
**The Rules of Natural Justice in the Justice Delivery System in Ghana:
Successes and Failures**

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Abstract

The principles of natural justice are enshrined in the 1992 constitution under Articles 11 and 126 to ensure equitable and just decision-making, primarily in judicial and administrative decisions. However, there is a gap in the literature on how these principles manifest in practice. The study, therefore, sought to explore how the rules of natural justice manifest in the justice delivery system in Ghana by identifying its successes and failures. The study adopted the qualitative research approach and the case study design. 16 respondents participated in the study and were selected through a purposive sampling technique. The study used a semi-structured interview guide to gather data from the participants through a face-to-face interview. The thematic analysis revealed success factors of the rules of natural justice in the justice delivery system in Ghana, identified in this study, include legal acknowledgment and constitutional assurance, adherence in formal court hearings, independent bodies such as CHRAJ, and increased sensitization and legal advocacy. The study identified some areas where the justice delivery system in Ghana fails to enhance the principles or rules of natural justice. Some of the factors that impede the effective manifestation of natural justice include judicial corruption and bias complaints, procedural delays and case backlogs, inequalities of access and resources, political interference and executive influence, and weak enforcement of administrative justice. This study provides compelling evidence of the success and failure of the operation of natural justice in Ghana's administrative and legal systems. The findings have important policy, practice, and law reform implications.

Keywords: Fair hearing, Justice Delivery, Natural justice, Rule of law

Introduction

Natural justice is a set of axiomatic legal principles that function to regulate equitable and just decision-making, primarily in judicial and administrative decisions (Mehta, 2023). The two key principles embodying natural justice are the right to be heard (*audi alteram partem*) and against bias (*nemo iudex in causa sua*) (Rohila, 2025). These are not just procedural guarantees but follow from the very foundations of human rights and justice itself (Rohila, 2025). Natural justice is regarded as a pillar of legal systems around the world and entails precepts of reasonableness, equality, and impartiality. Having started in ancient legal systems, it has developed to be at the center of judicial and administrative proceedings these days (Kumar and Choudhary, 2024). According to the natural justice doctrine, the decision-makers ought to be impartial, exercise good faith, be free from bias and prejudice and preconceptions, and allow each party to present their case in full (Korang, 2015). The doctrine of natural justice was developed and came to take an unbreakable seat of primacy that binds all common law system tribunals and courts (Kumar and Choudhary, 2024). Any decision or order taken is void, and the court or tribunals' jurisdiction can be ousted if such natural justice principles are breached.

These basic principles of common law and the system of natural justice were weighed by the drafters of the 1992 Constitution of Ghana, which maintained its application under Article 11. Common law is referred to in Article 11 of the Constitution of Ghana. Ghana's common law includes the doctrines of equity, the tradition of common law, and customary laws, including precedents of the Superior Court of Judicature (Mensah, 2022). Under this system, the doctrine of natural justice is firmly rooted and part of the legal system, as stipulated by Article 126 of the 1992 Constitution (Mensah, 2022). This constitutional requirement insists that all courts enforce the principles of natural justice in the administration of justice. Administrative tribunals and institutions are also required to implement the principles. The Constitution imposes such a requirement in Article 23 by ensuring that aggrieved persons against the decisions or actions of the administration are entitled to seek redress before the courts or tribunals with the appropriate jurisdiction (Adu-Gyamfi, 2014).

It would be possible to conclude from the foregoing that the principles of natural justice are constitutionalized under the Ghanaian legal system and are to be adhered to by government authorities within and outside tribunals and courts. The judiciary is a fundamental institution in democratic governance, playing an essential role in upholding the rule of law, shaping public policy, and ensuring accountability in Ghana's multifaceted political and socio-economic landscape (Osei, 2024). These are norms to guide and protect individuals against arbitrary action and ensure that justice is delivered in a proper way in Ghana's justice delivery systems. The justice delivery system in Ghana consists of institutions, actors, and processes that aim to entrench the rule of law and to ensure equal and timely access to justice (Crook and Asante, 2014). The justice delivery system is composed of the judiciary, legal practitioners, police, and alternative dispute resolution bodies (Crook, 2008). An effective justice delivery system operates at its best to promote social order, resolve conflicts, and protect rights (Selznick, 2020). However, systemic weaknesses in the form of inefficiency of the judiciary, denial of access to legal aid, and alleged corruption and infrastructural deficiencies may undermine the efficacy of

the system (Afzal et al., 2023; Kushwah and Kushwah, 2024). Such weaknesses have a propensity to impact the extent to which natural justice is achieved in practice.

Applicability of natural justice can also be implied from the principle that rules of natural justice guarantee fairness and justice as a matter of right. Rule of law theory requires compliance with natural justice in the administration of justice (Pech and Kochenov, 2021). The rule of law is where both the institutions and citizens, along with state institutions, are subject to the publicly pronounced law, applied equally, and independently interpreted (Tamanaha, 2004). Natural justice in this instance is a vehicle whereby the rule of law is implemented in the administration of justice. Although Ghana has made significant progress in extending natural justice to its legal and institutional arrangements—e.g., judicial protection through the constitution and judicial activism—a necessity is sensed to explore the application of the principles of natural justice in practice. For example, Kushwah and Kushwah (2024) and Afzal et al. (2023) identified discriminatory adjudication, denial of fair hearing, and transparency in proceedings reflect the law on the book vs reality gap in India and Pakistan, respectively. The review of studies, such as (Acheampong and Cann, 2024; Osei, 2024; Mensah, 2022; Crook et al., 2013) provides evidence that the doctrine of natural justice is enshrined in the 1992 constitution of Ghana. However, Ghanaian researchers scarcely examined how natural justice was practiced in Ghana. The available studies (Acheampong and Cann, 2024; Osei, 2024; Mensah, 2022; Crook et al., 2013) show that despite extensive coverage of constitutional principles, no study approximates a thorough examination of natural justice as it is practiced across the dispensation of justice in Ghana's judicial and administrative institutions. The literature greatly falls short of an in-depth comparison of the success and failure of effective delivery of justice in Ghana, and even more so through comparison with natural justice and rule of law imperatives. This study fills this knowledge gap by investigating how exactly the natural justice principles are implemented within the justice delivery system in Ghana, identifying the successes and failures, and assessing their relevance to legal reform and democratic governance in general.

Literature Review

Theoretical review

This study is conducted within the framework and assumptions of the theory of the rule of law as propounded by A. V. Dicey (Dicey, 1979). The rule of law is one of the supporting pillars of democracy and enforces the supremacy of the law over everyone and everything, irrespective of status, power, or influence (Dicey, 1979). The theory of the rule of law holds that nobody requires immunity from the law, and legal directives must be enforced in a similar and unbiased manner (Lino, 2018). The rule of law guarantees equality before the law and protection against arbitrary application of the rule by guaranteeing impartiality, responsibility, and justice. This guarantees that state power is exercised within definite limits of the law (Webber, 2024). Beqiraj and Moxham (2022) also argue that the rule of law demands legality, transparency, and accountability in all governments and administrative actions. It demands that the acts and policies be justified by an open legal order that applies to everyone. The rule cannot be enforced only against public authorities but also against citizens, thus promoting the lawfulness of

expectation in law and social order. In practice, the rule of law demands that government officials and citizens, in general terms to act within the limits of law, justifying their acts by legal processes. Discretionary power has to be exercised within the bounds of the law and should not be misused to enable abuses of authoritarian discretion (Beqiraj and Moxham, 2022). Notably, the rule of law also performs an important function of protecting vulnerable and marginal members of society, such that their rights and freedoms are protected by an equivalent amount of law as citizens of the state and country. In Hasnas (2017), this aspect enforces accountability by state institutions and agents. Ibrahim and Ibrahim (2024) also argue that the rule of law ensures that fundamental rights such as freedom of expression, association, and assembly are not subjected to interference from arbitrary state or other forces. Briefly, the theory of the rule of law seeks to guarantee power and justice, equity, and democratic integrity. It speaks of the theoretical link between natural justice and the efficient functioning of the delivery system of justice, and both are irrevocably anchored in law, justice, and human rights.

Theory of rule of law directly applies to this study with the implication that it advances the broad paradigm according to which the interplay between dispensation of justice and natural justice may be talked about and analyzed. In practice, the rule of law demands that any administrative action by an administrative agency of the state, court, or administrative tribunal must be decided by relevant rules of law applied equally to all and without bias. Natural justice, or procedural justice, is one of the rudimentary ways in which the rule of law comes to have tangible expression. For Ghana, the rule of law attempts to place on public administration organs, tribunals, and courts an obligation to make values such as freedom from bias and the right to a fair hearing, inherent attributes of natural justice. These values have been adopted by the Ghanaian 1992 Constitution, Articles 23 and 296, which make judicial and quasi-judicial rulings non-arbitrary but, rather, grounded in principles of law which promote fairness, transparency, and accountability. The theory of the rule of law has been used in this study to examine whether Ghana's delivery system of justice maintains these values. In the theoretical context of the rule of law, the present study responds critically to the query of whether natural justice appears to exist or not in courts and administrative decisions, and also the extent such practices sustain or undermine democratic government in Ghana. The study fills a gap in current literature by examining how conformity to or deviation from the principles of natural justice affects the credibility, fairness, and effectiveness of the administration of justice in the broad constitutional and legal sphere in which the rule of law operates.

Empirical review

The literature on natural justice and the administration of justice in Ghana is a continuing dynamic of constitutional promise, institutional practice, and popular attitudes. Mensah (2022) offers the beginning of an exploration of the manifestation of the tenets of natural justice the right to a fair hearing and the rule against bias under the 1992 Constitution of Ghana. Mensah (2022) stresses that the principles of natural justice are not merely inspirational but statutorily binding on tribunals, administrative agencies, and courts to ensure that natural justice is practiced in Ghana. Mensah's study is theoretically focused, with minimal discussion of whether and to what extent these provisions are being followed in real judicial or administrative practice and the

justice delivery system. This creates a knowledge gap regarding the degree to which these constitutional principles are realized in the broader justice system. Acheampong and Cann (2024) provide a more empirical analysis by exploring how the public perceives the court system in Ghana. For Acheampong and Cann, the presence of natural justice provisions does not even guarantee public confidence in trusting the judiciary. Partisanship, educational attainment, socio-economic status, and gender are determining factors for the extent to which citizens trust the judiciary. They also talk of high-profile courtroom scandals and allegations of bias, which have triggered declining trust in the justice system. The suggestion is that impartiality and procedural justice are highly valued in the system of law, but in practice, these ideals do not come into operation. The disparity between constitutional provisions and practice gives rise to serious concern about the integrity of the justice provision and the degree to which the rule of law operates in practice within Ghana's justice delivery system. Osei (2024) contributes to the discourse by highlighting the independence of the judiciary as a cornerstone of fair trial practices in civil cases. His research suggests that an independent judiciary, free from executive, political, or pecuniary influence, is more likely to comply with natural justice and the rule of law. Independent judges are better able to deliver unbiased decisions purely based on clean legal merits and facts, enhancing transparency and public trust. Osei's findings affirm the importance of safeguarding the autonomy of the judiciary as a precondition for justice. Yet, the study does not explore how this independence translates across various levels of the judiciary or in administrative adjudication, which are crucial for a more comprehensive understanding of justice delivery. Crook et al. (2013) also draw further observations based on comparisons between formal and traditional institutions' conflict resolution processes. It is one observation from their study that a majority of individuals are likely to assume that justice will be an equitable, fair, and search-for-truth process. Ironically, while formal institutions like CHRAJ and the Magistrate's Courts are likely to perform according to expectation, Customary Land Secretariats (CLSs) are likely to fail some of the time. The outcome is contrary to the romantic assumption that formal institutions of justice must be made more inclusive or less violent. Instead, it is contended that procedural safeguards found in formal legal institutions are at the heart of popular trust and expectations of fairness. The research also demonstrates that hybrid institutions can be designed to bridge such gaps, an observation that can be utilized to reform Ghana's justice delivery system.

Alozie (2024) and Berebon (2024) place this discussion in the Nigerian context by comparative analysis. According to Alozie, the potential of the judiciary to make policy and entrench constitutional ideals can be reduced to nothing by executive interference, corruption, and inadequate funding. Berebon puts forth the identical argument, and also adds that for all the criticism Nigeria's judiciary has endured regarding controversy in elections and anti-corruption, these just so happen to be areas that make it its weakest link. Such issues have relevance to Ghana's situation, particularly with the accusations of judicial scandal and foreign interference. So, for all the circumstantial peculiarity of the Nigerian example, it operates to map broad regional trends of judicial weakness and institutional durability.

In summary, the review provides evidence that the doctrine of natural justice is rooted in Ghana's constitutional and legal tradition. Practice and application of the principles, however, leave much to be desired since they have generated inconsistency and loopholes. While some institutions have developed procedural fairness to acceptable levels, others are left with capacity, impartiality, and public trust issues. Literature also greatly falls short of an in-depth comparison of the success and failure of effective delivery of justice in Ghana, and even more so through comparison with natural justice and rule of law imperatives. The literature shows that despite extensive coverage of constitutional principles, public opinion, and comparative institutional design, no study approximates a thorough examination of natural justice as it is practiced across the dispensation of justice in Ghana's judicial and administrative institutions. This disorganized nature invites skepticism regarding the degree to which the principles of fairness, impartiality, and due process are being upheld across different institutions in Ghana's justice delivery system. This study is therefore timely and necessary. The study aims to bridge this gap by using a composite analysis of the success and failure of the application of natural justice in Ghana, and grounding the inquiry on the theory of the rule of law. Hence, the study is useful to scholarly scholarship and also provides practical experience to policy and institutional reform.

Research Methodology

Research Approach

This research employed the qualitative research methodology as it is suitable for studying complex and subjective phenomena such as perceptions of fairness, justice, and institutional practice (Dana and Dumez, 2015). The qualitative approach was employed because it allowed for an in-depth examination of how natural justice principles are understood and practiced within the justice delivery system of Ghana. It provides the type of flexibility that enables one to examine different vantage points, which in turn enables the researcher to acquire in-depth, richer insight that cannot be acquired from mere numerical data (Brodsky et al., 2016). The research utilizes a case study research design and targets Ghana's formal justice institutions, particularly the judiciary and administrative institutions such as the Commission on Human Rights and Administrative Justice (CHRAJ). A case study design was employed because it offers a close and contextual analysis of actual events - how the principles of natural justice operate in Ghana (Ridder, 2017). It offered the researcher a way to seize the interconnectedness of legal principles, institutional behavior, and individual experience.

Population and sampling technique

The study population includes individuals and institutions directly involved in the justice delivery process in Ghana. They included judges, legal practitioners, CHRAJ personnel, court users (litigants), legal scholars (University lectures), and civil society organization members who engage in legal advocacy. This population is pertinent in that it covers both the demand and supply ends of justice and consists of significant stakeholders who are most directly affected by or responsible for maintaining the integrity of natural justice within the justice delivery systems. A purposive sampling approach was used by the study to select persons who have knowledge, experience, or jurisdiction to provide relevant and credible information regarding the

phenomenon under investigation. Sixteen (16) participants were selected across the categories to ensure that there was a balanced and diverse sample. Purposive sampling was suitable as the aim was not generalization, but to obtain in-depth, context-rich information from participants who understand and perceive the justice system differently (Rai and Thapa, 2015). The sample size was guided by the data saturation principle, where new information stopped emerging from additional interviews (Hennink and Kaiser, 2022).

Data Collection Tool and Process

Semi-structured guide was employed for data collection. Semi-structured interviewing provided a way of facilitating open-ended discussion that was structured but in which participants could express themselves freely and express their opinions and perspectives regarding natural justice and fairness in administrative and judicial decision-making. The interview guide was developed based on the study objectives, e.g., procedural fairness, independence of the decision-maker, access to redress, and institutional integrity. The interviews were conducted through face-to-face or telephone (as necessary). The interviews were tape-recorded with consent and verbatim transcribed to ensure fidelity and reliability.

Data Analysis

Data were analyzed through thematic analysis using Braun and Clarke's (2006) six-step process: familiarization with data, initial generation of coding, searching for themes, reviewing themes, theme definition and naming, and writing the report. The method was appropriate to establish patterns and themes in responses from participants. Initial coding was used so that immediate interaction with the data could occur, which allowed the researcher to build a grounded and intuitive interpretation of emergent themes. Color-coded sheets of coding and analytical memos were used to support the organization and interpretation of the data. Deductive (by reference to research questions) and inductive (built from the data) key themes were developed to allow for a holistic and flexible interpretation.

Findings

The study sought to examine the successes and failures of the rules of natural justice in the justice delivery system in Ghana. The findings have been presented below;

Successes of the rules of natural justice in the justice delivery system in Ghana

The success factors of the rules of natural justice in the justice delivery system in Ghana identified in this study include legal acknowledgment and constitutional assurance, adherence in formal court hearings, independent bodies such as CHRAJ, and increased sensitization and legal advocacy.

Legal Acknowledgment and Constitutional Assurance

Most of the participants expressed that natural justice in Ghana is not a theoretical construct but a well-established constitutional requirement. The participants emphasized that Articles 23 and

296 of the 1992 Constitution require that all judicial and administrative powers act fairly, justly, and without prejudice. These provisions ensure that the twin pillars of natural justice—the right to a fair hearing and absence of bias—are well-established in Ghana's jurisprudence. Most of the respondents agreed that such a constitutional foundation provokes legal predictability, public confidence, and institutional legitimacy in the justice delivery system. Some of the respondents praised the judiciary for attempting to preserve such values both in procedural and in substance judgments. They noted that courts and some of the administrative tribunals are progressively recognizing the need to respect fairness not only in judgments but also in their engagement with litigants and defendants. This, according to them, has resulted in greater awareness among legal players of the sanctity of due process. One of the participants had this to say;

"It is very clear that the courts are subject to the rules of natural justice. These are not discretionary rules—these are inbuilt into our Constitution. To deviate from them can lead to an appeal or judicial review, and that tends to make institutions treat these rights seriously," [P1, Retired High Court Judge].

Another respondent, who is a lawyer with a private legal agency, narrated how legal education and institutional policy have come into alignment with constitutional expectations:

"What we've witnessed over the years is that agencies and tribunals now deliberately try to educate or inform parties to their right of reply or hearing. There's an awareness that if we do not follow these rules, our orders will be quashed. It's not just legal compliance, it's a culture of justice that is slowly percolating into our institutions." [P8, Private Legal Practitioner].

The analysis shows that the stakeholders of the Ghana legal system generally recognized that Ghana has made significant strides in bringing its judicial and administrative practices into conformity with constitutionally entrenched principles of natural justice. This legal recognition is both a safeguard for citizens and a standard of discipline for decision-makers

Adherence in Formal Court Hearings

A major area of success that respondents pointed to is the frequent realization of the right to a fair hearing in official court hearings. Judges, legal professionals, and litigants acknowledged that the court system in Ghana generally provides litigants with an adequate chance to be heard, to adduce evidence, to cross-examine witnesses, and to have judgments that are explained and reasoned. These practices are not only considered to be procedural formalities but also as expressions of the courts' dedication to natural justice. Respondents emphasized that such consistency has worked to increase procedural fairness, reduce perceptions of prejudice, and enhance citizens' trust in official judicial bodies. Most noted that even if litigants lose their cases, the structured order of the proceedings, founded on openness and justice, encourages acceptance of outcomes and inspires confidence in the law. One of the participants had this to say;

"Even if decisions do not go in your favor, at least you're allowed to present your case and be given a reason. That alone gives you a sense that you weren't refused or rebuffed, and that helps," [P2, Court User].

Judicial officers agreed with this observation, noting that procedural fairness is now the normative expectation of courtroom culture, and defaults tend to be remedied on appeal.

"All judges know that procedural justice is imperative. If one side is not given a chance to respond or to present evidence, it can nullify the entire process. As a matter of practice, thus, we are trained to follow that dictum to the letter," [P3, Circuit Court judge].

Lawyers also pointed to the consistency of formal courts in enforcing these norms, comparing them to informal or administrative tribunals where procedural irregularities are more common.

"The courtrooms, for all their faults, provide you with a level of predictability and order that you do not always get anywhere else. You file, you get heard, and the ruling is delivered with reasons. That level of organization is essential in protecting clients' rights," [P4, Private Legal Practitioner].

In sum, respondents perceived this consistency in court procedure as being one of the underlying successes of Ghana's justice delivery system and as reflective of the country's overall commitment to legal due process and the rule of law.

Independent Bodies such as CHRAJ

The major contribution of independent constitutional bodies such as the Commission on Human Rights and Administrative Justice (CHRAJ) towards ensuring and promoting the principles of natural justice was strongly reflected in the respondents. CHRAJ was always cited as the model of fairness and accessibility, especially to those who were not able to afford the cost or intricacy of the formal courts. The procedures of the Commission were reported to be more accessible, less intimidating, and better responsive to the typical day-to-day human rights grievances, especially those that involve a grievance against a public officer or administrative abuse. Participants observed that CHRAJ has substantially increased rights awareness and processes among the vulnerable. While the much-vaunted formality of the courts is usually at the expense of justice, CHRAJ stood out as an institution in which equity is not only preached but lived and practiced in such a manner that it relates easily to ordinary people. Some of the participants had this to say;

"Availability of CHRAJ, especially in the regional and district offices, has made it easy for poor and rural folks to call government officials to order for injustice. Where there has been abuse by public servants, CHRAJ has acted promptly and responsibly, and that builds confidence in the people," [P11, Human rights activist].

"For ordinary Ghanaians, CHRAJ is where it begins—the convenient route of complaining and undergoing due process. Their process functions more transparently and is less bureaucratic as well. It gives opportunity for people to

be heard without the necessity of proceeding to court with a lawyer," [P12, Member CSO].

"CHRAJ might not always get the final say in law like the courts, but what they're doing makes ideals of fairness, impartiality, and the right to be heard legal abstractions no more. They're lived realities for people who feel disenfranchised elsewhere," [P14, Human rights activist].

The views of the participants portray CHRAJ as the center of Ghana's broader system of justice delivery, with constitutional safeguarding of natural justice in a less complicated and more humane setting. But other stakeholders pointed to the need for more funds and legal assistance to enable CHRAJ to pursue its recommendations more forcefully.

Increased Sensitization and Legal Advocacy

The respondents mentioned increased public sensitization and advocacy as a success factor of natural justice in Ghana's justice delivery system. It was revealed that this sensitization has largely been driven by civil society organizations (CSOs), legal aid providers, and advocacy groups. These institutions have played a big role in sensitizing citizens, especially marginalized groups, to their rights to be treated fairly, due process, and access to justice. They have demystified the law and enabled common Ghanaians to hold public officials and institutions accountable using legal literacy campaigns, public sensitization, and public interest litigation. Respondents mentioned that people are now more likely to protest against unjust decisions, request written reasons, and appeal against unwarranted decisions, even in non-court tribunals. This heightened awareness is a social change in which justice is no longer seen as the monopoly of the legally trained or the elite, but the right of all. Some of the participants had this to say;

"Earlier, the majority of people thought that the legal system or seeking justice was for the rich and educated. But with NGOs and community legal centers stepping in to make citizens aware of their rights, even farmers and market women are learning to demand justice in their interactions with the local officials," [P5, Member, Human Rights-Based NGO].

"Legal awareness campaigns in our region have revolutionized the way people engage with justice. Citizens are beginning to realize that being summoned before a local tribunal or administrative hearing does not render them powerless. They now ask: 'Do I have a right to be heard?'" [P12, Member CSO].

"Due to the efforts of civil society, people now know they don't need a lawyer to understand natural justice. I've seen illiterate clients walk into administrative offices and calmly ask for fair hearing procedures—this is a major shift from ten years ago" [P4, Private Legal Practitioner].

These narratives are a witness to the worth of grassroots activism for advancing natural justice. As civil society continues to close the knowledge gap between institutions and those whom they

serve, the justice delivery system becomes ever more participatory and inclusive. The participants called for greater investment in legal education, particularly in poor rural communities, to entrench and institutionalize these gains.

Failures of the rules of natural justice in the justice delivery system in Ghana

The study identified some areas where the justice delivery system in Ghana fails to enhance the principles or rules of natural justice. Some of the factors that impede the effective manifestation of natural justice include judicial corruption and bias complaints, procedural delays and case backlogs, inequalities of access and resources, political interference and executive influence, and weak enforcement of administrative justice.

Judicial Corruption and Bias Complaints

Despite the realization that natural justice principles had been explicitly incorporated into Ghana's law, some of the concerned stakeholders were bound by emotive complaints regarding functional circumvention of such ideals through judicial corruption and bias. Nepotism, bribery, and political interference were rampant complaints, and the respondents posited that such actions substantially erode public trust in the impartiality of the judiciary. Although the natural justice principle insists on objectivity and fairness, some stakeholders complained that these are most often sacrificed for entrenched systemic shortcomings.

Judicial corruption and civic society informants alike saw that judicial corruption dirties specific cases and deters citizens from resorting to legal avenues of remedy. Members stated that where verdicts look fixed or available for purchase, the entire framework of justice falls under a shadow of illegitimacy. Some participants emphatically stated;

"Yes, the legislation is in place, the issue is: are they invariably enforced without exception? Not quite. Occasionally, decisions arise out of courtrooms, and you can have a feeling that they weren't technically based on the law or the facts—it's who you know or what you can pay" [P9, Private legal practitioner].

"There are times when clients indeed do show up and say, 'We lost not because our case was weak, but because we could not keep pace with the other side's contacts.' That real or perceived image is eroding public confidence in justice" [P4, Private Legal Practitioner].

These findings explain how, since Ghana's law is based on natural justice, its government's honesty is still prone to internal and external determinants. The institutions must be reformed, activity in scrutiny must be intensified, and enhanced pressure for judicial responsibility must be maintained in an attempt to avoid such credibility failures. If not, the doctrine of natural justice will be more at the mercy of those who are responsible for upholding it than otherwise.

Procedural Delays and Case Backlogs

One of the concerns that was common to all participants was the outrageous delays in the adjudication of cases, which is against the fundamentals of natural justice. The participants expressed that serial adjournments owing to over-loaded calendars, bureaucratic inefficiency, and delay usually make justice out of reach, especially for the poor and vulnerable who cannot afford to squander resources seeking lengthy legal proceedings. Most of the interviewees furthered the argument that the delayed character of adjudication postpones fiscal and financial suffering on litigants and also begets their perception that justice is indulgence of the strong or the patient, and not an inherent entitlement of all. Ratification delays of the administration of justice were perceived to be some of the greatest setbacks as concerns public faith in the law and a failure in the constitutional delivery of speedy justice. For instance, one of the respondents said;

“Postponing justice is withholding justice. I have a case that lasted for seven years, and I lost. Each time we showed up, the case was manipulated, or the judge was not available. It was costly and frustrating,” [P13, Court User].

“It is hard to make individuals believe that they would be given justice if it takes years even to pronounce a verdict. Most of them just withdraw their cases midway because they cannot keep on employing lawyers or taking leave to appear for conferences after conferences,” [P6, Human Rights Activist].

“These delays are disproportionately hard on the poor. The rich can wait out the time or impose it through their connections, but an ordinary fellow can die waiting for the court to dispose of his case. That's not justice,” [P5, member, Human rights-based NGO].

Inequalities of Access and Resources

One of the most significant restrictions on the application of natural justice identified by respondents was the ubiquity of disparity of access to legal representation. Many respondents pointed out that low-income earners, especially in rural and under-resourced communities, do not usually get access to engagement with the justice system. Prohibitive costs of litigation, inaccessibility to legal aid, and unaffordable distance to the nearest courts form cogent challenges hindering such persons from enjoying their right to a fair hearing provided in the constitution.

Respondents commented that although the legal system ensures fairness and due process, structural and economic inequalities always make such ideals in reality unattainable to most Ghanaians. One of the interviewees said;

“Northern rural residents know nothing of their rights, let alone litigate them before a court of law. Some of the communities' nearest lawyers are over two hours away from them, and the majority do not even access the court at all, not to mention foot the lawyer bill,” [P7, member, CSO].

"Ghana's justice is not blind—it knows the poor and the rich. If you are poor, you have a limited chance of obtaining justice in the aspect of good legal representation, and the procedure is too intimidating. The system serves the educated and the connected ones" [P8, Human Rights-based NGO].

Such findings constitute natural justice, guaranteed through law but not consistently realized in practice. Bridging the gap of resources—by expanding legal aid, mobile courts, and education on citizenship—was conjecturally speculated about as being indispensable to raising equality before the law. Without joint measures to create greater accessibility, principles of natural justice may be reduced to hollow platitudes for the most marginalized members of society.

Political Interference and Executive Influence

Political interference in the line of justice and executive influence on the administration of justice were some of the common grievances raised by the participants, particularly in sensitive cases against politically influential officials or individuals. The interviewees responded with an explanation of how, while judicial independence is constitutionally protected, there still needs to be unwarranted control in the hands of the executive in the dispensation of justice in adversarial cases. Participants lamented that whereas ordinary citizenry are always saddled with the full weight of the law, politically exposed individuals manage to get privileged treatment. Such an illusion of differential justice led to doubts concerning the impartiality of the judiciary to be even-handed in all cases where there is political interest.

"Even the executive branch continues to cast a long shadow over the administration of justice in politically charged cases. You most often observe delay, procedural maneuvering, or even outright withdrawals wherever a high-profile individual is involved," [P1, Retired High Court Judge].

"We have instances when government officials or opposition leaders or whistleblowers are hurried to courts, and as and when it involves a government official who has been accused, investigations are led astray or misplaced. It sends a signal that natural justice is for the weak" [P7, Member, CSO].

These cases reveal the insidiousness of political interference in the integrity of Ghana's judiciary. Even with the doctrine of natural justice in place, political manipulation can be perpetrated on it. There is an essential need to achieve real judicial independence from politics to preserve equity, neutrality, and public confidence in the courts.

Weak Enforcement of Administrative Justice

While institutions like the Commission on Human Rights and Administrative Justice (CHRAJ) are with their openness and commitment to neutrality, others were worried about the irrevocability of its recommendations. Some of the participants expressed concerns that state institutions or actors usually ignore or bypass the recommendations of CHRAJ. This erodes public confidence and credibility in the administrative justice system. The respondents argued that CHRAJ's inability to ensure compliance, particularly in the case of senior officers, betrays

its ability to implement natural justice. The lack of binding enforcement of administrative decisions robs complainants of effective remedies, most typically in abuse of office or official misconduct cases. A participant said;

"CHRAJ occasionally does good work, but of what use if ministries and agencies can simply ignore their orders? It gives the impression that some institutions are above the law" [P10, CHRAJ].

"In cases against ordinary people, the findings of CHRAJ are given the seriousness that they deserve. But where you have senior government officials, you have obstinacy, or downright refusal to act on their recommendations" [P8, human rights-based NGO].

"The Commission is like a dog that barks and cannot bite. It can question and advise, but where there is enforcement, particularly against the mighty, its hands are tied. That is what undermines its credibility" [P16, University Lecturer].

These are intended to signal the structural vulnerability of Ghana's administration of justice culture. Agencies like CHRAJ are a welcome addition to ensuring equity treatment and holding individuals in authority accountable, but they lack teeth by having no power of enforcement power. To create sufficient confidence that administrative justice standards are not just announced but significantly enforced, would involve empowering such conduits, either through legislative enactments from parliament or through judicial approval.

Implications of the Study

This study provides compelling evidence of the success and failure of the operation of natural justice in Ghana's administrative and legal systems. The findings have important policy, practice, and law reform implications. To begin with, the strong constitutional framework of natural justice and fair performance by official tribunals and institutions like CHRAJ confirms that Ghana has the machinery of the rule of law to provide neutrality and fairness. Nonetheless, the research also identifies a disturbing breakdown in implementation consistent with the existing challenges of judicial neutrality, corruption, political interference, and ineffective enforcement mechanisms.

To policymakers, the research recommends the immediate enhancement of institutional autonomy, specifically of quasi-judicial bodies like CHRAJ, by the delegation of binding enforcement powers. The research also recommends funding legal aid and outreach programs to fill access-to-justice gaps in marginalized communities like rural dwellers. For the courts, it is most important to dispel delays in proceedings and occurrences of appearance of bias are indispensable if public trust is to be restored, and to the extent that natural justice provisions are not just enshrined in law but also achieved practically.

For civil society organizations and advocacy groups, this study affirms the need for sustained public interest litigation and legal literacy campaigns to push citizens to claim their rights. The

study has to also instigate discussion among stakeholders in the justice system and legal academics regarding the imperative of having stronger mechanisms of accountability in place to cut down political interference and ensure ethical behavior by judicial officials.

Finally, while Ghana has made considerable strides in integrating the principles of natural justice into its governance system, more substantial interventions are required to bridge the gap between constitutional guarantees and practice. The research, therefore gives credence to legal as well as institutional reform that can promote furtherance of the rule of law as well as access to equitable justice.

References

- Adu-Gyamfi, E. (2014). Implications of mob justice practice among communities in Ghana. *Public Policy and Administration Research*, 4(7), 87-96.
- Afzal, M., Zaman, M. S., & Asghar, U. (2023). Unveiling the Deficiencies of Pakistan's Criminal Justice System and Their Far-Reaching Impact on Society. *Propel Journal of Academic Research*, 3(1), 424-441.
- Barnett, H. (2023). *Constitutional & administrative law* (15th ed.). London: Routledge-Cavendish
- Beqiraj, J., & Moxham, L. (2022). Reconciling the Theory and the Practice of the Rule of Law in the European Union: Measuring the Rule of Law. *Hague Journal on the Rule of Law*, 14(2), 139-164.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
- Brodsky, A. E., Buckingham, S. L., Scheibler, J. E., & Mannarini, T. (2016). Introduction to qualitative approaches. *Handbook of methodological approaches to community-based research: Qualitative, quantitative, and mixed methods*, 13-22.
- Crook, R. C. (2008). Customary justice institutions and local Alternative Dispute Resolution: What kind of protection can they offer to customary landholders? *Contesting Land and Custom in Ghana: State, Chief and the Citizen*, 131-154.
- Crook, R. C., & Asante, K. P. (2014). The State, 'Hybrid institutions' and the Provisions of More Accessible Justice in Africa: The Case of Ghana's Commission on Human Rights and Administrative Justice. *HARV. HUM. RTS. J.*, 27, 1-8.
- Dana, L. P., & Dumez, H. (2015). Qualitative research revisited: epistemology of a comprehensive approach. *International Journal of Entrepreneurship and Small Business*, 26(2), 154-170.
- Dacey, A. V. (1979). The Rule of Law: Its Nature and General Applications. In *Introduction to the Study of the Law of the Constitution* (pp. 183-205). London: Palgrave Macmillan UK.
- Hasnas, J. (2017). The myth of the rule of law. In *Anarchy and the Law* (pp. 163-192). Routledge.
- Hennink, M., & Kaiser, B. N. (2022). Sample sizes for saturation in qualitative research: A systematic review of empirical tests. *Social science & medicine*, 292, 114523.
- Ibrahim, A. L., Ibrahim, Z. O., & Ibrahim, M. S. (2024). Imperative of rule of law for the enhancement of good governance and attainment of socioeconomic and political stability in Nigeria. *Journal of Political Discourse*, 2(2), 21-32.

- Korang, D. (2015). Autrefois Convict and Autrefois Acquit in Ghanaian Criminal Jurisprudence: A Search for Relevance in the 21st Century. *JL Pol'y & Globalization*, 38, 96.
- Kumar, U., & Choudhary, P. Exploring Natural Justice: Its Evolution, Application and Implications in Contemporary Legal Systems. *Journal Global Values*, 15(1), 109 – 118.
- Kushwah, J. P., & Kushwah, S. P. S. (2024). Judicial Delays in India: Analysing the Causes and Exploring Solutions for Expedited Justice. *Research Inspiration*, 9(III), 01-14.
- Lino, D. (2018). The rule of law and the rule of empire: AV Dicey in imperial context. *The Modern Law Review*, 81(5), 739-764.
- Mehta, K. S. (2023). Finding Reason in Justice: A Study of Judicial Pronouncements on the Principle of Natural Justice. *Issue 2 Indian JL & Legal Rsch.*, 5, 1.
- Mensah, R. O. (2022). The relevance of natural justice in the decision-making processes of Public bodies and officials in Ghana. *International Journal of Law and Society*, 5(4), 371-377.
- Osei, O. (2024). Role of Judicial Independence in Ensuring Fair Trial Practices in Civil Litigation in Ghana. *American Journal of Law*, 6(3), 1-10.
- Pech, L., & Kochenov, D. (2021). Respect for the rule of law in the case law of the European Court of Justice: a casebook overview of key judgments since the Portuguese judges case. *SIEPS, Stockholm*, 3.
- Rai, N., & Thapa, B. (2015). A study on purposive sampling method in research. *Kathmandu: Kathmandu School of Law*, 5(1), 8-15.
- Ridder, H. G. (2017). The theory contribution of case study research designs. *Business research*, 10, 281-305.
- Rohila, S. (2025). Audi Alteram Partem and beyond: Natural Justice Principles in the United Kingdom and India. *LawFoyer Int'l J. Doctrinal Legal Rsch.*, 3, 123.
- Selznick, P. (2020). *Law, society, and industrial justice* (Vol. 30). Quid Pro Books.
- Tamanaha, B. Z. (2004). *On the rule of law: History, politics, theory*. Cambridge University Press.
- Webber, J. (2024). A Democracy-Friendly Theory of the Rule of Law. *Hague Journal on the Rule of Law*, 16(2), 339-374.