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# Access to Justice in an Informal Urban Settlement in Accra, Ghana

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Informal social justice—a process whereby people seek justice beyond the formal criminal justice system—is an important concept in the social sciences. Whilst informal justice such as traditional (e.g., chiefs) and religious authorities (e.g., imams) has the potential to improve justice in both urban and rural settings in developing countries due to limited opportunities to access the criminal justice system, informal social justice has received limited attention in the criminological discourse. Our main aim in this study is to identify the users of informal justice mechanisms in a major slum in Ghana's capital of Accra, where both formal and informal justice systems coexist. Using semi-structured interviews with various traditional justice actors—providers, users and witnesses—we identify slum residents' access to informal justice and a broad range of experiences associated with the use of traditional justice, such as satisfaction with the processes and outcomes, and the legitimacy conferred on such institutions. We further discuss some implications of these findings in relation to conflict resolution, gender empowerment, and the criminal justice system.

**KEY WORDS:** informal justice, traditional justice, procedural justice, access to justice, informal settlements; Accra

## INTRODUCTION

Formal justice systems in African countries are typically described as inefficient, corrupt and inaccessible to ordinary people (Crook *et al.* 2010). Although there has been a shift towards democratic governance, surveys show that the Ghanaian police are widely perceived as corrupt representatives of the formal state (Nolan-Haley 2015). As socio-economically excluded populations, residents of urban slums are particularly exposed to these barriers and as such, they are vulnerable to the potential consequences of crime and lack of justice (Bagayoko *et al.* 2016). In the past decades, aims to improve access to justice have included the revival of 'traditional' forms of dispute resolution, including, for example, chiefs' tribunals that apply customary law. Traditional justice can be considered a form of alternative dispute resolution (ADR), which includes a wide range of state and non-state actors and forms (Ntuli 2018). For example, ADR in many

African contexts can involve actors within the community such as chiefs, elders, religious leaders and NGOs, and include processes of mediation, negotiation, problem-solving, reconciliation and forgiveness (Appiagyei-Atua 2013; Nolan-Haley 2015; Price 2018). ADR is typically meant to provide an alternative to full, and often expensive, court processes; however, ADR does not replace formal justice institutions, as both formal and informal processes can co-exist (Appiagyei-Atua 2013). Scholars and practitioners argue that ADR can help reduce congestion in courts and can offer a 'cheaper, faster, and peaceful form of justice for the ordinary citizen', especially among the poor (Ibrahim *et al.* 2022: 106272). Indeed, the development and strengthening of ADR, and particularly traditional justice, is sometimes promoted as a way to increase access to justice among the poor and provide cheaper and more efficient means of resolving disputes within a community (Uwazie 2011).

However, less is known about who within these communities uses traditional justice as a form of ADR and why they opt for informal compared to formal processes. Previous research tends to focus on the implementation and legal aspects of ADR (e.g., Nolan-Haley 2015; Ubink and Mnisi Weeks 2017), and less so on user experiences. Some research suggests that traditional justice and customary law are relatively limited in providing efficient access to justice and that these institutions tend to lack principles of fairness, equality, and universal human rights (Ibrahim *et al.* 2022). For example, women tend to be excluded from or given minimal roles in traditional court processes and can often reinforce gendered power imbalances (Appiagyei-Atua 2013; Mukungu and Kamwanyah 2020; Peters and Ubink 2015). Explanations for the use of traditional justice or ADR include a lack of resources to access state justice, more efficient conflict resolution, and perceptions that informal processes are more attuned to customary or religious needs (Krakowski and Kursani 2023).

These explanations tend to contrast formal and informal justice systems, as users may seek out the latter when there are barriers to the former. Research on user experiences with formal justice systems suggests that satisfaction and support for these institutions relies on an individual's sense that they were treated with procedural justice (Akinlabi 2018; Nivette and Akoensi 2016; Tankebe 2009). That is, the extent to which they felt treated with dignity and respect, that the authority was neutral in their decision-making, that they were offered opportunities to voice their opinions, and that the authorities had trustworthy motives (Tyler and Huo 2002). Some argue that these principles are also relevant to understanding satisfaction with ADR processes (Hollander-Blumoff and Tyler 2011). One study examined to what extent users of formalized ('modern') mediation in Ghana perceived the process to be procedurally just (Nolan-Haley and Annor-Ohene 2014). Although the sample was relatively small and limited, users perceived mediation to be respectful, allowing voice, and fair. However, few participants in the sample also used customary or traditional justice, and so any comparisons between them were limited.

This study therefore has two goals: (1) explore the reasons for using informal justice among residents in an informal urban settlement in Ghana, and (2) explore how these residents perceive or experience informal justice in relation to lack of access to formal justice, efficiency concerns, customary or religious needs, and procedural justice.

## THE GHANAIAN CONTEXT

The use of informal systems of justice in sub-Saharan Africa is deeply steeped in tradition and often employed in customary dispute resolution processes to address conflicts and misunderstandings among feuding parties (Dieng 2011). Most of sub-Saharan Africa prior to colonization had this system as their sole means of justice. It mostly involves mediation among parties often led by traditional rulers (e.g., chiefs, queen mothers, clan or family heads, religious or faith-based leaders and communal leaders) who are bestowed with authority in the traditional, customary or religious

sense. In Ghana, this process relies on customary law enshrined in the 1992 constitution and therefore regulated by the traditions, customs and religion of the ethnic group or the local customs of the place where the conflict took place. This customary mediation and arbitration process often aimed at reconciliation has been designated different terminologies such as informal justice, indigenous justice, traditional justice, customary justice, customary dispute resolution and ADR.

Efforts to undermine these justice systems or abolish them entirely during colonization were unsuccessful. In Ghana, for example, despite the introduction of English common law in 1876, it retained customary laws on condition *inter alia* that they were not 'repugnant to natural justice, equity and good conscience nor incompatible either directly or by necessary implication with any enactment of the Colonial Legislature' (Supreme Court Ordinance, section 19, 1876). To date, these systems of justice administration exist alongside the formal legal or justice system in Ghana and other sub-Saharan countries. Despite some identified difficulties of traditional justice systems, such as the cost, lack of fairness, criminal cases (e.g. rape and murder) being adjudicated, bias, enforcement difficulties and some negative attitudes towards the judiciary and traditional processes (Appiah 2013), they remain popular mainly due to their inquisitorial and restorative approach (Appiah 2013).

It is important to note that, since 2005, the court system in Ghana has introduced court-connected ADR, where the formal legal system, with the consent of litigants, allows mediation outside the court process and enters the agreement as judgement of the court in both civil and minor criminal cases such as assault, property damage, defamation, threat of harm, unlawful entry, landlord-tenant disputes among others (Crook *et al.* 2010). The court-connected ADR therefore enables local customs and traditions to play a role in the formal legal system. In this study, however, we use the term traditional justice to refer to the formerly described process; that is, mediation and arbitration following customary and religious traditions that exist independently of the formal court system involving community leaders such as elders, chiefs and religious leaders, including Imams or Mallams, rather than formal courts. Traditional justice has reconciliation, restoration and peaceful community harmony as its core pillars.

In addition, despite the different access to justice routes for civil and criminal cases in Ghana, challenges in accessing formal justice remain similar with legal system bottlenecks (i.e. delays, corruption and low settlement rates). As a consequence, traditional justice systems, which do not distinguish between civil and criminal cases, may be seen as an attractive alternative. Traditional justice systems in Ghana share similar aims with court-mandated ADR via an 'appeal to "make peace" and achieve reconciliation between the parties which would reduce the hostility and tension which existed between them' (Crook 2012: 12) irrespective of the nature of the case, be it civil or criminal.

## WHY PEOPLE USE TRADITIONAL JUSTICE

There are three prominent explanations for the use of traditional justice. The first is that individuals turn to these options when they lack resources to access state justice (Isser *et al.* 2009; Krakowski and Kursani 2023; Sandefur and Siddiqi 2013). One common criticism of formal justice procedures is that they can be expensive (Nolan-Haley 2015; van der Bank and van der Bank 2017). In a study among users of informal justice in Liberia, residents reported that use of the formal system required 'a bewildering array of fees' including registration fees, lawyers' fees, bribes and other indirect costs such as transportation (Isser *et al.* 2009: 3). Individuals may also lack the knowledge necessary to navigate and understand the formal legal rules and processes (Home 2020; Krakowski and Kursani 2023).

Second, individuals may turn to traditional justice when they believe that state justice is inefficient and/or untrustworthy (Krakowski and Kursani 2023; Nolan-Haley 2015; van der Bank

and van der Bank 2017). Traditional justice systems are often less bureaucratic, less overloaded with cases, and more flexible compared to formal institutions (Nolan-Haley 2015). Informal authorities also often have an interest in resolving a dispute in a timely manner in order to avoid further conflict within the community (Krakowski and Kursani 2023). Research from Liberia and Ghana shows that participants do perceive informal processes as faster (Isser *et al.* 2009); however, the enforcement of the resolution may take more time (Ibrahim *et al.* 2022). Although relatively sparse, existing research suggests that those who use traditional justice processes do tend to mistrust formal justice agents and institutions (Isser *et al.* 2009; Krakowski and Kursani 2023).

Third, traditional justice may be more attractive when individuals perceive that customary and state justice processes conflict (Krakowski and Kursani 2023). That is, customary or traditional courts provide individuals with opportunities to settle disputes according to their moral, ethnic, or religious value systems. Individuals may also opt for these ADR processes because they tend to resemble traditional methods of conflict resolution, including mediation, consensus-building and negotiation (Ntuli 2018). However, in adhering to customary or traditional values, these institutions can also reinforce gender inequality and other unequal power structures within the community (Appiagyei-Atua 2013; Dunn 2017; Mukungu and Kamwanyah 2020; Peters and Ubink 2015; Ubink 2018). For example, in a study on traditional courts in Namibia, women felt that they often did not have the same knowledge and bargaining power as men, and there were few female councillors involved in the process (Peters and Ubink 2015).

Existing studies on legal pluralism in Ghana have explored the role of traditional justice in conflict resolutions among Chiefs/Kings as well as the role of Malamai in the application of Muslim family law (Issaka-Toure 2020; Tseer *et al.* 2025). This study builds on and expands existing scholarship by exploring people's perceptions and experiences of using traditional justice practices in an informal urban settlement, thereby improving our understanding of when and why traditional options are sought out (or not) by residents in resolving different disputes within the community.

## SETTING THE SCENE: NIMA

Nima is an informal urban settlement that is located in the heart of Ghana's capital, Accra. It is overpopulated, poor and dominated by migrants. Known as a supermax 'zongo', a clustering of migrants from mainly Northern Ghana and other parts of Africa with Islam as the prevailing religion, the population of residents is very diverse and has courted academic scrutiny in recent years. Ethnic identity and belonging constitute prominent markers among Nima residents, although residents state that they view other ethnicities quite favourably. In her analysis of 186 structured interviews with Nima residents, Kuppens (2013: 9) found that 'Nima residents view other ethnic groups as positive (65.4%) or even very positive (18.9%)'. The same trend regarding ethnicity applies to religion despite the dominance of Islam (Kuppens 2013). Despite household dwellings and settlements clustering by religion among Muslims and Christians, interviewees perceived religious interactions and religious tolerance to be high in Nima (Kuppens 2013). The poor living conditions in the community reflect their lower socio-economic status: only a handful of residents have some educational qualifications, typically senior secondary school education, are mainly employed in the informal sector of Ghana's economy working as traders (e.g., selling food, hardware), while others work in artisanal professions (e.g., hairdressers, technicians) (Kuppens 2013; Owusu *et al.* 2008). However, Nima is also notorious for harbouring criminals engaged in property crime, violence and fraud, and known to record a greater proportion of crimes reported in the Greater Accra region (Appiahene-Gyamfi 2003; Owusu *et al.* 2008). In January

2022, serious violent crime involving the use of firearms among feuding parties was reported in Nima, although no deaths were recorded ([Ghanaweb 2022](https://www.ghanaweb.com/GW/News/2022/07/20/2022-serious-violent-crime-involving-the-use-of-firearms-among-feuding-parties-was-reported-in-Nima)).

## METHODOLOGY

The data for this study are derived from semi-structured interviews with residents of Nima, a large informal urban settlement in the capital city of Ghana, Accra. The interviews were conducted in the summer of 2015. In total, 92 individual semi-structured interviews were conducted with residents of Nima who were mostly seeking redress for disputes at Islamic centres and the residences of various tribal chiefs. The caseload of these religious and tribal centres for resolving conflicts included marital disputes (e.g. divorce), family rights (e.g. child custody and maintenance), domestic violence (e.g. wife-beating), financial fraud, theft, armed robbery, assault, inheritance, family disputes (e.g. property and finance), debts and various misunderstandings with neighbours and landlords. Nima residents in the market centres, their homes, and on the streets were also interviewed. We employed mainly opportunistic and snowball sampling to identify participants (72 men and 20 women) composed of priests/mullahs ( $n=5$ ), tribal or ethnic chiefs ( $n=15$ ), community elders ( $n=9$ ), youth leaders ( $n=2$ ), market women and shop keepers ( $n=5$ ), student ( $n=1$ ), cleaner/househelp ( $n=1$ ), security man ( $n=1$ ), school administrator or teacher ( $n=2$ ) and six staff of an Islamic Centre. The majority of participants were Muslims ( $n=84$ ), followed by a minority of Christians ( $n=7$ ), and one individual with no religious affiliation. Whilst 67 participants were married, 23 were single, and 2 were divorced. On participants' education, whilst 15 had no formal education, 5 had non-formal education in Arabic, 24 had obtained primary education up to junior secondary school level, 28 had completed senior secondary school, 3 had post-secondary school qualifications and 17 had university degrees or equivalent. Participants played various roles in the traditional justice system: there were 36 service users, 34 service providers, 17 witnesses and 5 participants who have utilized traditional justice services and provided services to others simultaneously. Following assurances of confidentiality, 90 interviews were tape recorded and handwritten notes were taken on two occasions. The interviews were conducted by a team of research assistants in the local languages predominantly spoken in Nima: Hausa (38), English (35), Twi (17), Ga (1) and Ewe (1) following an interview guide developed in English and translated professionally into the various languages. The majority of interviews took place at the participants' residences, with a limited number conducted at their workplaces.

The interviewers' abilities to communicate with participants in their native dialects facilitated rapport and trust building with participants enabling sensitive issues (e.g., marital neglect) to be discussed. Individuals who agreed to participate were generally enthused that researchers were interested in their way of life in this large informal urban community and shared their opinion about issues of justice and well-being in their community.

The data were transcribed verbatim in the interviewed local language and then directly translated into English (back-to-back translations). The data were then imported into NVIVO (version 1.7.1). The interviews were analysed following a thematic approach enabling themes to emerge directly from the data. Prior to our analyses, we expected themes to cluster around residents' dissatisfaction with the criminal justice system (police and the courts) mainly due to corruption, support for traditional justice processes, service providers' ability to enforce their decisions and fair treatment. We also expected to see more criminal cases diverted from the formal justice system to informal justice systems. What we discovered were themes supportive of both traditional and formal justice systems simultaneously, thus coding was adapted accordingly. Support for traditional justice was mainly anchored on religious and ethnic affiliations, poor enforcement capabilities of service providers, and service providers utilizing enforcement capabilities of formal justice systems to address their inability to enforce decisions or outcomes.

## MAIN ARGUMENT

Residents of this informal urban settlement in Accra indicated that they were active players in their search for justice or solutions to their disputes or conflicts. Using their knowledge of various institutions, these residents made decisions that placed faith in traditional justice systems to provide appropriate solutions for their problems. The justice system was mainly traditional (headed by elders and tribal chiefs) and religious (priests/mullahs) in orientation.

### State limitation and efficiency explanations

Perceived and actual corruption in the criminal justice system is high in Ghana, particularly among the police and judiciary (Amagnya 2022; Osse and Asiamah 2020; Transparency International 2019). During fieldwork, an investigative journalist had uncovered corrupt activities via undercover filming in Ghana's judiciary with judges receiving bribes and demanding sexual favours to influence judgement. The undercover filming was compiled into a documentary series ('Ghana in the eyes of God; Epic of Injustice') and made available at public viewings in selected conference venues across the country. This investigation led to the suspension of several lower- and high-court judges and court officials from Ghana's judiciary (BBC 2015). Participants alluded to their lack of trust in the court system owing mainly to the said documentary:

The [traditional] justice system is good. They should maintain it. Only some [little] things that they can polish it well. That is good. Look at what is happening in court right now [corruption of judges]. It makes people don't have the trust of the justice system. (TJ80, Service user)

Attempts at addressing police corruption by increasing their salaries have proved unsuccessful (Foltz and Opoku-Agyemang 2015). Participants' perceptions and actual experience of police and judicial corruption drove these Nima residents to use traditional justice mechanisms, which they perceived as devoid of corruption. One female participant recounts her experiences:

The reason why we don't go to the police station is that, me for instance, nothing will let me go to the police station because the CID [criminal investigations department] take bribe [and] those at the police counter who will first listen to you. The day that the case will be summoned in court, I'd have to hire a lawyer and have to pay for the services of the lawyer. After paying, maybe the case will not go in my favour. So as for the [formal justice system], the person who has money has his day in court; the one who doesn't have money doesn't have a case and would lose. So as for me, I know in many ways that when they [traditional justice] quote the Quran or Bible, that will bring understanding to my issue. (TJ26, Service user)

She goes on further to recount her ordeal at the police station:

I pray that God doesn't let me have a case at [the] police station because I've been there once and was unhappy with my experience there, and I don't want to have any experience of that sort again. (TJ26, Service user)

It was not surprising that participants who had direct encounters with the formal justice system were unsatisfied with their experience. Participants' experiences of corruption with the formal justice agencies are in line with previous research that shows that Ghanaians who reported vicarious experiences of police corruption found the police untrustworthy, ineffective, and less likely to treat them with fairness (Tankebe 2010).

Delays in the administration of justice and bureaucracy were other reasons why participants chose to use traditional justice. Some participants claimed that the traditional justice systems were more expeditious compared to formal courts.

Usually the traditional one is fast track unlike the court where they will say go and come, go and come, but the traditional when you go one day, they solve it amicably. (TJ70, Service user)

Participants recognized that delays in justice delivery were not only found in formal systems but extended to traditional justice as well. Traditional justice delays were often dictated by the type of case, litigants' response to summons and logistical issues such as the distance from the party's residence to the venue. However, the extent of delays associated with traditional justice was perceived as shorter when compared to the formal justice system.

There are some cases that you can judge instantly and there are some cases you can judge for a long time. But mostly we don't like long time judgment because it causes a lot of problems. ... when you extend the time of judgment you are making people have bad advice which can escalate [into] more trouble but when they come and then you are able to solve the problem within a short time you are also free, the culprits are also free. You make peace so that you all will have peace and then peace is definitely like fast judgment. (TJ64, Service provider)

In Ghana, although the judicial service aims to resolve cases within 6 months upon first hearing or commencement, research shows that about 70 percent of cases were solved after this period with some cases taking up to three years to resolve. The introduction of specialized fast-track courts, which were fitted with wireless technology to enable automated transcription of court proceedings, has been unsuccessful ([The World Bank 2010](#)).

Financial constraint was another barrier cited by participants for accessing formal justice systems. Like their counterparts in Liberia who preferred informal justice avenues due to costs associated with the formal justice system ([Isser et al. 2009](#)), participants found the services of lawyers and legal fees expensive and beyond their reach. This made going to court for litigation unappealing. Besides legal fees, participants mentioned that other forms of illicit fees demanded by the judicial staff and sometimes suggested by lawyers provided another layer of prohibition.

Right now before you take your case to the court, before you register the case itself, you will pay a whole lot of money. They will collect money from you, everything they want money. Unlike this one [traditional justice] you will go and report the case, nothing will be taken from you. They just want peace to prevail in the area. (TJ70, Service provider)

Traditional justice systems by contrast mostly involve negligible fees, which were often waived for people who could not afford them. They were also located within walking distance in the community and did not pose further financial constraints involving transport costs. A female participant recounts that:

One, if you take your case to the police, you will spend. Whenever you are making a case with the person too [you] will also spend. So monetary wise and financially there is one [problem] there. (TJ64, Service user)

Participants discussed how difficulties with formal avenues of justice made traditional justice systems popular in the Nima community. In terms of reputation, many participants had more positive perceptions of traditional justice systems in the community when compared to the formal state mechanisms (see [Appiah 2013](#)). Thus, traditional justice was a common alternative to

consider for addressing conflict and disputes among participants. Participants emphasized that resorting to formal justice systems for addressing domestic or family issues was not popular and attracted negative comments from some sections of the community. As a result, some residents claimed that, to foster peaceful coexistence at home and in the community, traditional justice systems must always be considered:

People are aware [of formal justice avenues]. People do know but you know it's like if you have an issue with your husband and you take him to WAJU [Women and Juvenile Unit of the Police Service], the perception that come into people's mind is she has taken her husband to court; she has made the police arrest her husband or she has made them arrest his brother because of the property that their parents left behind and stuff. People do know about it but they think first [that] resorting to our traditional justice system is the best. (TJ15, Service user)

### Cultural considerations

Participants cited their familiarity with the protocol of traditional justice systems as an important pull factor. Traditional justice providers were known and familiar to inhabitants of the community. These providers lived in the community and shared common values in tradition, culture and religion. One respondent indicated that 'the Imams lead prayers on Fridays and we interact with them'. The people in disputes were also familiar with each other and perceived that using traditional approaches would yield the best outcomes for all concerned.

More often, the valued outcome that was expected for participants was reconciliation and harmony rather than the punitive sanctions or the 'winner takes all' verdicts common in formal justice institutions (see Appiah 2013). Participants emphasized the need for harmony following dispute settlement. However, should issues be resolved using formal criminal justice alternatives, this harmony was not guaranteed following the delivery of the verdict: 'To me, settling cases at home and among ourselves is far better for harmonious relationship afterwards than cases settled by the police or law courts' (Service user). Participants further stressed truth telling and forgiveness as an important process in promoting reconciliation and peace in the family and community using traditional justice approaches. Participants from all categories emphasized the importance of these features.

We should make sure that the one who is telling truth will be told he is right. And if people are begging you to forgive it is because we have realized that you are right so if deep within you, you can forgive you have to do that. We have to forgive each other so that we can live together in peace. Whatever problem you have and a leader comes in to settle it, we have to listen to it so that we, as individuals will live in peace, our community will be peaceful and then our nation will be in peace. When that happens, whatever we do, will be done in a peaceful manner. (TJ92, Service user)

They [the courts] don't care about what happens between the litigants afterwards. In the end, they will come home and sit there as enemies forever. But when you come to the chiefs, after the verdict they will sit with the litigants and plead with them and that they should forgive each other and live a normal life like they used to because we are all Muslims and that we shouldn't see each other as enemies. When you go to court after the judgment, they don't care whether you will continue as friends or enemies but that does not happen when you come here. A Muslim must not make an enemy of a fellow Muslim. (TJ61, Service provider)

For these participants, the value of traditional justice aligned with their religious and cultural beliefs that promoted living peaceably with neighbours (see Krakowski and Kursani 2023). Indeed, they perceived that this conciliatory and non-adversarial approach to conflict management differed substantially from the 'winner takes all' approach which can create tension and

estrangement and breed revenge, threatening group cohesion' often associated with formal systems of justice (International Development Law Organization [IDLO] 2019b: 13).

### *Domain specificity*

Respondents expressed that their own cultural and ethnic identities were important considerations for choosing traditional justice mechanisms over formal court and criminal justice processes. Within this domain, several participants emphasized that issues stemming from the family demanded that traditional approaches should be the first choice for resolution. When this avenue was unable to provide a satisfactory outcome, then alternative processes were considered. Thus, using traditional systems of justice was akin to 'simply following your tradition' (Service User). The preference for traditional justice mechanisms in addressing disputes in the community was echoed by participants.

As for me, I think what they are doing is good. This is because when conflicts arise, when you're unable to deal with it [using traditional means], that is when you report to the police. So far as it can be solved and there can be peace at home, and the feuding parties can forget that such an incident happened, as for me, I don't think there is anything that is to be changed about this process. (TJ57, Service user)

Well, when it comes to tradition [informal justice], let me say every tribe has its own tradition and every tribe has its own chief. So if that is the case when you have any issue whether good or bad you have to look for your tribal chief so that he will come in and help you resolve the issue so that peace will prevail. (TJ63, Service provider)

These extracts show that participants initially consider traditional justice interventions when conflicts arise, followed by other alternative formal considerations when traditional justice considerations are insufficient to address the needs of the community or litigants. The latter extract also emphasizes that domain specificity plays an important role by motivating litigants to participate in a justice process that aligned with the customs of their tribal or ethnic group. Indeed, during fieldwork, we learned that almost all the major tribes in the Nima area had their tribal chiefs who helped to address disputes and conflicts reported to them by members of their tribe. Domain specificity was therefore an essential means of sustaining traditional justice as a reliable avenue (see Bell 2016).

### *Religious imperative*

Preferences for traditional justice were not limited to cultural traditions but were also underpinned by participants' religious considerations. Muslim participants in particular emphasized the need to consider Islamic avenues of dispute and conflict resolution before formal or alternative considerations. Non-Muslims participants did not subscribe to this view. Indeed, their reasoning was that enabling Imams or Mallams to find solutions to conflicts and disputes was akin to an Islamic requirement. Some expressed that it was not enough to only present one's case to Mullahs for redress but to also comply with the resolution proffered by the leaders and follow the dictates of the Quran and Hadith:

As I said, pertaining to people living in this area, especially the Zongo Communities, they think this [traditional justice] is for them. They've left the Judiciary system for the Christians and they think when it comes to handling their case, they should seek redress at the [Mosque] and mostly people come here due to petty theft, armed robbery and marital issues and mostly inheritance. Other people try to seize their deceased brother's inheritance because the children don't have anybody to stand up for them. So, most of the cases we receive here are mainly due to two things. The marital issues, inheritance and other matters. (TJ28, Service provider)

When it came to the issue of inheritance, which is cited as one of the dominant cases for which participants sought redress, participants (both service users and providers) agreed that formal justice mechanisms were inadequate in addressing Muslim family issues. This issue has been traced to the colonial narrative that Islamic law is not native to Ghana. The enactment of the Marriage of Mohammedans Ordinance (MMO) in 1907 by the British colonial administration provided for the registration of Muslim marriages and divorces, as well as the application of Islamic inheritance rules to marriages registered under the ordinance. However, due to several practical limitations, it was not possible for many Islamic marriages to be registered under the ordinance. Indeed, research shows that only a limited number of Muslim marriages have been registered in Ghana and are often limited to educated, rich Muslims who travel or have business abroad (Sezgin 2023). When their marriages were not registered under the MMO, Muslims were instead subject to Ghana's inheritance law. The inheritance law is considered unsatisfactory to Muslims because it does not take into account Islamic traditions (Sezgin 2023; see also for a detailed discussion of Muslim marriages and inheritance issues in Ghana).

Thus, Muslim participants—service users, service providers and witnesses—felt legally sequestered from the formal court systems regarding marital and family issues. For some participants, as a Muslim, their first option for their grievance was at a venue where Islamic laws and principles could be applied. Besides the need for Muslims to have their issues addressed following the dictates of Islam, participants perceived that resorting to alternative and mostly formal avenues of justice connotes disrespect and disregard for the Islamic religion:

Yes, the reason why we want this place is that the Islamic laws and the normal law court are not the same. They are different. And if you say you are a Muslim you don't have to use the court system to settle your grievances because it is not right. Let us take an issue of inheritance. When you go deep into it, the way the religion shared the property of the deceased is not the same as the way the court will share it. So if you take your case to court you have gone against your Quran, the sayings and deeds of the prophet and your personal faith. That is why we don't go to court. (TJ29, Service user)

Such disputes were not only related to family issues but extended beyond, as depicted in this female service user's experience:

When I saw the way they were handling the case at the Imam's house, I said no. So someone advised me to come here. I am ready to go to court but I am not rushing yet. I have to exhaust the Islamic way first and know what the Quran says on this. If the person doesn't accept it, then we can go to court. And we will swear at the place. We were told that we can't swear at the [Imam's house]. But if you know you are telling the truth, why must you fear swearing? But they say we shouldn't swear, so I said okay. That is why I brought the case here. (TJ42)

The role of the supernatural and faith was considered important when it came to the swearing of oaths in Islam. Several participants perceived that there were spiritual consequences for the individual who swore and told lies after taking an Oath, as they were guaranteed a place in hell in the afterlife. Oath-taking was perceived as a deterrent based on the rules set out in the Quran. Participants emphasized that their belief in the Prophet Muhammed was central to using traditional avenues because they utilized the Quran to determine the outcome of the case reported. The recital and interpretation of passages from the Quran, along with cautionary advice from Islamic religious leaders on issues such as forgiveness, marital life, divorce and inheritance, were considered pivotal in the conflict resolution process and the acceptance of the outcome by litigants.

A female service user recounted her experience with the Quran in traditional justice case settlement:

They look into the Quran; they don't say anything just like that. They look into the Quran and see what the Lord says before settling the issue. When you come here, they listen to both parties before they look inside the Quran and tell us the teachings of Islam. (TJ06, Service User)

Indeed, the centrality of the Quran was so important that tribal/ethnic chiefs who were Muslims incorporated Quranic recitals and interpretations when arriving at verdicts. Sometimes these chiefs invited Imams and Mullahs to be part of the panel of elders to decide on specific cases reported. The following interaction between a tribal chief [TJ82] and the interviewer illustrates this point:

**Chief:** [...] It depends on the matter that was brought to us, then I will request an Imam to explain some verse of the Quran to them.

**Interviewer:** so that is why you invite some imams?

**Chief:** Yes, that is why we give the Imams the title of Alkali, which means 'judge'.

**Interviewer:** So that person will rule?

**Chief:** He leads us to do justice.

**Interviewer:** So, all that you do, the laws are rooted in the Quran?

**Chief:** [Yes] Quran.

The above interaction shows the flexibility and autonomy Chiefs have in determining the role of the Quran and Imams in resolving disputes. Chiefs reported that the Quran was not a constant feature but was introduced when necessary to help address specific issues or cases. Domain specificity and religious imperative were key considerations in enhancing the acceptability of decisions by several participants and the legitimacy of traditional justice (Tseer *et al.* 2025).

### *Establishing the truth*

According to the participants, the Quran helped uncover the truth due to the reverence Muslims attach to it. Indeed, uncovering the truth was a significant theme that emerged in our analyses as a reason why participants initially resorted to traditional justice systems. It appeared that emphasis was placed on establishing the truth—the true facts—as a means of reaching a compromise or resolution and helping participants to get closure for whatever case was reported: 'the elders will look into your case and make sure that the truth is put where it should be and when that is done everyone involved in it will be happy because they have trust in the elders' (Service user). For some Muslim service providers, especially religious heads, basing their judgement on the Quran enabled them to remove any form of personal judgement of people's behaviour from the process. Thus, when the Imam uncovered wrongdoing, it was not the Imam saying that you were wrong, but it was the Quran saying so:

Yes, you know as I said we go according to the principles of Islam ... So what the Quran says is what we are going to base on. So if it goes against you, then you know that you didn't act based on what the Quran has said. (TJ16, Service provider)

Establishing the truth was important not only for the service providers (elders, Imams, leaders, etc.) but also for participants in the conflict resolution process. Participants believed that these providers would also establish the truth (by being objective and not exhibiting any form of bias) by, for instance, openly acknowledging who was right and wrong as part of the resolution process. A female service user shares her experience with the truth:

Here they speak the truth. If anybody says they are not truthful, it's a lie. If you have a case, they will tell you; if you don't have a case too, they will tell you ... it has so much importance. If you come here and your husband is at fault, they will tell him and if you the lady too are to be blamed, they will tell you, then they settle it. That's why we come here. (TJ42, Service User)

In the eyes of participants, the truth was perceived as an essential feature that upheld the traditional justice systems, which also conferred legitimacy on the process. The integrity, intentions and motives of judges (Imams, elders, chiefs, etc.) were therefore central to attaining truth, enacting justice for litigants and enhancing the overall legitimacy of traditional justice (see also Siever and Tyler 2014). Seeking truth in African traditional justice systems is central to resolving conflict, as it focuses on uncovering the root causes of harm and fostering understanding. It enables the acknowledgement of responsibility and remorse, which are essential for reconciliation and the restoration of relationships within the community (Crook 2012; Metekia 2025).

### Procedural justice

Research on procedural justice shows that people are not only interested in the outcomes of decisions taken by authority figures but also in how these authority figures or justice institutions treat them (Lind and Tyler 1988). We found that Nima residents' satisfaction with traditional justice outlets of conflict resolution was also based on their experiences and perceptions of how traditional justice authority figures treated them. Some service users reported that when they initially reported their case to the elders, even when they were very angry, the authority figures had a way of speaking to them politely that helped them calm down and participate fully in the process. This made several participants feel that they were treated fairly, with dignity and with respect. Participants indicated that even when an individual was in the wrong during deliberations or the outcome identified the culprit, the elders did not scold the individual but had a way of speaking to the individual so that they would accept the outcome or verdict. They also believed that the process of summoning an individual, ensuring both parties were present before the case was heard, was evidence of fairness.

I went there on the first day with extreme anger but due to how they spoke to me and the kind of advice they gave, when I was leaving the centre, I felt sober and I felt okay, though they have not finished with my case but I feel better so it has made me appreciate the work they do. (TJ42, Service user).

Besides fair treatment, female service users felt that they had a say in the process. They had the opportunity to voice their concerns and explain their situation in a language that the elders could understand. They could ask for explanations if they did not understand anything: 'If there is anything that I don't understand, I'll ask' (Service User). For some females, they were able to negotiate outcomes or make bargains as part of the justice process:

One of the people at [the premises] happens to be my father-in-law's friend; ... who is now deceased. He handled the case and I was happy about it. And also even before the case I didn't know him much but I used to listen to him or even watch him on television. But I have been a

Sunni for a long time and I like them. And they did settle the case very well. It was the girl who made them cut the case short. And that they shouldn't prolong it. She left the husband because of child-birth. She had six miscarriages when she was with him. (TJ48)

Neutrality was another important procedural justice theme to emerge in our analysis. The traditional and religious authorities mainly emphasized this theme as an essential characteristic of the justice process. Service providers believed that maintaining neutrality enabled them to deliver a fair and acceptable verdict. One male witness observed that:

Maybe some people feel they are safe. That is where they get their justice. They want somebody at the top to listen to them. That is where they go but that place look more like a neutral ground for them so that they will then begin to look at the issue patiently without looking at the man or the woman's side. They will say it as it is based on what they also see in the Quran. (JT40, Witness)

Whilst some service providers recognized potential conflict of interest situations and recused themselves from the process in order to avoid potential bias, others did not. Some service users encountered situations where they felt that judgements and authorities were biased against them or that efforts were not made to address potential conflicts of interest. The account of a male witness stood out:

Let me give an example. It has to do with my lady friend's issue. When they went there she reported her husband to them and that he is not taking good care of her so she wants a divorce because she is fed up. So, they went into the case and they came to a conclusion that they need to be separated. So they did all the paperwork and all that needs to be done, because even in Islam, before you divorce someone, there should be some paperwork. So they did justice to the case, but after that, one of the Imams who deliberated on the case wanted the lady, which is wrong. You understand? So you see if they were right in separating them, in the first place, it is wrong for one of them to approach the lady again. So the justice you did in the first place is no more justice because I see it as you wanted to separate them so that you will go for her. That is why I said sometimes they do justice but sometimes too, they don't do justice. (TJ47, Witness)

Despite the difficulties with biased rulings and conflicts of interest, most service providers emphasized that staying neutral was an important means of building trust in the community. Trust in institutions has, in turn, been found to be strongly related to people's willingness or obligations to comply with decisions (Hough *et al.* 2014). Participants' engagement with traditional justice institutions and their willingness to accept their decisions was a strong indication of their trust in these institutions, as shown in the following extract with a female service user [TJ27]:

**Interviewer:** Were you okay with the outcome? Were you satisfied?

**Participant:** Yes, I'm okay with it.

**Interviewer:** Were you also willing to accept the outcome even as you earlier stated that sometimes you get disappointed? Were you willing to accept the outcome whether it's in your favour or not?

**Participant:** Yes, I am willing because I believe in them and have trust in them that everything they say here is for my benefit.

These features of procedural justice—treatment with respect, neutrality, voice and trust—identified in our study were perceived by participants as important to legitimizing traditional justice systems (Nivette and Akoensi 2016; Tyler 2003). The finding further aligns with previous studies that identified these procedural justice features, that is, respect, voice and fair treatment, as important satisfaction considerations in formal mediation processes in Ghana (Nolan-Haley and Annor-Ohene 2014).

### Enforcing judgement or verdict

Being able to make informed choices was important to most participants as this gave them a feeling of ownership and control over the process. This was especially important for female participants who often sought to have their voice heard in marital relationships. They were able to demand divorce, make input into the terms of the Iddah (mandatory 3-month period of confinement between the couple before divorce) and the terms of the divorce, typically with alimony. The active agency of female Muslims in defining their marital lives and divorce processes via traditional justice has been well documented in Africa (see Bouland 2020). However, one's ability to make demands and negotiate did not guarantee that they would be granted. Even when they were granted, female participants reported that defendants, mostly men, were unwilling to comply, leaving them frustrated. A female and male service user recounted their experiences:

When a woman brings her issue like dispute between husband and wife with children, the children's up-keeping [maintenance] money and their hospital bills is what is important to me because they don't take any action about that. They accept whatever the man brings, like two or three children and the man brings GHC50[£3.50], they will take it and put it down, sometimes they would ask the man to bring a specific amount, he wouldn't bring it for 2–5 months and the woman will be going up and down till she gets tired of it and doesn't return to the centre. That is my biggest worry. (TJ24, Service User)

So when they granted them the divorce, they asked the man how much he will be able to give the child as feeding fee a day, because they were having a child. He said he will be able to give the child GHC1[£0.07] a day. Imagine. So they told him that even in a typical village, GHC1 cannot do anything to a child between the hours of six and twelve how much more here in Accra? So in the end, he said what he can afford is GHC2[£0.13], and frankly speaking, I was not happy. So they told him that the minimum he should pay is GHC5[£0.35] and he paid only for one month and stopped paying [altogether]. And when we called him, he said business is not good and that was it. So when we went back, they told us that they will write a letter for us to take him to WAJU [police division] for them to take over the case. So I think sometimes it is a waste of time. (TJ10, Service User)

As the quotes indicate, although female plaintiffs have their voices heard and judgement given, women were often dependent on their defendant husbands or partners to implement the judgement. Some female service users reported that this can also be very stressful, especially in cases where defendants' welfare is at stake concerning maintenance allowances for themselves and/or their children.

Traditional rulers also felt frustrated when they were unable to enforce their judgement as they relied on the voluntary compliance of litigants. Sometimes, traditional authorities resorted to threats of referral and actual referrals to criminal justice agencies such as the Family Tribunal court or the Women and Juvenile Unit (WAJU), now known as the Domestic Violence and Victim

Support Unit (DOVVSU), of the Ghana Police Service for resolution. One male participant shared his experience:

They enforce their ruling but sometimes we don't have a way to enforce it. They make me go and serve the person. When I serve the person and the person doesn't come and the wife comes back to complain that the man is still molesting and maltreating her, then Sheikh will say there is nothing we can do because at least the person should have come for them to sit on the case. So in the end he will ask us to refer the case and they will call the administrator and ask him to refer the case to family tribunal so that the person will go there and answer. (TJ14, Service User and Provider)

In a particular interview, one service provider openly admitted that their inability to enforce decisions was the main weakness of the traditional justice system, which they did not have the power or authority to resolve.

One of the weaknesses is that, it's a voluntary [process] ... you submitting to the adjudication is a voluntary act so one is not compelled. So we can pass judgment but we cannot enforce the judgment. This is one of the weaknesses here because there are certain situations in which some people have become recalcitrant, so they even sometimes refuse invitations even when they are given. (TJ29, Service provider)

General enforcement difficulties including delayed enforcement of decisions in traditional justice systems have been well-documented in the literature (e.g., [Appiah 2013](#)).

## DISCUSSION

Access to justice is a universal right enshrined in the United Nations sustainable development Goal 16. However, less is known about how people actively make decisions about which forms of justice they choose to access. We found that participants often expressed satisfaction with traditional informal institutions of justice, which were mainly anchored on state limitations and cultural explanations. These findings speak to residents' agency and autonomy in seeking justice from avenues that were perceived to provide the best solutions to their problems or grievances.

Although our findings reveal a complex interplay between cultural/religious values of participants and legitimacy, it appears that access and participation in the traditional justice system were overall driven by participants' religious and cultural beliefs. These beliefs influenced their perceptions of fairness, acceptance of decisions and institutional legitimacy of the traditional justice system. This form of legitimization is more in line with [Weber's \(1978\)](#) model of traditional authority, which is rooted in tradition, conventions and loyalty, rather than based on rational-legal authority, embedded in normative assessments of the procedures, decisions and fairness (e.g. [Tyler 2003](#); [Tyler and Huo 2002](#)). Traditional legitimacy relies on norms that are considered sacred, backed by religious beliefs and sanctions, and compliance arises based on these beliefs in established customs and norms ([Matheson 1987](#)). This is visible in the participants' emphasis on following the Quran and the belief that these customary processes will reveal the truth and lead to a peaceful resolution.

These established norms about traditional justice, by extension, also influenced participants' perceptions and use of formal justice systems. For example, some expressed that traditional methods were preferred following custom or religion, and that formal systems should be used only after these avenues were exhausted. This means that, in the lives of our participants, it was not possible to separate traditional and rational-legal methods of legitimization. That is, traditional

forms of legitimacy were not only relevant for traditional justice, and vice versa. Legitimation of authorities in this context appeared to draw from personal, customary and procedural aspects. For example, even when discussing the concept of neutrality, key to procedural justice, some participants expressed that neutrality was rooted in following the Quran, not legal rules. This may mean that more quantitative measurements of police and legal legitimacy that focus on procedural justice or effectiveness in these contexts may be missing important traditional, and perhaps even charismatic, sources of legitimacy. In other words, where traditional justice and legal pluralism are prevalent, the legitimization of formal and traditional authorities can be closely intertwined, and so measuring only procedural justice or instrumental sources of legitimacy may lead to an incomplete picture of the sources of legitimization in these contexts. More quantitative and qualitative research in Ghanaian and similar contexts is necessary to identify and understand how residents legitimate and interact with different (state and traditional) authorities.

In our sample, traditional justice was dominated by men as service providers, while women were also the most frequent service users who used these services to address mostly marital issues, similar to observations by [Issaka-Toure \(2020\)](#). Indeed, marital issues dominated the caseload of service providers although criminal cases were also reported. In doing so, women were able to exercise their agency in a context, which was primarily dominated by men ([Peters and Ubink 2015](#)). Exercising that agency, however, did not guarantee that their problems were addressed, often because traditional authorities were unable to enforce their decisions. Women were still dependent on men, who refused to comply with summons to appear before the traditional authorities as well as judgements. Indeed, the traditional justice system's inability to enforce their decisions or judgements was a major weakness that sometimes led to secondary victimization of women. Among our participants, we found that all the service providers were males, which supports research indicating that Islamic law and traditional African justice systems typically exclude women from full participation and can reinforce gender inequalities and accentuate patriarchal values (e.g., [Peters and Ubink 2015](#)). In our sample, women's participation in the traditional justice system was therefore limited to their role as service users and witnesses, but not as service providers. Research shows that female perspectives and experiences could be beneficial to ensure female-centred judgements or resolutions ([Guerin 2013](#); [IDLO 2019a](#); [Ubink 2018](#)).

It is important to note that, again on account of the prominence of Islam in Nima, it is possible that women in particular did not feel comfortable participating in our research. With a sample of 20 women in comparison to 72 men, we would like to caution readers on the interpretation of our findings, as men are predominantly gatekeepers of the traditional justice system ([Crook et al. 2010](#)). It might also be the case that the limited female participants held back some of their more critical views concerning their participation in the traditional justice system for fear of reprisals, despite assurances of confidentiality from the research team.

We also did not capture the views of non-users, thus missing why some people choose not to use traditional justice. Since our sample was mostly Muslim (although representative of the religious affiliation of residents), we were unable to determine whether the views of our participants differed or aligned with the views of non-Muslim Nima residents. We recommend that future research further explores the ethnic, religious and social contexts in which traditional justice is used (or not), and how individuals come to legitimate different state and traditional authorities. In addition, most of the cases handled by the religious and tribal centres related to civil matters, and indeed many of our participants referred to experiences with civil disputes. However, traditional justice authorities also handle criminal issues, and there may be important differences in the legal administration and processing of civil and criminal cases that may influence how users, service providers, and other residents perceive and engage with these authorities compared to formal routes. Future research should explore how these different processes in civil and criminal cases might shape how residents interact with traditional compared to formal avenues.

In our exploratory study, we sought to understand how a sample of residents of an informal urban settlement in Nima located in Accra, Ghana, addressed issues of conflict within the community. We found that our participants in Nima mainly preferred informal or traditional justice mechanisms to state avenues of justice. Participants' legitimization of traditional justice was rooted in their own cultural and Islamic values, more so than perceptions of procedural justice. However, participants noted limitations in enforcing judgements, which compelled service providers (e.g., Imams and Chiefs) to threaten defendants with referring cases to state justice systems in order to elicit compliance. Overall, our study shows how traditional justice systems are perceived and legitimated by service users, and that in such contexts both traditional and rational-legal forms of legitimization are closely intertwined.

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## CONFLICT OF INTEREST STATEMENT

None declared.

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