes the formal complaint is referred to as the plaintiff and the one who the plaintiff has the complaint against is the defendant. In common law, the presumption of innocence principle is applied in litigation and therefore the one initiating a legal complaint does not automatically earn absolute right in the case, hence each party in the dispute is treated innocent until the end of the case hearing and the judge or jury gives the verdict base on the legal defence or argument of the parties and the evidences gathered by the court. Therefore, a person accused of any crime or civil breach has a presumption of innocence right at court until proven guilty. The presumption of innocence is also practised in Talmudical law and Islamic law among others. However, it is practised the opposite in other legal systems which is referred to as the Presumption of guilt until proven innocent.

In civil case, the litigation procedures are as below:

#### **1) Complaint statement filing**

Before a case hearing can begin at the common law court, the party who thinks he or she is been treated unfairly and has the legal right for a claim or justice in his or her favour will initiate the legal process at the court by submitting a statement of complaint to the court detailing the issue of complaint. Due to the legal proceeding involve in dispute settlement at the court, it is always advisable that the plaintiff gets the guide of a lawyer or an attorney to put the complaint statement in a legal context. However this is an option but not a mandatory and therefore the complainant can issue the complaint statement without the assistance of a lawyer. When the statement is submitted at the court's registry, a writ is issued

and the case assigned to the appropriate court for legal proceeding to be begin if the case merits a legal pursuit.

### **2) Issue of summon by the court**

Upon the receiving the plaintiff statement and a court assigned for the case, the court will issue a note or letter to the defendant summoning him or her to respond to the suit of the plaintiff. In the summon note, the court will indicate the plaintiff and the case he is suing the defendant on. The plaintiff complaint statement will also be added to the summon note to enable the defendant to have a better understanding of the suit and respond appropriately. The defendant is normally given a reasonable time period to respond in writing to the allegations of the plaintiff by either accepting the accusations or rejecting. If the defendant fails to respond within the permitted time frame given by the court, the plaintiff automatically wins the case and the remedies awarded in expressed or implied terms.

### **3) Defendant reply statement**

When the defendant receives the court summon, the defendant is expected to respond to the plaintiff suit in acceptance of the accusation or rejecting within the time period given by the court. If the defendant accepts the accusation in principle, then the expressed or implied remedy is awarded to the plaintiff for the defendant to perform or execute but where the defendant rejects the accusations, then the legal proceedings continues to the next stage. The defendant also has the the option of getting a lawyer to assist him or her in the legal proceedings or defence.

### **4) Case Pre-trial**

If the defendant rejects the plaintiff complaints by issuing a reply statement to the court indicating the legal bases of the rejection, the court will normally give the disputing parties and their legal council some time to establish their legal defence direction and to gather more evidences to case for their defence at the court. At this stage, the parties will demand answers to some questions poses to the other party, request for relevant documentations, consult third parties or even “strangers” or “volunteers” to the case for more facts gathering. The also use this stage to refer to legal documents and case laws or similar case rulings or consult other experts in the case for experts understanding of the case. At this stage both parties will be able to envisage their legal strength and weaknesses in the case and how they should present their defence to the judge or jury for claim. Where the parties agree during the pre-trial stage to consider settlement between or among themselves, the agreement is documented and the legal proceedings ends at this stage. However, where they still want to proceed for a court verdict on their claim, the trial stage is granted the parties.

### **5) Case trial**

At the trial stage, the parties are given the chance to open heir legal argument or defences for claim in an open court or in chambers depending on the nature of the case. At this stage, the parties cross examine each other and their witnesses are also cross examined. The parties present their legal arguments with evidences to

the judge or jury for the award of claim. The trial stage case argument is normally started by the plaintiff legal defence presentation which the defendant can either debunk the plaintiff accusation with evidence and legal principles or plea the court to dismiss the case on weak legal grounds. A reasonable time period is normally granted for the legal argument and provision of evidences by the parties for their claim. At the end of sufficient submission of legal defence and provision of evidences by the parties, the case goes to the next stage for judgement or verdict giving.

#### **6) Case judgement or verdict**

After the trial hearing from both parties, the judge or jury will gather enough evidences from the parties legal arguments and applied the appropriate legal principle to determine the winner of the case based of their legal defence direction for the claim. Thus the judge or jury will not act in any way in the judgement to give an advantage to a party to the detriment of the other party but will always be gathered by the principle of impartiality or neutrality in the application of legal principles to give a verdict in the direction of the parties legal argument or defence. So at this stage the judge or jury will summarise the legal defence of the parties and based on strength of each party's legal defence passes the judgement to award the remedy for the winning party. The losing party is therefore mandated to perform the court verdict within the given period.

However where a party or both parties is or are not satisfied with the court verdict, the party concern or both have the opportunity in common law to appeal for further hearing at a court higher that the court that gave the unsatisfied verdict. The appeal case can be made to start afresh or continue from where the party or parties is or are unsatisfied with. Where the appeal is unsuccessful, the previous judgement is enforced. However a verdict of a case can be overturned at the appeal court if the evidence merits the overrule. The only court in common law which verdict can not be appeal is the supreme court. The supreme court is the last resort in legal dispute settlement and therefore is empowered to give a final ruling in cases either direct or an appealed case.

#### **2.4.4. The Court Structure in Ghana**

The court system under the judiciary in Ghana is categorised into superior courts and lower or inferior courts where each is assigned with unique and juridical limits towards justice delivery.

The Superior Courts, which comprises the Supreme Court, the Court of Appeal, the High Court and Regional Tribunals created by the 1992 Constitution whereas the Lower Courts made up of the Circuit Courts, District Magistrate Courts, Judicial Committee of the National House of Chiefs and Regional House of Chiefs and the Judicial Committees of any other Traditional Council are also created by the Courts Act.4.

All courts in Ghana are empowered to issue any orders and directions that are necessary in the performance of their judicial functions without the interference of any body or individual. Thus Article 127(1) of the Constitution expressly spelt

out that, the Judiciary cannot be subject to the control or direction of any person or authority in Ghana in the discharged of their duties in line with the constitution.

### **1) The Superior Courts**

They are the higher courts whose decisions are considered to be reliable and have weight as precedents and is not normally subject to control by any other court except by way of an appeal. The Superior Court of Judicature in Ghana comprises the Supreme Court, Court of Appeal, High Court and Regional Tribunals.

#### **a) The Supreme Court**

The first Supreme Court of Ghana was created under the Supreme Court Ordinance of 1876 of then Gold Coast. It inherited its' judicial powers from the fused English High Court under Judicature Act, 1873. The jurisdictional powers of this supreme court came to end after the enactment of the 1992 constitution made Supreme Court to now acquire jurisdiction in both common law and equity. Per the provisions of the 1992 constitution, the Supreme Court is given powers as the highest authority to interpret the meanings of Constitution provisions and has the final authority to say what the laws in Ghana meant including determining whether any acts of the legislature (Parliament) or the executive (President) is in violation of the Constitution or any other law. It is also the highest Court in the administration of justice in Ghana presided over by the Chief Justice and not less than nine Justices all appointed by the President and vetted and approved by Parliament. The 1992 Constitution empowers the Supreme Court to discharge its duties independently in General jurisdiction, Supervisory jurisdiction, Appellate jurisdiction, Review and Original jurisdiction. Though the 1992 constitution, Article 127(2) indicates the independence of this arm of governance in Ghana, its structure of human resource appointment as also permitted by the constitution seems to have and weaken the constitutional independence granted the judiciary. Though the judiciary independence continues to be debated in the legal space in Ghana, legal literature will continue to assert the independence of the Judiciary of Ghana as against the perception of the general public.

Therefore to address this public perception of judiciary weak independence, the public including legal professionals have advocated for the Supreme Court jury to be elected by the Ghana Bar Association or a body independent from the executive and legislative arm of governance.

#### **b) The court of Appeal**

The Court of Appeal is structured between the Supreme Court and the High Court with the constitutional powers to hear appeals on criminal and civil cases from the High Court or any lower court. It consists the Chief Justice and not less than ten Justices of the Court of Appeal or such other Justices of the Superior Court of Judicature that the Chief Justice may by writing request to sit in the Court of Appeal for any period. The court forms a quorum of three of its Justices for an appeal hearing and their verdict in an appeal case are bound on all courts under the Appeal Court. The Appeal Court also has the jurisdictional powers of been the

final court of appeal in election petitions.

#### **c) The Regional Tribunal**

The Regional Tribunal is a superior court of the 1992 Constitution with jurisdictional operations in civil and criminal matters. It is the court between the Court of Appeal and High court and with co-ordinating jurisdiction operations on criminal matters with the High Court. Article 142 of the 1992 Constitution, gives the composition of the Regional Tribunal to (a) the Chief Justice, (b) one Chairman, and (c) members who may or may not be lawyers designated by the Chief Justice to sit as panel members. The Tribunal forms a quorum for case hearing if it constitutes the Chairman and not less than two and not more than four other panel members. The Chief Justice sits as the chairman or can nominate a Justice of the High Court or of the Court of Appeal to sit as Chairman.

#### **d) The High Court**

Subject to the provisions of the Constitution, the High Court has the original jurisdiction in all matters and appellate jurisdiction in any judgement of a lower court. In the court structure of hierarchy, the High Court is the next court of high jurisdictional powers after the Supreme Court and Court of Appeal and coordinates on criminal matters with the Regional Tribunals. Article 139 of the 1992 Constitution indicates that the High court shall consist of the Chief Justice and not less than twenty Justices of the High Court, and other Justices of the Superior Court of Judicature as may be assigned by the Chief Justice in writing to sit as a High Court Judge for a period. Per the provisions of the constitution, the High Court constitutes (a) a single Justice of the Court; (b) a single Justice of the Court and jury; (c) a single Justice of the Court with assessors; or (d) three Justices of the Court for the trial of cases in civil and criminal matters, treason and any other appellate jurisdiction conferred on it by law. It also has the supervisory jurisdiction over all lower courts and adjudicating authorities.

#### **2) The Inferior Courts**

The inferior courts decisions and administration are subordinated to the superior courts and their decisions in cases ruling are subject to review by the superior courts. They are Circuit Courts, District Magistrate Courts, Traditional council, juvenile courts, family courts or tribunal courts.

### **2.5. Knowledge Level of Residents in Basic Legal Issues in Ghana**

Although the interpretation, application and enforcement of the legal principles is the preserve of the judiciary, knowledge of the law is public asset and therefore it is expected for everyone to have basic knowledge of the law that pertains to their jurisdiction especially those that affect their living. The maxim “Ignorantia juris non excusat” is a legal principle in Latin which is interpreted in English as “ignorance of the law excuses not”. This maxim emphasises the mandate of residence in a jurisdiction to acquire knowledge of the law in that jurisdiction and therefore ones inability to acquire knowledge of the laws can not be used as defence in the court. This means that, one can not defend him or herself by arguing that he or

she did not know that it was illegal, even if the person honestly did not realize he or she was breaching the law (Apeadu, 2015). Though this principle might sound sarcastic to the layman, it is a legal principle for defence at the court. Nevertheless, though it is a legal principle, the law should not be blind to common knowledge in the application of principles. There are many implied reasons that can genuinely make one to be ignorant of the law which is not the person's fault. The educational level, vulnerability, inadequate public education on the laws, and the technical language use in the construction of laws are factors beyond the control of the knowledge seeker. The legal system in some countries too have not made it conducive for residents to feel at ease to consult authorities to acquire knowledge of the law, fear of the personalities of the law by the ordinary person and among others are all external factors that could make one limited in knowledge of the law. Therefore for this maxim to be applied fairly, there must be robust and accessible measures that will enable the knowledge seekers of the law to easily acquire knowledge of the law. Until this is instituted, I think this principle itself is unconscionable in justice delivery and therefore the principle of the bible "to whom much is given, much will be required" (Luke 12: 48), will be more equitable to apply in place of this unconscionable principle. It is unconscionable that one is been held accountable to what is evidenced that he or she has no conscience or notice. Even in the principle of notice in equity law, a party without notice is not legally liable or bind to the actions of the other parties.

For this reason, the constitution of Ghana expects residents to have basic knowledge of the provisions in the constitution and any other laws applicable in the country. With the requirement for residents to acquire knowledge in the constitution; they should also have knowledge in the legal system and structure in the country to enable them know the steps to follow to access justice and appreciate the application of the law in justice administration. Knowledge in the laws will also expose residents especially citizen to know their rights in the constitution; thus protection of right of life, personal liberty, slavery and forced labour, protection of privacy of home and other property and protection of fundamental human rights and freedom, equality before the law, innocent until proven guilty by the law and among others. It also enables residents to perform their civic obligations under the constitution; thus promoting the prestige name of Ghana and respect the symbols of the nation, uphold and defend the Constitution and the law, promote unity of the country and live in harmony with others, respect the right of others and refrain from any act that is detrimental to others, protect public properties and prevent any act to waste public funds or properties among others. According to Asante (1987), for people to appreciate the application of the law in justice delivery, they must have the law (own the law) and understand the law (have knowledge of the law). However, Owusu-Dapaa (2019) emphasised that the acquisition of good knowledge in the legal system requires knowledge and skill in a number of disciplines which most of the citizenry lack. According to Owusu-Dapaa (2019), a better understanding of legal system will require an intermediary

level of education in number of disciplines and this level of knowledge and skill can mostly be attained at the higher educational level. Though Ghana literacy level according to [Ghana Statistical Service \(2022\)](#) Report is 69.8%, only 22.5% attained the tertiary educational level which according to [Owusu-Dapaa \(2019\)](#) could expose one to the acquisition of wider areas of knowledge to facilitate the acquisition of basic knowledge in legal issues. Base on the Ghana Statistical Services Report data on the rate of person attaining tertiary education, it can be established that the rate of Ghanaians with wider acquisition of knowledge to understand the legal issues in the country is very low or insignificant hence could result in dissatisfactions in court verdicts. According to [Asare and Odetsi-Twum \(2021\)](#), access to primary legal information in Ghana is beset with some challenges which include intellectual property, lack of funding, restrictive Ghanaian laws and inadequate research skills. To improve residents general knowledge, the country had strived in many areas and measures such as; Right to Information Bill, Data Protection Act, 2012, Ghana Open Data Initiative (GODI), E-Governance, Research4Life Partnership Program through Global Online Access to Legal Information (GOALI, Improved ICT Infrastructure, Judicial Training Institute (jtighana.com), Ghana legals (<http://laws.ghanalegal.com/>) and Ghana Legal Training Institute (GhaL II), African Law Library (ALL), Ghana Law Finder, Advent of Open Source Software to mention but just a few to improve residents knowledge acquisition in legal issues.

## 2.6. Perception of Justice Delivery in the Court System in Ghana

Ghana's legal system is more influenced by the common law tradition though it is a hybrid in nature. According to [Quansah \(2011\)](#), the Ghanaian legal system is based on the English common law, customary (traditional) law and the 1992 Constitution which operates on an adversarial court system. Before the invasion of the Europeans, particularly the British into the country, the political and judicial systems that governed the people were determined by the traditions and culture of the societies as well as by the socio-economic demands of the people. Thus, the various societies were governed by customary laws and beliefs. However during the country colonisation, these customary laws were merged with the colonial masters laws (common law) to facilitate their economic and political aspirations ([Quashigah, 2008](#)). Ghana's subscription to international membership bodies has also influenced the country traditional way of handling disputes among its citizens or residents. Ghana is an active member to the African Charter on Human and Peoples' Rights and the Maputo Protocol which oblige member states to ensure that its citizens have justice in their legal systems administration. This is emphasised in Article 14 of 1992 Constitution of Ghana on the safeguard of citizens' access to justice. The continues strives of the country to improve justice delivery in its legal administration manifested when the country was adjudged in 2018 to be the first country in Africa to have a legal system with a sound justice. However, this position could not be sustained and in 2019, the country dropped to sixth

position. According to the [African Union \(2019\)](#) report, the legal justice system in the country was adversely affected for been expensive, not easily accessible, complexity, low responsiveness, perceived corruption and among others. A report by George, published in the 19<sup>th</sup> October, 2023 edition of the Daily Graphic in Ghana, affirmed the [African Union \(2019\)](#) report assertion by also revealing that the judiciary in Ghana is exacerbated with high cost of litigation. He stated that the minimum fee for litigation consultation at the court is a whopping GHS1000 which relatively is above an ordinary Ghanaian monthly earning. He added that in human right litigation cases, which most of the clients or victims are normally the vulnerable in society, consultation fee ranges between GHS6000 to GHS30,000 which can even be more expensive in criminal cases. These obstacles and among other reasons continue to deprive residents of justice in the legal system of the country.

Notwithstanding these challenges in justice delivery in the country's legal system, Ghana continues to institute measures to improving its justice delivery system which includes the institution of Justice for All Programme to reduce the number of remand cases at the prisons, the paperless court which aims at reducing cases processing time, the Anti-corruption Action Plan for the judicial sector to improve the integrity of the judiciary ([Judicial Digest, 2018](#)). According to [Osse & Asiamah \(2020\)](#), despite these initiatives, most Ghanaians still have low confidence level in the justice system as a result of the perception of court officials being corrupt and untrustworthy, high costs in justice pursuit, bias in justice in favour of the rich and powerful individuals and among others. The report added that about 84% of Ghanaians think the legal justice system in the country is corrupt whereas 16% expressed high confidence in the justice delivery in the country's legal system. This, according to the report has affected citizens patronage in the court justice system for disputes settlement and therefore about 5% of Ghanaians are likely to make the court their first option for justice delivery. The research also unveiled that, about 33% of Ghanaian felt highly satisfied with the legal system and structure and about 58% thinks all are not equal before the law.

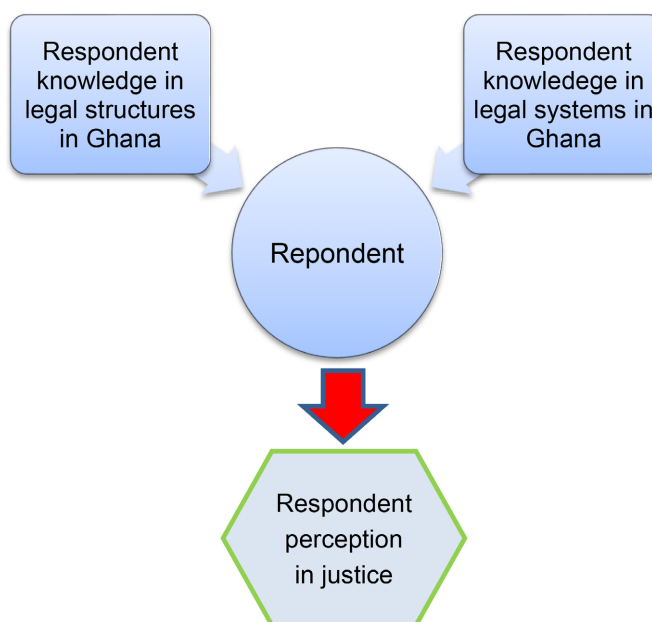
It can therefore be deduced from the reviewed literature that, significant number of residents in Ghana had inadequate knowledge in basic legal issues in the country and this could have contributed to the high perception of inadequate justice delivery at the court system in the country.

### 3. Research Design

The research used the descriptive research design. This research design was preferred because it is suitable for research which seeks to describe the current relationship between variables without influencing the variable natural state in any way in the data collection process. And since this research seeks to examine the perception of respondents (dependent variable) in the legal justice system (independent variable) in Ghana, it measures the relationship between the two variables and therefore the descriptive research designed was suitable to use.

### 3.1. The Research Conceptual Framework

The research explored the relationship between two variables. Thus the independent variables (i.e. knowledge level in the legal system and structure) and the dependent variable (i.e. the perception of respondent in justice delivery in the court system in Ghana) as displayed in **Figure 4**. Thus it tested the level of influence that the independent variables have on the dependent variable.



**Figure 4.** The influence of respondents' knowledge in legal issues on their perception in justice delivery (Source: the researcher conceptual analysis).

### 3.2. Population of the Study

The Medium Term Expenditure Framework (MTEF) for 2023-2026 budget estimate, published by the judicial services of Ghana in 2023, revealed a total number of 91,366 cases filed in the various courts in the country in the 2021/2022 year of justice, with a daily average of 250 cases filed at the courts for justice resolutions. Based on this statistical data, the research adopted the 2021/2022 justice year total number of cases filled at the courts to be its population size.

### 3.3. Sample Size

Due to time and resources constraint to gather data from the total population size of the research, the research therefore used the Taro Yamane function to ascertain a sizeable scientific sample size from the population for the data collection. The Taro Yamane function is one of the scientific research sample size statistical models used to determine a smaller and representative sample size from large research population size and therefore due to the large size of the research population established, Taro Yamane function was considered more suitable to get a repre-

sentative sample.

The Taro Yamane function is expressed as:

$$n = \frac{N}{1 + N(e)^2}$$

where:

“*n*” is the sample size.

“*N*” is the research population size.

“*e*” is the allowable margin of error (0.05).

Therefore, with the use of this sampling function, the research sample size was ascertained as below:

$$n = \frac{91,366}{1 + 91,366(0.05)^2}$$
$$n = 398 \text{ respondents}$$

Therefore the research adopted a sample size of 400 respondents who were randomly selected to respond to a structure questionnaire.

### **3.4. Data Collection Instrument**

A structured questionnaire on the three research objectives was used for random collection of primary data from the 400 respondents. 150 of the questionnaires were randomly issued in printed copy form to respondents whereas the reaming 250 questionnaires were issued online in google form questionnaire. The data was unevenly collected across all the 16 regions in the country.

This type of data collection instrument consists of standardised closed questions which is worded in a specific way or formate and requires respondents to choose from a set of predefined answers to each question. All respondents responded to the same set of questions. The use of structured questionnaire to collect data makes it easy to compile the data for immediate statistical analysis. The standard questionnaire also helped to make the data collected unbiased since respondents natural state were not influenced and their participation was random.

### **3.5. Data Collection**

Due to the technical nature of the research, thus the legal terminologies involved, efforts were made to structure the questions in a very simple and clear language to the understanding of the ordinary person. The researcher also provided his contact in the questionnaire for respondents to contact for clarification where needful.

The data was collected from residents in Ghana; either a citizen or non-citizen.

### **3.6. Data Analysis**

Research data analysis is a statistical approach used to summarise chunk of primary research quantitative data into an insightful and meaningful information to

be used for in-depth interpretation and discussion. Therefore the data collected was analysed with a statistical software called R&R Markdown which result were then used to test the research hypotheses and for discussions.

### 3.7. Logistic Regression Model

The Logistic regression is a statistical model suitable for testing binary and linear variables. Therefore since this research seek to test the relationship of two variables, this statistical model was more suitable to present a realistic and realisable results.

$$p(x) = \frac{1}{1 + e^{-(\beta_0 + \beta_1 x)}}$$

where:

$p(x)$  is the probability of influence on the dependent variable by the independent variables(s).

$\beta_0$  is intersect

$\beta_1$  is the rate parameter

$\epsilon$  is error term.

### 3.8. Limitations

The constraint in time and financial resources limited the collection of data from the total estimated population of 91,366 respondents. Therefore the Taro Yamane function was used to ascertain a sample size of 400 respondents for the data collection.

### 3.9. Ethical Considerations

Although this research work is aimed at fulfilling academic requirement, the privacy of information from respondents was treated with high confidentiality and information that could disclose the identity of respondent were also not required in the questionnaire. The purpose of the research was explained to respondents and their consents sought for, before they respond to the research questionnaire.

## 4. Research Findings and Discussions

Data was gathered from respondents to assess their knowledge level in the legal system in Ghana and their knowledge level impact on their perception of justice delivery at the court system in the country.

### 4.1. Socio-Demography Analysis

Socio-Demography data was collected on the respondent age, educational level and gender to test their level of influence on the respondent knowledge in the legal system and perception in the justice delivery in the country. As displayed in **Table 1**, analysis on data of respondents age was grouped into 1) youthful age (18 - 40 years) and 2) adulthood age (Above 40 years). The educational level data was also grouped into 1) tertiary educational level and 2) non-tertiary educational level (i.e.

no formal education to senior high school level). Data on gender was classified into 1) male and 2) female.

**Table 1.** Socio-demography data analysis.

Research item	Classification	Respondents	Percentage
18 - 40 years	Youthful age	283	70%
41 - 50 years		94	24%
51 - 60 years	Adulthood age	16	4%
61 and above years		7	2%
<b>Gender</b>			
Female		116	29%
Male		284	71%
<b>Education</b>			
Junior High school		20	5%
No formal education	Non-Tertiary education	19	5%
Primary school		12	3%
Senior high school		44	11%
Tertiary	Tertiary Education	305	76%

Source: from research data analysis.

70% of the respondents were within the youthful age bracket. This finding gives an envisage on the rate of youthful age in the country for policy planners before the next Population and Housing Census (PHC) to be conducted by the Ghana Statistical Services. This rapid increase in the youthful age rate within 3 years as against the 2021 census data of 38% being youth can be as a result of a massive transition of adolescents under 18 years in the 2021 PHC to the youthful age group within the period. It could also be attributed to the data collection methodology of issuing most of the questionnaires via online (Internet) google form as the youth are asserted to be the most users of the internet than the elderly as indicated by 2021 PHC report. According to the [Global Digital Reports \(2024\)](#), 69.8% of residents in Ghana patronise the internet and 80% are within the youthful age. The definition of youth continues to record global variations. According to the United Nations General Assembly, youthful age ranges from 15 to 24 years. The African Youth Charter and [Ghana's Children's Act 1998, Act 560](#) also indicates youthful age to range from 15 to 35 years which has been adopted by the National Youth Policy ([Hoetu, 2011](#)) and Ghana Statistical Service PHC report in 2021. However this research adopted the youthful age range of 18 - 40 years as used in

the legal frame work in Ghana. The 1992 constitution of Ghana considers ages below 18 as minors who do not have legal decisioning right like voting or under taking a legally binding contracts independently, and therefore since this research intention was to assess respondents perception on legal issues in the country, the age 18 and above was consider legally appropriate.

Analysis on respondents gender uncover 71% been males and the rest been females. This could have been influenced by most of the responses gathered by the use of the online data collection tool (google form) as it has been asserted that males in the country use the internet more than females. The PHC 2021 report revealed that 72.5% males and 66% females use smart mobile phones and 85.8% Males and 80.7% females use the internet. Though the research did not intend to analysis data on the internet usage by gender, the imbalanced participation of gender in the research might have been affected by internet usage rate by both gender since most of the questionnaires were issued via online. On the other hand, since the female populates dominate in Ghana, one could have stipulated that since the sampling was randomly conducted, the probability of the research recording more female respondents to male would have been higher. However, the research data analysis resulted the opposite but rather confirming the assertion that males in Ghana uses the internet more than the female counterparts.

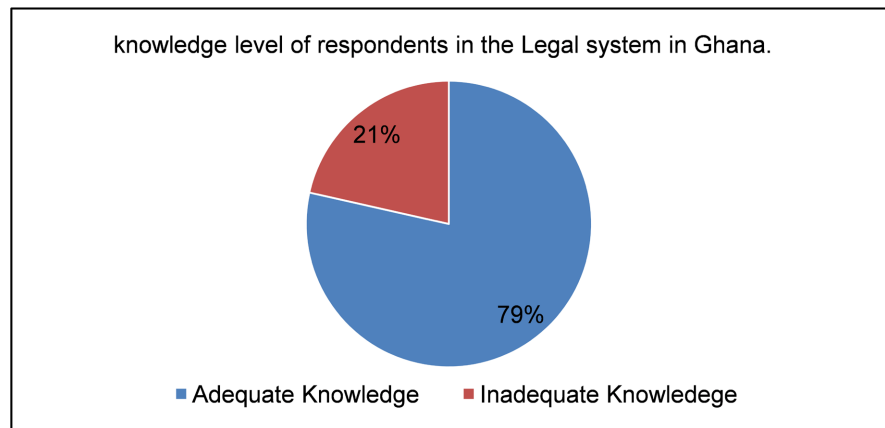
As asserted by [Owusu-Dapaa \(2019\)](#) that, legal issues are technical and therefore requires the acquisition of diverse field knowledge to enable one to have fairly knowledge and understanding of legal issues, it was therefore worth gathering data on the educational level of respondents to correlate it with their knowledge level in legal issues in the country. Data analysed on the educational level of respondents revealed 76% attaining tertiary education level whereas the remaining having education below the tertiary. According to the World Bank report in 2022, about 20.39% of Ghanaians had tertiary education as against a national projection of 40% by 2030. Though it may be inaccurate to correlate the research finding with the world bank report due to their context of data collection and analysis, it gives a positive signal that in a random sample of every ten residents in Ghana, about eight is likely to have attained tertiary education. Also interpolating the research result as against the world bank report target of 40% tertiary education by 20230, this target of the world bank is likely to exceed by 16.25%. This therefore gives a positive signal to quality of human resources the country stands to have to boost its productivity and improve its legal system operationalisation. Therefore with the envisage of this increase in labour force of the country in the near future, stakeholders and specifically governments, need to intensify the creation of institutions and businesses to absorb this projected human resource to avert them turning to be social vices in the country's legal enforcement.

## **4.2. Knowledge Level in the Legal Systems in Ghana**

As indicated by [Owusu-Dapaa \(2019\)](#), ones' knowledge in legal issues improves perception in justice delivery and minimises vulnerability to legal breaches. For

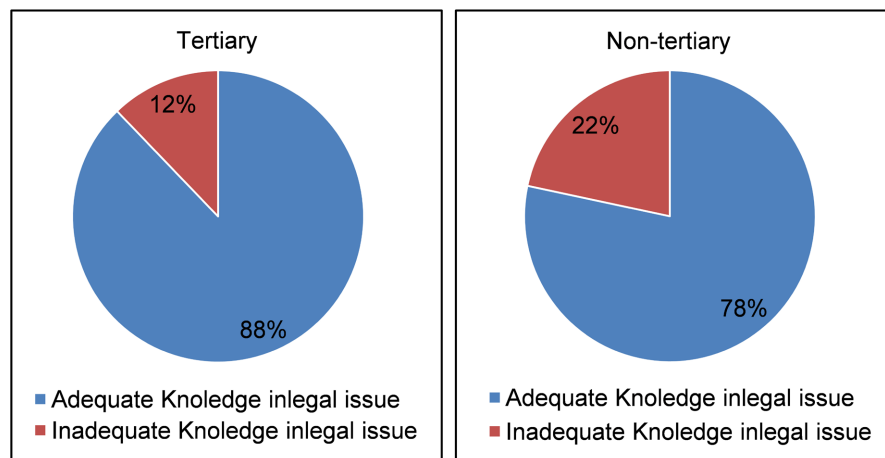
this reason, the 1992 constitution mandates citizens of Ghana to acquire basic know-ledge of the laws in the country since ignorance of the law is not excuse.

Assessment on respondents knowledge level on legal issues in the country as displayed in **Figure 5** disclosed 79% having adequate knowledge, which validates the assertions that attainment of high level of education improves knowledge level in legal issues, since about 76% of respondents had tertiary education as disclosed by the research. The high rate of respondents attaining tertiary education is believed to have exposed them to the legal issues in the country as asserted by Dapaa.



**Figure 5.** Knowledge level in legal issues in Ghana (source: the research data analysis).

**Figure 6** below disclosed that 88% and 78% of the respondents with tertiary education and non-tertiary education respectively, demonstrated to have some basic knowledge in legal issues in the country. Significance analysis of both result indicates that one's educational level does not have significant influence on knowledge acquisition in basic legal issues in Ghana since both with tertiary education and non-tertiary education respondents demonstrated to adequate know-ledge in the legal issues in the country as displayed in **Figure 6** below.



**Figure 6.** Knowledge on basic legal issues in Ghana by educational level. (source: the research data analysis).

Therefore though the research result conformed Owusu-Dapaa assertion that higher education exposes one to understand legal issues, analysis on both variables revealed insignificant influence on knowledge acquisition in legal issues. With Dapaa assertion, it could have been hypothetically implied that majority of the non-tertiary educated would have express inadequate knowledge in the legal issues but the result of this research as in **Figure 6** disclose the opposite. thus indicating both variables had adequate knowledge in legal issues.

Analysis on the influence of the socio-demography data on knowledge acquisition in legal issues using the Logistic Regression analysis model as displayed in **Table 2**, disclosed that age and education had insignificant influence level of 0.4169 and 0.2424 respectively on knowledge acquisition on legal issues in Ghana. However gender revealed a significance influence level of  $-0.5273$  on knowledge acquisition on legal issues.

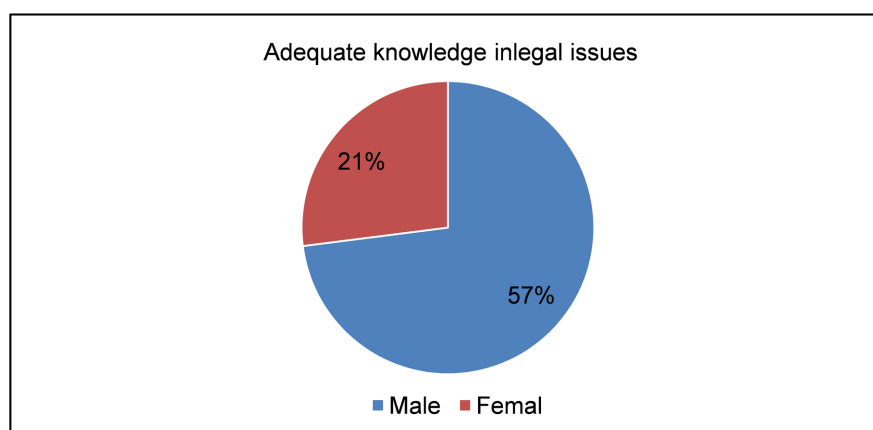
**Table 2.** Impact age, education and gender on knowledge acquisition in legal systems in Ghana (ks ~ age + education + gender).

Coefficients	Estimate Std.	Error	z value	Pr(> z )
(Intercept)	0.829	0.2459	3.371	0.000748
age1	0.4169	0.2645	1.576	0.115032
education1	0.2424	0.2606	0.930	0.352299
gender1	$-0.5273$	0.2406	$-2.191$	0.028426

Source: research data analysis.

On the influence level of the socio-demography data on knowledge acquisition in legal issues, the research disclosed that the socio-demography data had significant influence level of 0.8290 on knowledge acquisition in legal issues.

However, the research result on gender knowledge level as in **Figure 7** below indicated 57% and 21% of males and females respectively haven knowledge in legal issues.

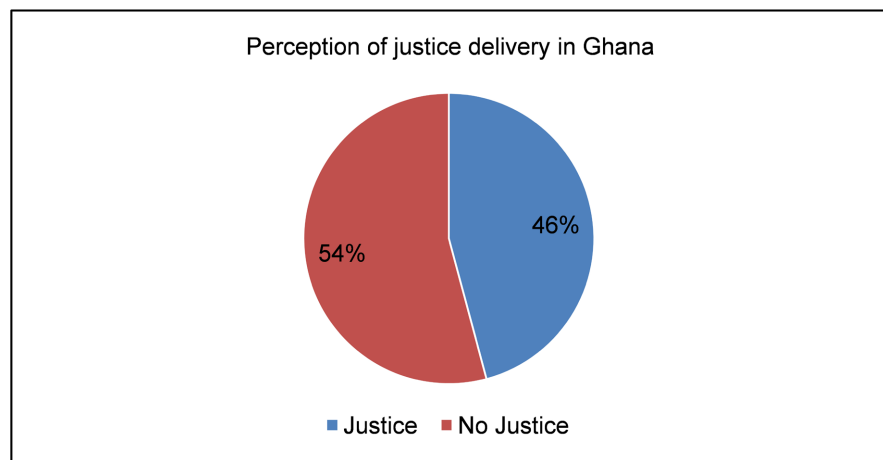


**Figure 7.** Gender knowledge level in legal issues in Ghana. (source: the research data analysis).

### 4.3. Perception of Justice Delivery in the Court System in Ghana

The judiciary which operates the court system, is a key arm of government in the legal governance system in Ghana and therefore is highly respected across board in the country for its constitutional independence mandate in execution of justice in disputes settlement. However, this noble house of justice in recent time, has continuously been perceived to be unjust in the discharge of its core mandate of justice delivery.

The data analysis of the research as displayed in **Figure 8** below, disclosed 54% of respondents indicated unsatisfactory of justice delivery at the courts whereas 46% though there was adequate justice delivery at the courts.



**Figure 8.** Perception rate of justice delivery in Ghana. (source: the research data analysis).

Though, majority are not satisfied with how justice is delivered at the courts, the 46% of satisfaction gives a strong positive signal that there can be improvement in current perception justice delivery at the courts if the factors in **Table 3** below that were asserted to have resulted in the low rate of satisfaction are addressed.

**Table 3.** Factors affecting justice delivery in the courts in Ghana.

Factor affecting justice delivery	Satisfactory	Unsatisfactory
There is high integrity in the court system in Ghana and therefore personnel will always deliver justice in case settlement.	45%	55%
Pursuing a case in the court is very expensive and therefore corrupts justice delivery.	17%	83%
The other supporting staff at the courts in Ghana do not take bribes or demand any gifts from clients in justice delivery.	35%	65%

Source: the research data analysis.

Thus, 55% believed that there is inadequate integrity at the courts and judges lack credibility hence unfair in justice delivery. 83% also attributed the expensive nature of seeking justice at the courts to be a factor that corrupts justice delivery hence confirming [African Union \(2019\)](#) report and [George \(2023\)](#) that it is expensive to pursue justice at the courts in Ghana. 65% asserted that other staff at the court are corrupt hence affecting justice delivery.

These factors among others therefore propelled about 76% of the respondents as in [Table 4](#) preferring to make arbitration their first option for disputes settlement to the court.

However, 55% believed that the courts apply the appropriate laws and principles in judging cases hence 70% of respondents believed that the lawyers and judges in the country have good knowledge in legal issues. 56% believed that there is credibility at the superior courts than the lower courts and therefore justice delivery at the superior court is satisfactory than the lower court.

**Table 4.** Strength of the court system in Ghana.

Factor affecting justice delivery	Satisfactory	Unsatisfactory
The courts in Ghana treat cases fairly according to the laid down legal principles or laws.	55%	46%
The lawyers and judges in Ghana are knowledgeable in the various legal principles, the laws in Ghana and international laws and therefore apply them appropriately in case settlement to achieving justice.	70%	30%
The superior or higher courts (High court, Appeal court, Supreme and Court) are more credible than the lower courts (District courts).	56%	44%
I will prefer my case to be settled in the customary way by traditional leaders, religious leaders or families than going to the court for dispute settlement.	25%	76%

Source: the research data analysis.

**Table 5.** Age, education and gender influence on perception of justice delivery in Ghana ( $kp \sim age + education + gender$ ).

Coefficients-KP	Estimate Std.	Error	z value	Pr(> z )
(Intercept)	-0.5602	0.2339	-2.395	1.66E-02
age1	0.5646	0.2317	2.437	0.0148
education1	-0.3735	0.2481	-1.506	1.32E-01
Gender1	0.916	0.2291	3.998	6.39E-05

Source: the research data analysis.

Regression analysis on each socio-demography as displayed in **Table 5**, uncovered that age and gender had significance influence level of 0.5646 and 0.916 respectively on perception in justice delivery in the country whereas education had insignificant influence level of  $-0.3735$ .

However, general regression on all the socio-demography data revealed a significant level influence of  $-0.5602$  on respondents perception on justice delivery at the courts in Ghana.

#### 4.4. Influence of Knowledge in the Legal Issues on Perception of Justice Delivery

The adequacy of one's knowledge in legal issues will have positive influence on his or her perception on legal outcomes. Therefore a regression analysis as in **Table 6**, revealed that adequate knowledge in legal issues had a significant influence level of  $-0.97554$  on perception of justice delivery in the court system in Ghana. Meaning adequate knowledge in legal issues negatively influences ones perception on justice delivery at the court.

**Table 6.** Level of influence of knowledge in the legal issues on perception of justice delivery in Ghana ( $kp \sim ks + kx$ ).

Coefficients-KP	Estimate Std.	Error	z value	Pr(> z )
(Intercept)	-0.97554	0.3636	-2.683	7.30E-03
Knowledge in legal systems (Ks)	0.80864	0.24863	3.252	0.00114
Knowledge in legal structures (Kx)	-0.02186	0.36348	-0.060	9.52E-01

Source: the research data analysis.

Therefore, the adequate knowledge of residents in legal issues in Ghana, had empowered them to understand legal issues and the court operations and therefore are able to identify short fall in justice delivery at the court system in the country.

In conclusion, the research found out that there was adequate knowledge in legal issues in the country by residents. This knowledge had therefore influenced their perception of inadequate justice delivery in the court system in the country.

### 5. Recommendations

For policies improvement, the court system in Ghana should considered the use of Artificial Intelligence (AI) system for ruling of cases to minimise the human limitations that adversely affects justice delivery. To address the possible rigidity in the AI court system approach, the human court system can be maintained to serve as the appeal and supreme court level to further address disputes settlements by the AI courts which are not satisfied by the parties.

It is also recommended that to strengthen the constitutional independence of the Judiciary of Ghana, Article 144 of the 1992 Constitution that gives powers to the Executive (President) to appoint the Justices of the Supreme Court, be amended and rather give the power to the Ghana Bar Association to elect the Justices of the Supreme Court.

Further research can be carried on “assessing the effectiveness of AI Court system approach in cases settlement”.

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## Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

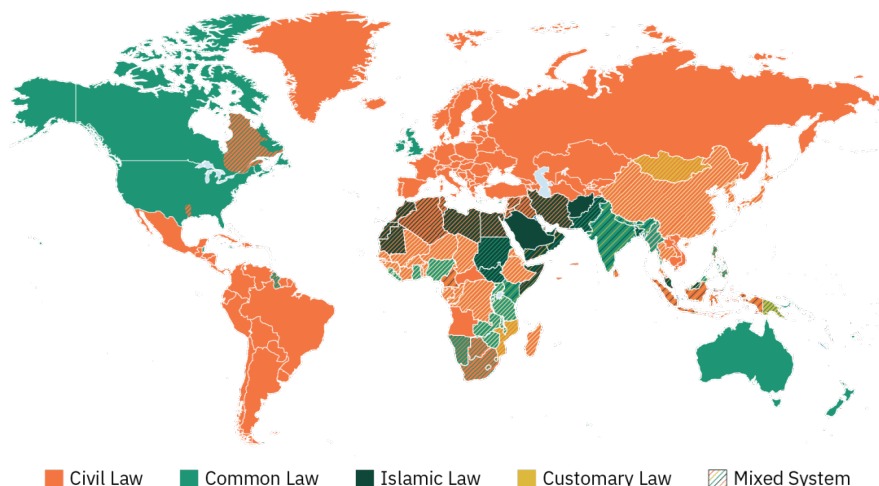
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## Appendices

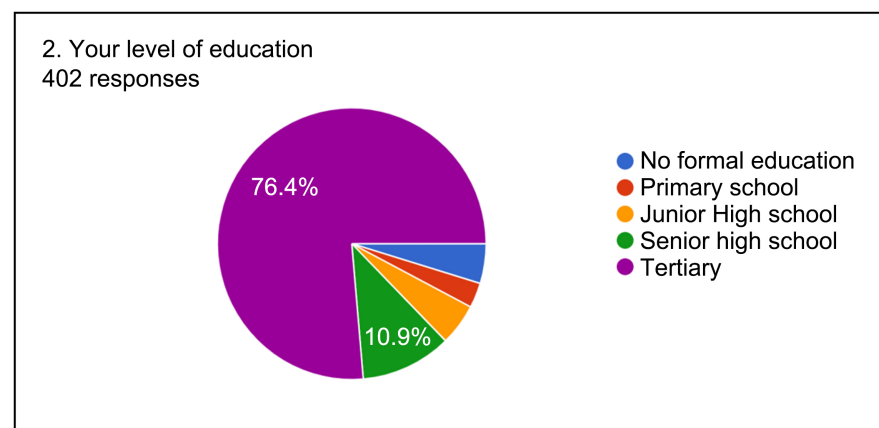
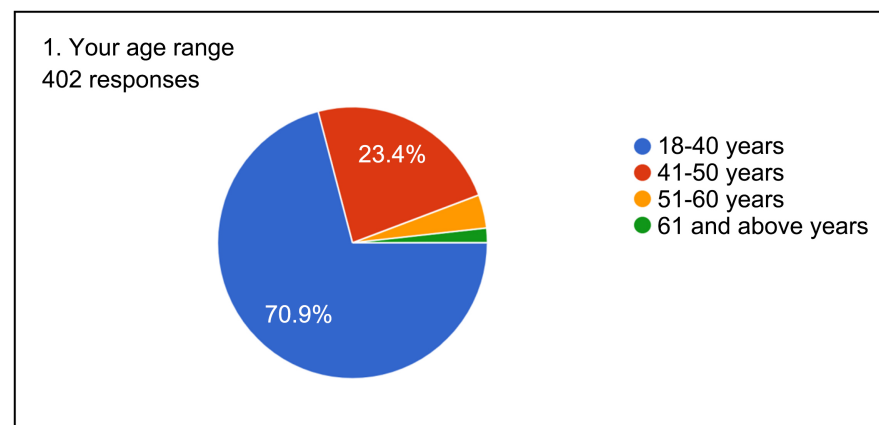
### Appendix 1. Global Legal Systems

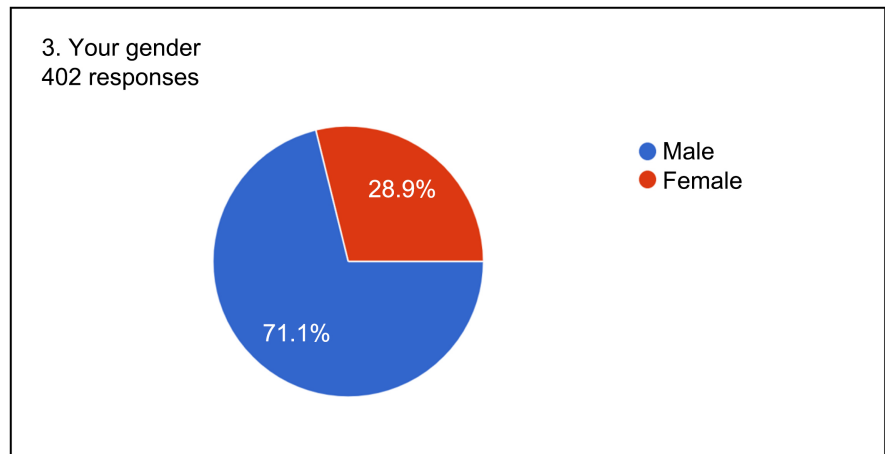
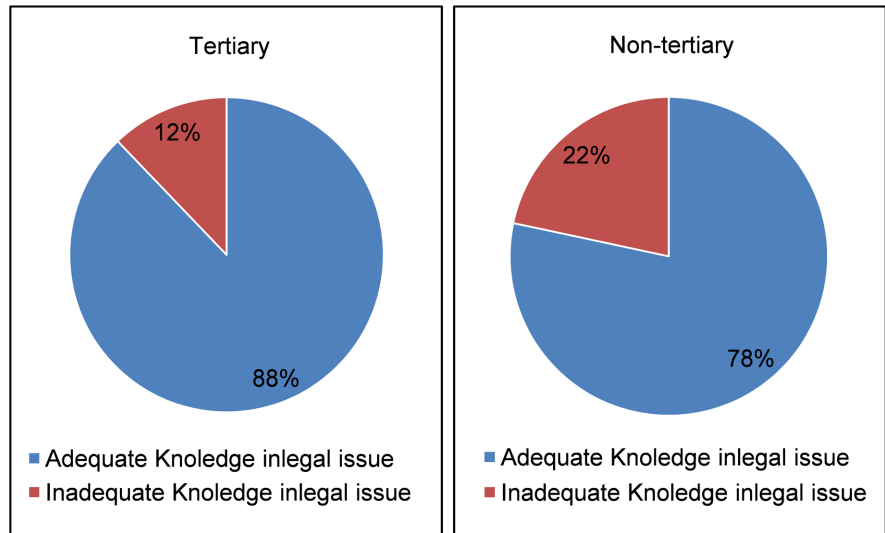


(Source: Rice University, OpenStax, under CC BY 4.0 license)

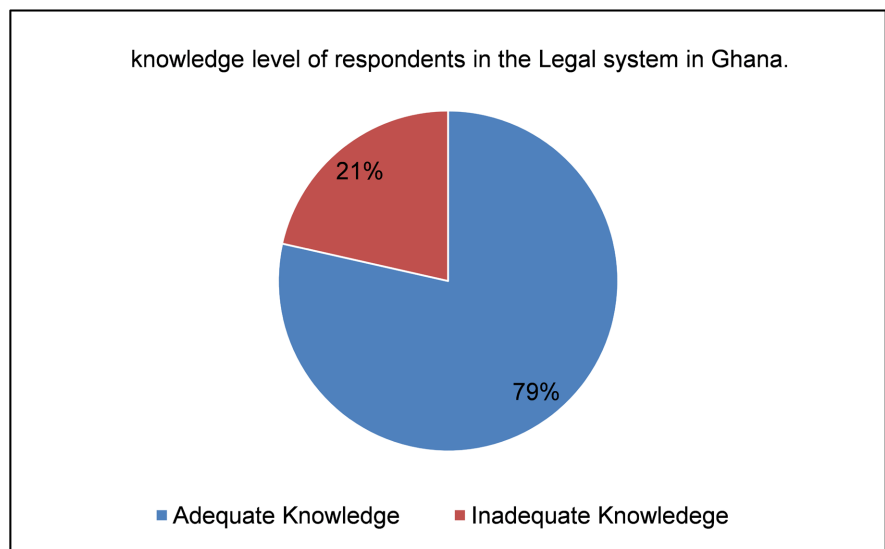
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### Appendix 2. Respondents Socio-Demography Data Analysis

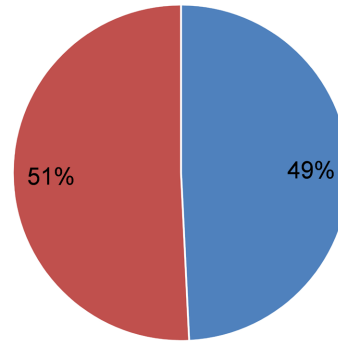




### Appendix 3. Knowledge Level of Respondents in the Legal System in Ghana Results

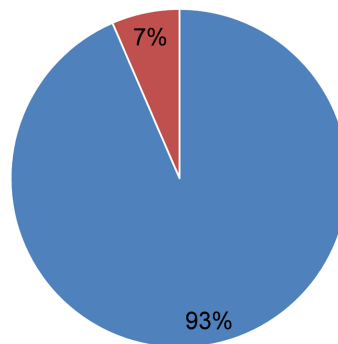


1. Ghana's legal system uses only the common law in its' justice delivery.



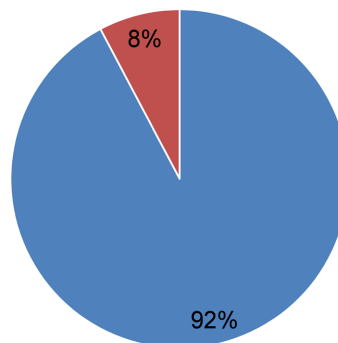
■ Adequate Knowledge ■ Inadequate Knowledge

2. The legal system in Ghana is made up of many forms of laws.



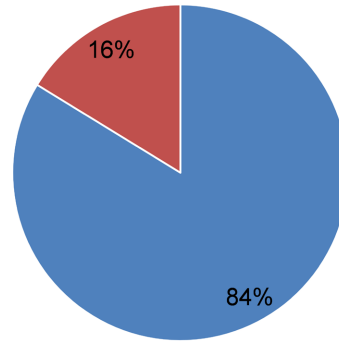
■ Adequate Knowledge ■ Inadequate Knowledge

3. The 1992 constitution is the primary legal document in Ghana.



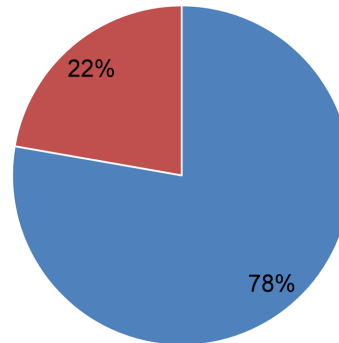
■ Adequate Knowledge ■ Inadequate Knowledge

4. The legal system in Ghana comprised; 1992 Constitution, laws made by Parliament, any Orders, Rules, Regulations made by any person of authority under a power conferred, the existing Customary laws and the common law.



■ Adequate Knowledge ■ Inadequate Knowledge

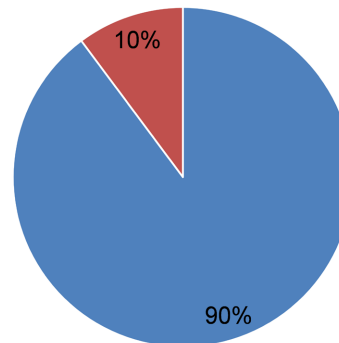
5. The traditional customs in Ghana are recognized in the countries legal system.



■ Adequate Knowledge ■ Inadequate Knowledge

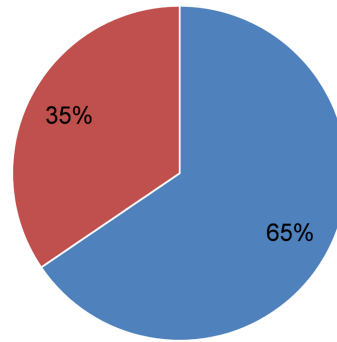
#### Appendix 4. Knowledge Level in the Legal System Structure System in Ghana Results

knowledge level in the legal system structure system in Ghana



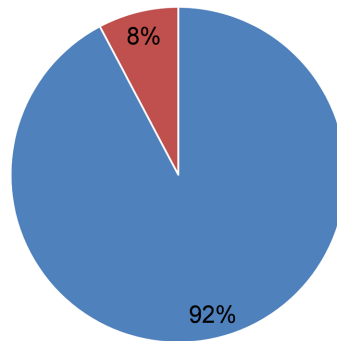
■ Adequate Knowledge ■ Inadequate Knowledge

6. The parliament, president and the judiciary perform the same roles or duties in the country's legal system.



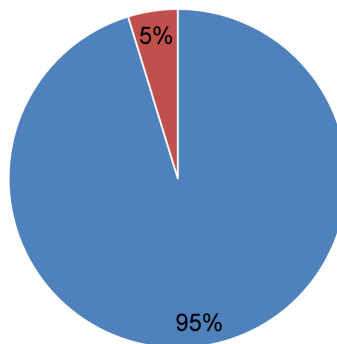
■ Adequate Knowledge ■ Inadequate Knowledge

7. The court system is responsible for the interpretation of laws and the application of laws in disputes settlement in Ghana.



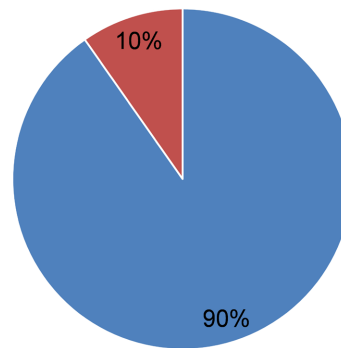
■ Adequate Knowledge ■ Inadequate Knowledge

8. The chief Justice is the leader of the judiciary in Ghana.



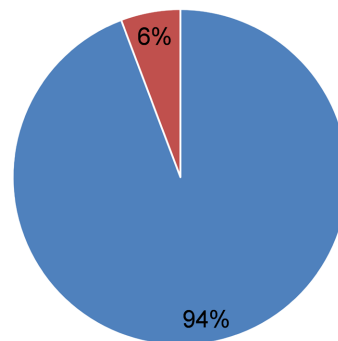
■ Adequate Knowledge ■ Inadequate Knowledge

9. The parliament makes the laws of Ghana.



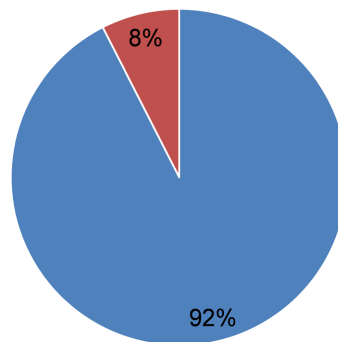
■ Adequate Knowledge ■ Inadequate Knowledge

10. The president has the power to approve laws enacted by parliament and ensure that the responsible institutions enforces the laws.



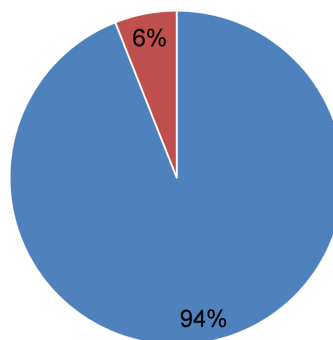
■ Adequate Knowledge ■ Inadequate Knowledge

11. All residents in Ghana have the legal right to the court system for disputes settlement.



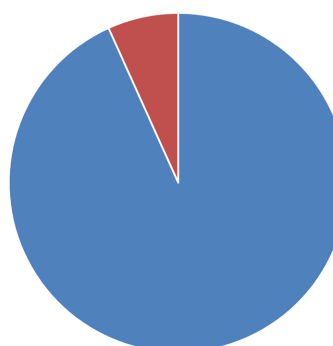
■ Adequate Knowledge ■ Inadequate Knowledge

12. It is my civic right as a Ghanaian to have fair trial and justice delivery at the law court.



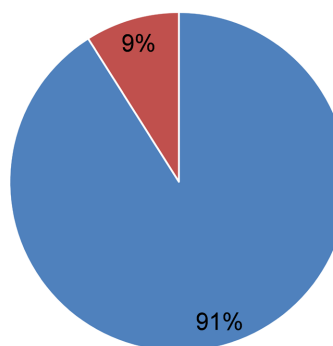
■ Adequate Knowledge ■ Inadequate Knowledge

13. The court system in Ghana handles both civil and criminal cases.



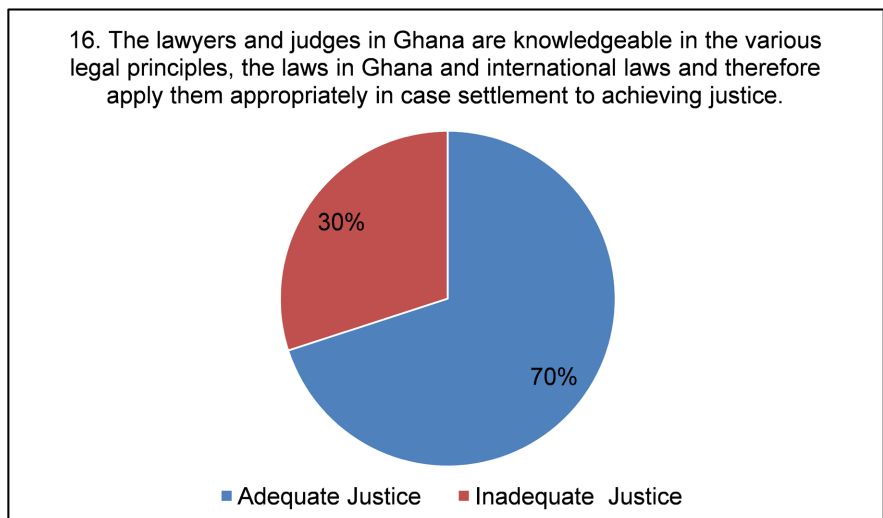
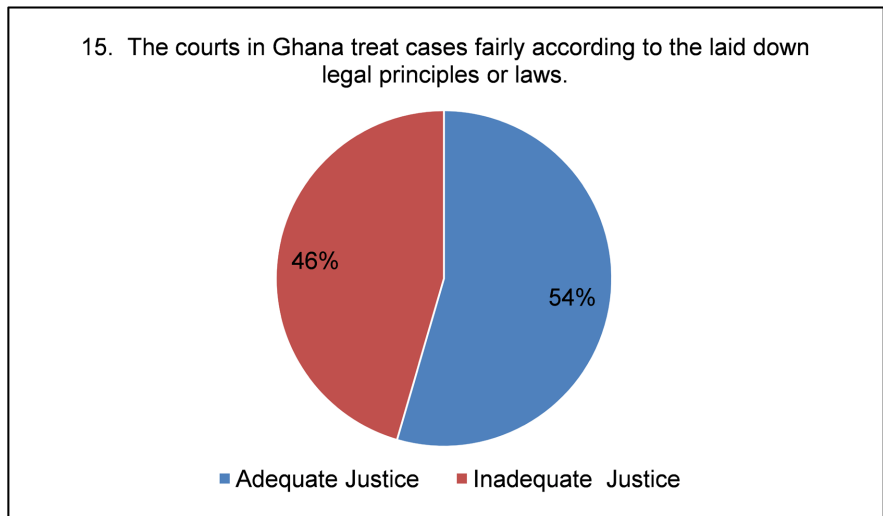
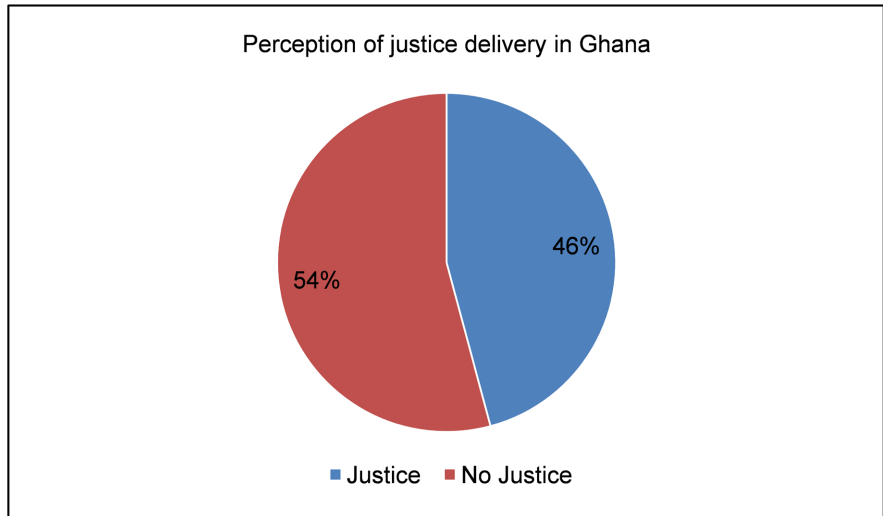
■ Adequate Knowledge ■ Inadequate Knowledge

14. There are stages in pursuing a case at the court in Ghana.

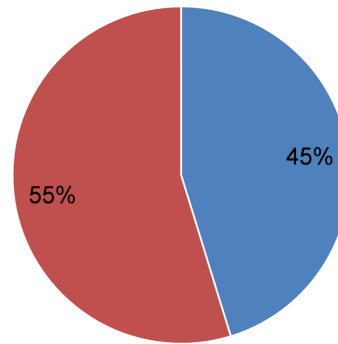


■ Adequate Knowledge ■ Inadequate Knowledge

### Appendix 5. Perception of Justice Delivery in the Court System in Ghana Results

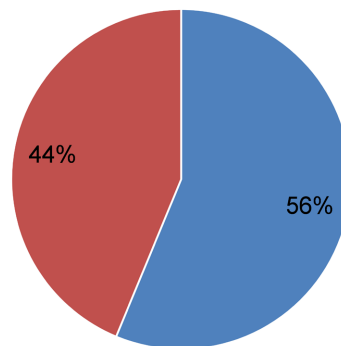


17. There is high integrity in the court system in Ghana and therefore personnel will always deliver justice in case settlement.



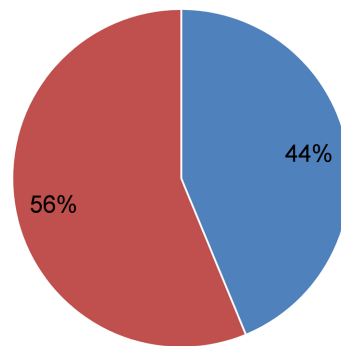
■ Adequate Justice ■ Inadequate Justice

18. The superior or higher courts (High court, Appeal court, Supreme and Court) are more credible than the lower courts (District courts).



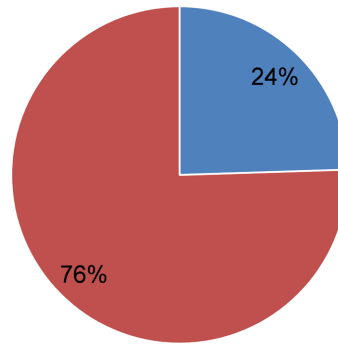
■ Adequate Justice ■ Inadequate Justice

19. The lower courts deliver justice in case settlement than the superior courts.



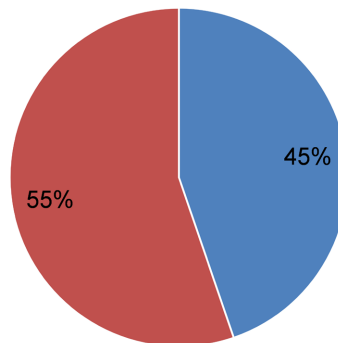
■ Adequate Justice ■ Inadequate Justice

20. I will prefer my case to be settled in the customary way by traditional leaders, religious leaders or families than going to the court for dispute settlement.



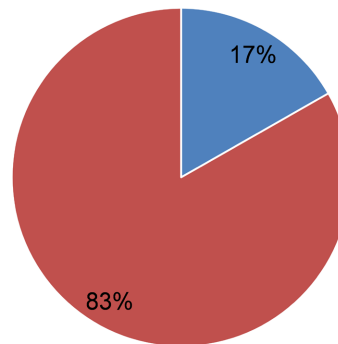
■ Adequate Justice ■ Inadequate Justice

21. The judges in the court are fair and credible in justice delivery.



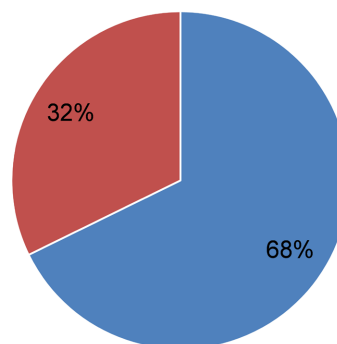
■ Adequate Justice ■ Inadequate Justice

22. Pursuing a case in the court is very expensive and therefore corrupts justice delivery.



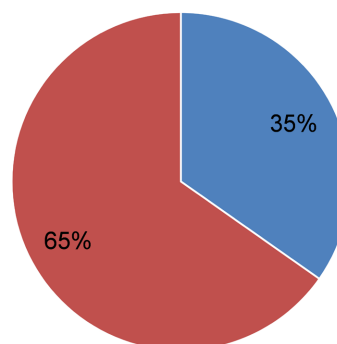
■ Adequate Justice ■ Inadequate Justice

23. The lawyers in Ghana are knowledgeable and reliable in justice delivery.



■ Adequate Justice ■ Inadequate Justice

24. The other supporting staff at the courts in Ghana do not take bribes or demand any gifts from clients in justice delivery.



■ Adequate Justice ■ Inadequate Justice

## Appendix 6. Logistic Regression Results

Assessing the perception of the court justice system in Ghana

Tijani Yakubu Ndanyenbah

2024-05-16

```
##
## Call:
## glm(formula = ks ~ age + education + gender, family = binomial(link = "logit"),
##      data = my_data)
##
## Coefficients:
##              Estimate Std. Error z value Pr(>|z|)
## (Intercept)  0.8290     0.2459   3.371 0.000748 ***
## age1         0.4169     0.2645   1.576 0.115032
## education1  0.2424     0.2606   0.930 0.352299
## gender1     -0.5273     0.2406  -2.191 0.028426 *
## ---
## Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
## Null deviance: 472.46  on 399  degrees of freedom
## Residual deviance: 462.84  on 396  degrees of freedom
## AIC: 470.84
##
## Number of Fisher Scoring iterations: 4
```

```

## Call:
## glm(formula = ks ~ gender, family = binomial(link = "logit"),
## data = my_data)
##
## Coefficients:
## Estimate Std. Error z value Pr(>|z|)
## (Intercept) 1.1365 0.1384 8.214 <2e-16 ***
## gender1 -0.5701 0.2376 -2.399 0.0164 *
## ---

1

## Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
## Null deviance: 472.46 on 399 degrees of freedom
## Residual deviance: 466.80 on 398 degrees of freedom
## AIC: 470.8
##
## Number of Fisher Scoring iterations: 4
## Call:
## glm(formula = kx ~ age + education + gender, family = binomial(link = "logi
## data = my_data)
##
## Coefficients:
## Estimate Std. Error z value Pr(>|z|)
## (Intercept) 1.2190 0.2983 4.086 4.38e-05 ***
## age1 0.6496 0.4699 1.382 0.167
## education1 1.4085 0.3541 3.978 6.94e-05 ***
## gender1 -0.1293 0.3694 -0.350 0.726
## ---
## Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
## Null deviance: 255.64 on 399 degrees of freedom
## Residual deviance: 234.85 on 396 degrees of freedom
## AIC: 242.85
##
## Number of Fisher Scoring iterations: 5
##
## Call:
## glm(formula = kx ~ education, family = binomial(link = "logit"),
## data = my_data)
##
## Coefficients:
## Estimate Std. Error z value Pr(>|z|)
## (Intercept) 1.2595 0.2472 5.094 3.50e-07 ***
## education1 1.5096 0.3467 4.355 1.33e-05 ***
## ---
## Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
## Null deviance: 255.64 on 399 degrees of freedom
## Residual deviance: 237.16 on 398 degrees of freedom
## AIC: 241.16
##
## Number of Fisher Scoring iterations: 5
##
## Call:
## glm(formula = kp ~ age + education + gender, family = binomial(link = "logit"),
## data = my_data)
##
## Coefficients:
## Estimate Std. Error z value Pr(>|z|)
## (Intercept) -0.5602 0.2339 -2.395 0.0166 *
## age1 0.5646 0.2317 2.437 0.0148 *
## education1 -0.3735 0.2481 -1.506 0.1322
## gender1 0.9160 0.2291 3.998 6.39e-05 ***
## ---
## Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
## Null deviance: 539.21 on 399 degrees of freedom
## Residual deviance: 515.22 on 396 degrees of freedom
## AIC: 523.22
##
## Number of Fisher Scoring iterations: 4
##
## Call:
## glm(formula = kx ~ education, family = binomial(link = "logit"),
## data = my_data)
##

```

```
## Coefficients:
##      Estimate Std. Error z value Pr(>|z|)
## (Intercept)  1.2595     0.2472   5.094 3.50e-07 ***
## education1  1.5096     0.3467   4.355 1.33e-05 ***
## ---
## Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
##      Null deviance: 255.64  on 399  degrees of freedom
## Residual deviance: 237.16  on 398  degrees of freedom
```

3

```
## AIC: 241.16
##
## Number of Fisher Scoring iterations: 5
##
## Call:
## glm(formula = kp ~ ks + kx, family = binomial(link = "logit"),
##      data = my_data)
## Coefficients:
##      Estimate Std. Error z value Pr(>|z|)
## (Intercept) -0.97554     0.36360  -2.683  0.00730 **
## ks1          0.80864     0.24863   3.252  0.00114 **
## kx1         -0.02186     0.36348  -0.060  0.95204
## ---
## Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
##      Null deviance: 539.21  on 399  degrees of freedom
## Residual deviance: 527.65  on 397  degrees of freedom
## AIC: 533.65
##
## Number of Fisher Scoring iterations: 4
##
## Call:
## glm(formula = kp ~ ks, family = binomial(link = "logit"), data = my_data)
## Coefficients:
##      Estimate Std. Error z value Pr(>|z|)
## (Intercept) -0.9933     0.2137  -4.647 3.36e-06 ***
## ks1          0.8059     0.2442   3.300 0.000968 ***
## ---
## Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1
##
## (Dispersion parameter for binomial family taken to be 1)
##
##      Null deviance: 539.21  on 399  degrees of freedom
## Residual deviance: 527.66  on 398  degrees of freedom
## AIC: 531.66
##
## Number of Fisher Scoring iterations: 4
```

## Appendix 7. Research Questionnaire

No.	Item	Strongly Agreed	Agreed	Disagreed	Strongly Disagreed	No idea
<b>KS.</b> Please indicate your level of agreement or disagreement with each of the statements below regarding your knowledge in the legal system in Ghana. <b>Please tick only one box to each statement regarding your preferred response to that statement.</b>						
1	Ghana's legal system uses only the common law in its' justice delivery	Inadequate knowledge	Inadequate knowledge	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge
2	The legal system in Ghana is made up of many forms of laws	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
3	The 1992 constitution is the primary legal document in Ghana	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge

**Continued**

4	The legal system in Ghana comprised; 1992 Constitution, laws made by Parliament, any Orders, Rules, Regulations made by any person of authority under a power conferred, the existing Customary laws and the common law.	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
5	The traditional customs in Ghana are recognised in the countries legal system	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge

**KX.** Please indicate your level of agreement or disagreement with each of the statements below regarding your knowledge in the legal structure in Ghana. **Please tick only one box to each statement regarding your preferred response to that statement.**

6	The parliament, president and the judiciary perform the same roles or duties in the country's legal system	Inadequate knowledge	Inadequate knowledge	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge
7	The court system is responsible for the interpretation of laws and the application of laws in disputes settlement in Ghana	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
8	The chief Justice is the leader of the judiciary in Ghana	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
9	The parliament makes the laws of Ghana	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
10	The president has the power to approve laws enacted by parliament and ensure that the responsible institutions enforces the laws.	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
11	All residents in Ghana have the legal right to the court system for disputes settlement	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
12	It is my civic right as a Ghanaian to have fair trial and justice delivery at the law court	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
13	The court system in Ghana handles both civil and criminal cases	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge
14	There are stages in pursuing a case at the court in Ghana	Has adequate knowledge	Has adequate knowledge	Inadequate knowledge	Inadequate knowledge	Inadequate knowledge

**KP.** Please indicate your level of agreement or disagreement with each of the statements below regarding your perception in the court justice delivery system in Ghana. **Please tick only one box to each statement regarding your preferred response to that statement.**

15	The courts in Ghana treat cases fairly according to the laid down legal principles or laws.	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
----	---------------------------------------------------------------------------------------------	------------------	------------------	--------------------	--------------------	--------------------

## Continued

16	The lawyers and judges in Ghana are knowledgeable in the various legal principles, the laws in Ghana and international laws and therefore apply them appropriately in case settlement to achieving justice	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
17	There is high integrity in the court system in Ghana and therefore personnel will always deliver justice in case settlement	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
18	The superior or higher courts (High court, Appeal court, Supreme and Court) are more credible than the lower courts (District courts)	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
19	The lower courts deliver justice in case settlement than the superior courts	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
20	I will prefer my case to be settled in the customary way by traditional leaders, religious leaders or families than going to the court for disputes settlement	Inadequate justice	Inadequate justice	There is justice	There is justice	There is justice
21	The judges in the court are fair and credible in justice delivery	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
22	Pursuing a case in the court is very expensive and therefore corrupts justice delivery	Inadequate justice	Inadequate justice	There is justice	There is justice	There is justice
23	The lawyers in Ghana are knowledgeable and reliable in justice delivery.	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice
24	The other supporting staff at the courts in Ghana do not take bribes or demand any gifts from clients in justice delivery.	There is justice	There is justice	Inadequate justice	Inadequate justice	Inadequate justice