

UNIVERSITY OF EDUCATION, WINNEBA

**PERCEPTION OF MOB JUSTICE AND ITS IMPLICATION FOR THE
PEOPLE OF AYAWASO CENTRAL MUNICIPALITY**

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Studies, in partial fulfilment of the requirements for the award of the degree of
Master of Philosophy (Conflict, Human Rights and Peace Studies) in the
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DECLARATION

Student's Declaration

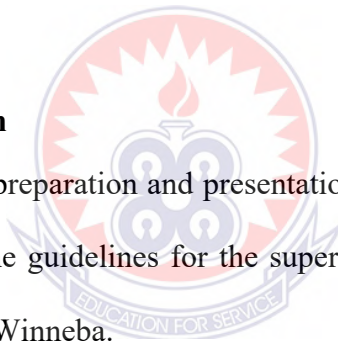
I, Henry Osabutey, hereby declare that this thesis, with the exception of quotations and references contained in published works which have all been identified and duly acknowledged, is entirely my own original work, and it has not been submitted, either in part or whole for another degree elsewhere.

SIGNATURE

DATE:

Supervisor's Declaration

I hereby declare that the preparation and presentation of this work was supervised by me in accordance with the guidelines for the supervision of thesis laid down by the University of Education, Winneba.



Name of supervisor: Dr. Seth Tweneboah

Signature:

Date:

DEDICATION

In memory of my late mother Mrs. Lucy Osabutey aka Lucia Abayateye (1963 – 2018).

My father Mr. Stephen Osabutey, my lovely children Edem and Maame Yaa Seyram and my super supportive sibling for their support and inspiration.



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TABLE OF CONTENTS

DECLARATION	iii
DEDICATION	iv
ACKNOWLEDGMENT	v
TABLE OF CONTENTS	vi
LIST OF TABLES	x
ABSTRACT	x
CHAPTER ONE: INTRODUCTION	1
1.1 Background of the Study	1
1.2 Statement of Problem	6
1.3 Objectives of the Study	9
1.4 Research Hypotheses	9
1.5 Scope of the Study	9
1.6 Significance of the Study	10
1.7 Limitation of the Study	10
1.8 Organization of the Study	10
CHAPTER TWO: LITERATURE REVIEW	11
2.1 Introduction	11
2.2 Theoretical Review	12
2.2.1 The Anomie Theory	12
2.2.2 The Theory of Right to Life	16
2.3 Criminal Justice System	17
2.3.1 Ghana Justice System	19
2.3.1 Criminal Justice in Ghana	22



2.3.2 Barriers and Challenges that Impinge on Access to Justice	26
2.4 Mob Justice	29
2.5 Rule of Law	32
2.5.1 Delays in Bringing Cases to Trial	35
2.6 Right to Life	37
2.7 Police and Public Relationship in Ghana	39
2.7.1 Factors that Influence Victims' Reporting of Crimes	42
2.8 The Reasons Why Citizens Resort to Mob Justice	46
2.9 The Challenges in Enforcing the Right to Life in the Constitution	49
2.9.1 Cynicism about the Constitution	50
2.9.2 Issues in the Criminal Justice System	51
2.9.3 Misinterpretation of the Law	52
2.9.4 Police Brutality and Incompetence	53
2.9.5 Urbanization and Globalization	54
2.10 Implications of Mob Justice	54
2.11 Empirical Review of Related Studies	56
CHAPTER THREE: RESEARCH METHODOLOGY	59
3.1 Introduction	59
3.1 Research Philosophy	59
3.1.1 Pragmatism (Research Philosophy Adopted)	60
3.3 Research Approaches	61
3.3.1 Deductive	62
3.3.2 Inductive	62
3.3.3 The Research Approach Adopted	63

3.4 Research Design	63
3.4.1 The Research Strategy and Design Used	63
3.5 Population	64
Sample Size	65
Sampling Technique	67
Sources of Data	68
Data Collection Methods	69
3.10 Data Analysis Techniques	71
3.10.1 Statistical Analysis	71
3.10.2 Descriptive Statistics	71
3.10.3 Pearson's Bivariate Correlation	72
3.10.4 Ordinary Linear Regression (OLR)	72
3.11 Internal and External Validity	72
3.12 Ethical Considerations	74
3.13 Chapter Summary	76
CHAPTER FOUR: RESULTS AND DISCUSSION	77
4.1 Introduction	77
4.2 Demographic Information of Respondents	77
4.2 Descriptive Statistics	80
4.3 Reliability Test	81
4.4 Validity Tests	82
4.5 Correlation Analysis	83
4.6 Hypothesis Testing	84
4.6.1 Effects of mob justice on Ghana's criminal system	85

4.6.2 Effects of mob justice on the Right to Fair Trial	87
4.6.3 Effects of mob justice on the right to life in Ghana	89
4.7 Discussion of Findings	91
4.7.1 Discussion of Findings on the effects of mob justice on the right to life of citizens	92
4.7.2 Discussion of Findings on the effects of mob justice on the Right to Fair Trail	93
4.7.3 Discussion of Findings on the effects of mob justice on the right to life	94
CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS	96
5.1 Introduction	96
5.2 Summary of Findings	97
5.3 Conclusion	98
5.4 Recommendations	98
5.4.1 The Use of the Media to Curb Mob Justice	98
5.4.2 Education on Mob Justice	99
5.4.3 Intervention Programs	99
REFERENCES	100
APPENDIX	108



LIST OF TABLES

Table	Page
3.1: Sampling Size Determination	67
3.2: Data Collection Methods	72
4.1: Demographic Information of Respondents	80
4.2: Descriptive Statistics	81
4.3 Reliability Tests Results	83
4.4: Validity Tests Results	84
4.5: Correlation Analysis Results	85
4.6: Model Summary on effects of mob justice on Ghana's criminal system	86
4.7: ANOVA on effects of mob justice on Ghana's criminal system	87
4.8: Coefficients on effects of mob justice on Ghana's criminal system	88
4.9: Model Summary on effects of mob justice on the Right to Fair Trial	88
4.10: ANOVA on effects of mob justice on the Right to Fair Trail	89
4.11: Coefficients on effects of mob justice on the Right to Fair Trail	90
4.12: Model Summary on effects of mob justice on the right to life in Ghana	90
4.13: ANOVA on effects of mob justice on the right to life in Ghana	91
4.14: Coefficients on effects of mob justice on the right to life in Ghana	91

ABSTRACT

The main goal of the study is to assess the perception of mob justice on the right to life of citizens in Ghana. Ghana's return to constitutional rule has seen an upsurge of lawlessness on many fronts. One main characteristic of this disturbing phenomenon is the rising threat of recourse to mob violence as a way to settling civil misunderstanding or dealing with suspected miscreants such as armed robbers, pick-pockets, rapists, etc. This way of seeking justice, usually named "mob justice", put a serious indictment on the right to life and the administration of justice in the country. This study examined the prevalence of mob justice and its implication for the people of Ayawaso municipality. Epistemologically, the pragmatism philosophy was chosen because it is seen as a midway between the positivist philosophy and the Interpretivism philosophy. In considering the research approach adopted for this study, preference favored the use of the deductive research approach as it is more appropriate and suiting to the use of pragmatist research philosophy. The research strategy and style employed for this study were the use of case study and survey questionnaires (quantitative approach). The target population of the study will be all individuals who were 18 years and above and were currently residing at Ayawaso Municipality for the past two years as well as the members of the justice system of Ghana including lawyers and the police officers. Based on the population of 94,831 sample size 400 respondents were sampled in the study area using a stratified sampling technique. Out this, 275 respondents responded to the questionnaires distributed giving 68.75% response rate. A structured questionnaire was used in gathering the data. The data collected were analyzed using descriptive statistics, correlation and regression analysis techniques. The findings of the study showed that Mob Justice negatively impacts the Criminal Justice of Ghana. The study also revealed that Mob Justice negatively impacts the Right to Fair Trial in Ghana. The findings on effects of mob justice on the right to life showed that Mob Justice negatively impacts the right to life in Ghana. The study concluded that mob justice have negative effects on the criminal justice of Ghana, as well as the right to fair trial and right to life in Ghana. It is recommended that the media need to adopt interpersonal communication through organizing seminars, workshops and providing forums on which skilled personnel will sensitize the citizenry to the devastating effects of mob justice and how best society, as a whole, can deal with suspected criminals. The study suggested that the government should take it upon itself to roll out educational campaigns on the why mob justice should not be the resorts for curbing criminal acts.

CHAPTER ONE

INTRODUCTION

The main goal of the study is to assess the perception of mob justice on the right to life of citizens in Ghana. In view of this, this chapter considers the background of the study, the statement of problem, the objectives as well as the research questions, the significance of the study and the organization of the study.

1.1 Background of the Study

During colonial rule, Ghana experienced economic and educational development, and the people gained increasing power. As a result of these changes and political developments, Ghanaians (like other African countries) began to demand that “all peoples have the right to self-determination.” They have the right to freely determine their political status and pursue their economic, social, and cultural development due to that right.” As a result, articles 1 and 2 of the ICCPR and ICESCR Power began to transfer from British authorities to Ghanaians due to such national solid feeling.

In 1992, the administration brought the Constitution and submitted it to fair elections. The Constitution was the supreme law of the (Fourth) Republic of Ghana. It established a structure for the government and defined the fundamental political principles. Most importantly, it guaranteed fundamental rights to every individual in Ghana for the first time. Chapter 5 is entitled Fundamental Human Rights and Freedoms and provides rights such as right to life, economic rights, and women’s rights. In Chapter 6, one can find economic, social, and cultural rights. Stating these rights in the Constitution was a significant step forward for Ghana, as it meant that there could no longer be excuses for the violation of human rights – neither by the government or customary or traditional reasons. Since the introduction of the

Constitution of Ghana in 1992, fundamental rights – namely human rights- of every human being have been recognized. It is the responsibility of the government of Ghana to enforce and uphold these human rights. However, to reach this point, the Republic of Ghana underwent a series of changes in human rights. Even though none of Ghana's former leaders can boast of a clean human rights record in Ghana during their leadership, the country and the government are generally regarded in international circles to be moving in the right direction (Madison, 2010).

Ghana's return to constitutional rule has seen an upsurge of lawlessness (Kodah, 2012). According to some observers, this phenomenon is unavoidable proof of the country's volatile political past, which has left permanent imprints on the country's sociopolitical and economic history throughout the years. One alarming feature of this disturbing occurrence is the growing possibility of resorting to mob violence to settle civil misunderstandings or deal with suspected miscreants such as armed robbers, pick-pockets, or rapists (Kodah, 2012). This way of seeking justice, usually named "mob justice," put a severe indictment on the right to life and the administration of justice in the country (Were, 2013). The right to life has different facets. It entails the right to quality of life, safety, and security (Sibanda, 2014). This study specifically deals with the right not to be killed. The state has to respect, protect, promote, and fulfill the Bill of Rights requests entrenched in the 1992 constitution of Ghana. The duty entails two sides; the first duty is to refrain from taking someone's life which was identified as the death penalty in Section 46 of the Ghana Criminal Code, 1960 (Act 29, as Amended up to 2003), which states, "Whoever commits murder shall be liable to suffer death." The other constitutional duty is to protect everyone from life-threatening attacks. In this respect, the state's primary responsibility is to secure the

right to life by enacting adequate criminal provisions that deter the commission of offenses against persons and can be supported by law enforcement machinery for the prevention, suppression, and sanctioning of breaches of such provisions

Mob justice or “instant justice” is when people take the law into their own hands and aggressively carry judgment and punishment on a suspected criminal. The mob becomes the executor of the law as this act is a direct and undeniable violation of human rights, taking illegal actions without following the due process and, in so doing, putting the rest of the public at threat alike (Adu-Gyamfi, 2014). The act takes many forms and shapes: flogging suspected robbers to death; slashing suspected criminals; stripping suspects naked and beating them with blocks, sticks, and iron rods till they die; subjecting suspects to humiliating and degrading treatments, and sometimes setting them ablaze (Korang, 2014). Mob action is gradually assuming a posture of an unquestioned culture of executing instant ‘justice’ without recourse to the court. Mob action is steadily developing into an ugly tumor on the near immaculate face of the present 1992 Constitution of Ghana (Korang, 2014).

One of the disturbing features of mob justice in Ghana is the growing threat of brutality in dealing with suspected wrongdoers like thieves, pick-pockets, armed robbers, or rapists. in a society. This wicked approach to seeking justice in Ghana undermines the right to life and the administration of justice in the country. Mob justice, also known as instant justice, is an instant infliction of bodily and mental pain, suffering, or death on a person arrested or physically overpowered as punishment for his alleged wrong as he is so subdued (Attafuah 2008). It can also be described as a practice in which the community uses violence either by necklacing or stoning to death those who rob, rape, and commit other crimes in their areas (Minnaar, 2001:1).

The range of suspected offenses for which mobs have punished many people in Ghana and other African countries is extensive. It includes violent and nonviolent criminal crimes such as murder, armed robbery, assault, kidnapping, rape, theft, fraud, shoplifting, and pick-pocketing. Other offenses include blasphemy, violation of customs and taboos, witchcraft, and cultism (Tanzanian Human Rights, 2008; Osasona, 2016). Moreover, this illegitimate execution is usually carried out using different harmful materials such as iron rods, sticks, stones, machetes, gasoline, tires, and other flammable materials (Godoy, 2004). Given the various forms that mob justice takes (i.e., beating, lynching, burning, maiming, and so on) and the frequency of occurrence, serious concerns have been raised regarding the existence and practice of the rule of law and the manner of justice administration in Ghana.

Thus, several reasons have been associated with increased mob justice among Ghanaians and other Africans as they seek justice. Among the significant factors scholars highlighted is the failure of the criminal justice system to adequately administer justice for all in terms of equity, fairness, and impartiality (Osasona, 2016; Arnold, 2017; Helbling et al., 2015). Justice has been one of the paramount concerns of humanity since the beginning of time. Justice remains an essential asset that allows harmony and peaceful coexistence among different interest groups (Helbling et al., 2015). It is one of the universally recognized citizens' fundamental rights guaranteed by the law and protected by the government (Elechi, 2006). Thus, realizing justice (in terms of equity, fairness, and impartiality) remains a fundamental objective that preoccupies every democratic government globally. To this end, the justice system as an institution of the state is put in place to ensure fairness, equity, and justice for all in any civil and criminal matter (Kinnes, 2009). On the hand, although the legal

framework establishing Ghana's criminal justice system is insufficient to ensure the dispensation of justice to suspected offenders, the existence of mob justice undermines the seemingly inefficient criminal justice tool operationalized by the various legislative and institutional apparatus. Mob justice prevents the suspect from accessing criminal justice administered by the courts since the suspect gets smothered before they are arraigned before the relevant courts. The person accused of a crime has no chance to make a defense or claim innocence. This procedure often ends up with the victim being beaten to death or seriously injured. The victim of a mob is denied a fair trial and the right to life which violates the UN human rights standards (Pearl & Lebogang, 2021).

Mob justice creates a sudden disintegration in the investigation process and the impenetrability or impracticality of arresting other accomplices of the suspected crime. Mob justice at all times offers a penalty, which is exceptionally ruthless and brutal compared to the crime committed. Suspects of burglary, attempted rape, robbery, and pickpocketing repeatedly have the same form of vengeance. Not all crimes have the same punishment. Article 19(3) (6) of the Constitution provides that no penalty shall be imposed for a severe criminal offense in degree or description than the maximum penalty that could have been imposed for that offense when it was committed. By condemning and killing others, the mob undermines the very essence of human rights. The insistence coupled with the consistent spread of mob justice means that Ghana's right to life is severely undermined. Lynching is not just one crime that takes one person's life and is done with, but it sucks the life out of the deceased's family, leading some to poverty if in case the bread-winner is killed, children are left as orphans, uneducated. Human life needs to be of a higher value

than anything else. Every human has a right to life, and it needs to be protected and heard carefully (Salihu & Gholami, 2018).

In Ghana, the readiness and enthusiasm to opt for instant justice are well known and pervasive. The seriousness of this problem is that a cursory look at the situation suggests that the phenomenon is not limited to the uneducated but instead cuts across all categories of people. For instance, some educated Ghanaians even passionately encourage individuals who truly commit these illegal acts, which violate both the laws of Ghana and international charters. Article 41 of the 1992 Constitution admonishes every citizen to respect the rights, freedoms, and legitimate interests of others and generally to refrain from doing acts detrimental to the welfare of other persons. Instead, people's rights, privileges, and fairness to justice are trampled upon with impunity, especially their right to life. Owing to the mob justice phenomenon illustrated above, the need to investigate the role of mob justice in Ghana's Criminal justice system, right to a fair trial, and right to life is crucially essential. The appropriate ways to deal with mob justice to protect the appropriateness of the country's criminal justice system and the citizen's life are also of equal importance. Therefore, the study tends to investigate the perceptions of mob justice on the right to life of citizens of Ghana.

1.2 Statement of Problem

Mob justice is a symptom of a society where ignorance, a weak justice system, and human rights violations impede access to justice. The causes of mob justice are diverse, but some have noted that the phenomenon occurs due to a lack of public trust in the legal and security authorities to handle suspected criminals (Mutabazi, 2006) correctly. Others also believe that poverty, discrimination, lack of education, and lack

of employment opportunities have been other important risk factors for mob justice in developing countries (Kanaabi, 2004). Eliminating mob justice requires a concerted effort of the government, civil society organizations, and individual citizens. The value of its eradication lies in more informed citizens, creating a justice system that correctly handles crime and more peaceful society (Wright, 1997).

The pinnacle of the values of any society is reflected in its justice system. Mob justice is frowned upon everywhere globally (Awuku and Amponsah, 2018). It is primarily practiced in African countries, albeit the fact that it explicitly violates specific human rights standards. For example, article 10 of the Universal Declaration of Human Rights states that “everyone is entitled in full equality a fair and public hearing by an independent and impartial tribunal in determining his rights and obligations and any criminal charges against him.” Similarly, Article 11 (1) also states that “everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to the law in a public trial at which he has had all the guarantees necessary for his defense. The 1992 Constitution of Ghana also states explicitly that “a person who has not been convicted of a criminal offense shall not be treated as a convicted person and shall be kept separately from convicted persons” (Chapter 15, Article 3). Chapter 19, Article 1 also states that “a person charged with a criminal offense shall be given a fair hearing within a reasonable time by a court of law.” Why has our culture tended to love vigilante justice when we have a constitution that governs our conduct as citizens of Ghana?

Though it is not out of place to associate the system’s lapses with institutional hiccups, the activities of the informal and ad-hoc justice agents and social propagators of information from the populace are also core perspectives that cannot be

overlooked. They are now occupying a vast space in explaining and justifying the cause and triggers of mob justice. Mob attacks, among other manifestations of criminal justice chaos, are still under-studied, and their correlation with the right to fair trial and right to life is yet to be examined from an academic viewpoint. The phenomenal frequency of mob attacks on suspects of varying criminal offenses in Ghana has ceased to be merely a local concern among justice dispensation stakeholders and within Ghanaian communities.

Most research has focused on the possible causes of mob justice, forms of mob justice, and people's understanding of mob justice (Adu – Gyamfi, 2014; Ashraf, 2018; Memchoubi et al., 2016). These earlier works suggest clearly that mob justice violates the protection of fundamental human rights and has severe implications for the right to life. For example, according to Adu – Gyamfi (2014), mob justice is a social canker in the Ghanaian communities, violating fundamental human rights protection and has severe implications for Ghana's young democracy. Sibanda (2014) and Were (2013) have also noted that. However, in the context of Ghana, little attention has been paid to the implications of mob justice on the criminal justice system, the right to a fair trial, and the right to life of citizens (Adu – Gyamfi, 2014). This is quite concerning since fundamental rights and liberties are incredibly complicated institutions, particularly the right to life, without which a truly democratic society would not exist. Therefore, this study tends to dwell on the suggestion of Adu – Gyamfi (2014) that future research should investigate the effects of mob justice on Ghana's criminal system. For this reason, this study has taken upon itself to assess the impact of mob justice practice on the right to life of citizens in Ghana.

1.3 Objectives of the Study

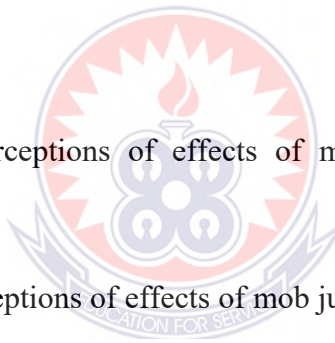
The study's primary goal is to examine the perceptions of mob justice and its implication for the people of Ayawaso municipality.

The specific objectives of the study include:

1. To investigate the perceptions of effects of mob justice on Ghana's criminal system.
2. To investigate the perceptions of effects of mob justice on the Right to a Fair Trial
3. To assess the perceptions of impact of mob justice on the right to life in Ghana.

1.4 Research Questions

1. What are the perceptions of effects of mob justice on Ghana's criminal system?
2. What are the perceptions of effects of mob justice on the Right to a Fair Trial?
3. What is the perceptions of impact of mob justice on the right to life in Ghana?



1.5 Scope of the Study

This research assesses the prevalence of mob justice and its implication for the people of Ayawaso municipality. The study tends to adopt both qualitative and quantitative research approaches in which a self-administered structured questionnaire will be used to interview respondents in the Ayawaso Central Municipality of the Greater Region of Ghana. This will consider the vicinities of Alajo, Nima, Newtown, Kotobabi, and Maamobi. The research outcome is thus limited to these areas of the

Greater Accra Region of Ghana and reflective of the views and opinions of respondents in the district.

1.6 Significance of the Study

This research is significant to academics as it extends the knowledge base on human rights. The study of the problem of mob justice relative to the right to life may bring new insights.

The results of this study may influence public policy implementation and may give policymakers complex data on which they can base their decisions. It may also provide policymakers with a unique opportunity to harness their special skills in analyzing criminal activities and security issues in communities and develop policy recommendations for law enforcement institutions.

The study results should assist public service providers in planning for and responding to the changing risk profile of mob justice in Ghana, particularly concerning the apartheid history, which took lives arbitrarily and unnecessarily. In addition, the study may help future researchers advance the purpose of eliminating mob justice, particularly regarding the right to life.

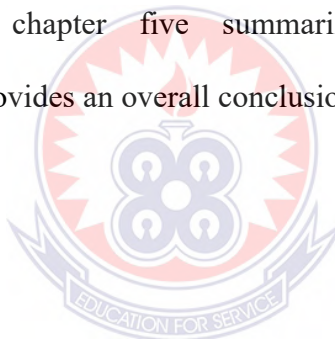
1.7 Limitation of the Study

In this study, the researcher limited himself to the Ayawaso Central Municipality of the Greater Region of Ghana. Of course, this does not imply that other areas in the Region and other regions in the country do not face the same challenges as far as mob justice is concerned. But it was, due to limited funds and time constraints, the study could not extend to other areas in other districts of the Region.

1.8 Organization of the Study

The research study consists of five chapters. Chapter one shall comprise the background to the study, problem statement, research questions and objectives, scope of the study, the importance of the study, the definition of terminologies, and organization of the thesis. Chapter two reviews existing literature related to mob justice and the right to life of citizens.

The third chapter of the study outlines the profile of the study area and spells out a detailed methodology for achieving the study's objectives. On the other hand, Chapter four analyzes empirical data to give them meaning within the context of existing literature. Thus, it will comprise data processing, analysis, presentation, and interpretation. Finally, chapter five summarizes the study findings, and recommendations, and provides an overall conclusion of the study.



CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Chapter two of this thesis will consider reviewing the literature concerning mob justice and the right to life. The chapter will further examine the theoretical point of view of the study, which guides the study empirically. The concepts of the study are also explained as well as the empirical studies concerning the study.

2.2 Theoretical Review

The study is underpinned by the theory of Anomie and the theory of rights to life. These theories will guide the study so that the research questions will be answered and achieve the objectives set.

2.2.1 The Anomie Theory

The idea of anomie means the lack of usual ethical or social standards. This concept first emerged in 1893 with French sociologist Emile Durkheim. For Durkheim, anomie arises more generally from a mismatch between personal or group standards and more comprehensive social standards or the lack of a social ethic, which produces moral deregulation and an absence of legitimate aspirations.

In his criminology book *Crime and punishment*, one of the leading Swedish sociologists, Sven-Åke Lindgren (1998), refers to Ralf Dahrendorf's interpretation of the anomie theory. Dahrendorf has modernized Durkheim's Anomie theory and applies it to the Western part of the world. However, it is believed that some features are applicable in other contexts, such as Ghana. Dahrendorf has two general circumstances that indicate if a society is on its way towards a state of anomie. The

first circumstance is a judicial system that leaves several crimes unnoticed. This leads to values and norms in society being undermined by the very institution that is supposed to uphold them. The second circumstance is that the trust between individuals and groups is weakened. There are no common principles or values to follow (Lindgren, 1998).

Ralf Dahrendorf's (1985) book "Law and Order" describes anomie as chaos or dissolution of values and principles. It can occur when a society undergoes radical changes. It is a social condition where the validity of norms and behavior no longer is guarded by a government or other institutions, which brings uncertainty and unpredictability to individuals' way of behaving. Most of the causes of mob justice can be attributed to what Dahrendorf refers to as no-go areas, which are areas from where the judicial system more or less has withdrawn itself. Dahrendorf discusses four no-go areas.

The first no-go area is a remission of sentences for some crimes. He argues that: "If violations of norms are not sanctioned, or no longer sanctioned systematically, they become themselves systematic." (p.19). The second no-go area is the retreat of the judicial system from geographical areas concerning, for example, lack of resources which can make people insert their sanctions and set up vigilante groups. The third no-go area Dahrendorf mentions are when actions become massive and of collective nature. This obstructs the judicial systems' possibilities to take action against those involved. Finally, the fourth no-go area concerns the younger population, especially those below 20. Dahrendorf claims that most crimes in society are committed by youth. However, there is a tendency to reduce sanctions toward this group

(Dahrendorf, 1985). The research will only relate to the first three no-go areas, more applicable to our study.

Dahrendorf (1985) argues that society needs valid norms to be functional, and transgressions of those norms must be punished. There is the need to know what kind of behavior to expect from other people and that behaving differently or violating standards will be sanctioned. To this, Dahrendorf adds morals into the validity of norms. He claims that criteria will be most valid when both are practical and moral. There is a possibility to live, as Dahrendorf (1985) puts it, “on the road to Anomia” without ever reaching it (p. 27). But a society with the frailties mentioned above is at risk of becoming a lawless state. People need structure and predictability created by authorities, or else they will set their system, values, and sanctions to create stability (Dahrendorf, 1985).

The purpose of the anomie theory is not to show that the Ghanaian society is on the way toward anomie or is in a state of anomie. Instead, the anomie theory is used to problematize the consequences of a failing judicial system. Concerning this theory, it will guide the study in finding out why citizens of Ghana resort to mob justice and the challenges faced in enforcing the right to life in Ghana compared to the incidence of mob justice in Ghana.

Durkheim (1951) further explains that the causes of societal normlessness can be institutionally based. High levels of Anomie can be caused by temporary economic shocks, such as expansion or depression. However, Anomic states can also result from more personal tragedies, such as the death of a loved one or divorce. In some cases, Anomic conditions may even become more stable. Thus, at times Anomie may be a

chronic condition of society rather than a temporary one, existing “in a persistent state within the economic realm of modern society” (Turner, 1990). When communities find themselves in an Anomic state, Durkheim (1951) argued that prosperity will increase individuals’ drive and desires for “more;” “the richer prize offered these appetites stimulates them and makes them...more impatient of control” (253).

Interestingly, Durkheim also noticed that the poverty-stricken members of society appeared immune to high levels of Anomie. He rationalized that “the less one has, the less he is tempted to extend the range of his needs indefinitely... The less limited one feels, the more intolerable all limitation appears” (Durkheim, 1951/1897: 254). In other words, the more limited and regulated societal members feel, the more structure is consequently provided to limit and control their wants and desires. In this case, high levels of Anomic strain are not experienced and are followed by lower rates of deviance.

In terms of the impact of social institutions on Anomie and subsequent deviance rates, Durkheim (1951) noted that economic progression in modern society has been mainly in the direction of releasing industrial relations from “all regulations” (254). This increases prosperity and desires by rising salaries, goods, and services produced by society, meaning economic functions begin taking temporal supremacy over other institutions. Durkheim recognized that this dominance of the modern capitalist economy results in a state of deregulation. That is, capitalist societies lack moral regulation. Industrialization caused the disconnection of traditional social controls on aspirations. This, in turn, led to egoistic individualism, which he viewed as a temporary but “pathological” cultural aberration that accompanied the rapid transition from a traditional society to an industrial society (Messner and Rosenfeld, 2001).

Importantly, Durkheim (1951) stresses that this is not the only model for the social organization but that economic dominance in modern capitalist nations does exist, is highly influential, and “nothing today has come to take its place” (255). The political institutions, including governments, have failed to regulate economic influences and instead have become subservient, as have the religious institutions and domestic (familial) aspects of society. Durkheim believed that “the only existing institution that could provide a social foundation for modern morality” (Ritzer, 2008a: 217) was education. Education provides individuals with physical, intellectual, and moral tools necessary to function in society. Durkheim hypothesized that deviance would vary inversely with the degree of integration of religious community, domestic culture, educational organization, and political society. In other words, the more strongly (noneconomic) social institutions are integrated, the more control is exercised over their members.

2.2.2 The Theory of Right to Life

The right to life is a moral principle based on the belief that a being has the right to live and, in particular, should not be killed by another entity, including the government. The concept of a right to life arises in debates on capital punishment, war, abortion, euthanasia, police brutality, justifiable homicide, and animal rights (Steiner, Alston & Goodman, 2008). Various individuals who identify with pro-life views may disagree on which areas this principle applies, including such issues previously listed.

The International Human Rights Standards for Law Enforcement has created a system whereby it is recognized that international human rights law is binding upon all state actors and that said state actors must know and be capable of applying international

standards for human rights (International Human Rights Standards for Law Enforcement, 2017). The right to life is, for the most part, an inalienable right granted to every human on the planet. However, there are certain situations in which state actors are required to take drastic action, which can result in civilians being killed by law enforcement agents.

Furthermore, the right to life grants several specific exceptions regarding the death penalty and the qualification of “arbitrariness,” and therefore, it is defined as a non-absolute right. The Human Rights Committee determines the justification of interventions (non-arbitrary) as an intervention under strictly controlled and limited circumstances, in self-defense or defense of others, or if necessary, to effect the arrest or escape of the persons concerned.

Dworkin summarizes the problematic issue of the extent of the right to life to the right to die that “making someone die in a way other approve, but he believes a horrifying contradiction of his life, is a devastating, odious form of tyranny” Dworkin, (2012). In addition to that, Dworkin indicates that prohibiting the individuals from deciding about their death in the expectancy of an individually seen undignified death in severe physical or mental pain excludes the possibility of enjoying the right to live in dignity. In the *Re Ward of Court Case* decision, *the Irish Supreme Court decided that the right to life “implies to die a natural death.” This judgment is confirmed by state practice as several domestic courts determined that forcing a medical treatment without the patient's consent violates the right to private life (e.g., Glass v. the UK, M.A.K. and R.K. v the UK, and Y.F. v Turkey)*. Acknowledging the right to die generally does not allow the individual to decide whether to die. In contrast, it merely allows choosing when and how to die (Kyriakides, 2016).

Concerning the current study, the theory of the right to life depicts that every human has the right and freedom to live. Therefore, the approach will guide the investigation of how the incidence of mob justice affects the right to life of the citizens of Ghana.

2.3 Criminal Justice System

“Criminal justice system” refers to the state's set of agencies and processes to manage crime and impose penalties on violators of criminal laws (Newman1978). It is a system used by the government to maintain social control, prevent crime, and enforce laws through procedures for arrest, charging, trial, and confinement of a suspect (Osasona2015). Its primary goal is to reduce crime by bringing more offenders to justice and increasing public trust that the system is fair and will deliver for law-abiding citizens (Nwankwo2010). Okogbule (2004) adds that one of the requirements of the criminal justice system is the application of necessary rules and provisions for the protection of the rights of an alleged offender. The World Justice Project Report (2015) positions the effective criminal justice system vital to state strength. An effective criminal justice system can investigate and adjudicate criminal offenses successfully and promptly. This can only take place through a system that is impartial and non-discriminatory, free of corruption and improper government influence, ensuring that the rights of both victims and the accused are protected. The effectiveness of the criminal justice system is assessed by measuring the components that constitute the system. These are the criminal legislations and policies, the law enforcement agencies and the investigative agents (the prisons and police), and the judiciary/court system (Osasona, 2015).

As elaborated in Dada, Dosunmu, and Oyedeki's (2015) work, criminal procedures pass through these agents in stages, all of which function together to ensure that social

influencing agents are concerned with orderliness and peace and tranquility in communities. First, cases enter the system either through the police's detection and investigation or through public reporting of crimes. This is followed by prosecution and the pre-trial series of the police-court phase. Finally, the judiciary phase is identified with adjudication, sentencing, and sanction, followed by the prison's enforcement of verdicts by correctional agents. When these organs fall short of their functions, there is a break in due process and procedural justice, creating friction and room for illegal alternatives to the administration of justice, including "justice" from the mob.

2.3.1 Ghana Justice System

Ghana's justice system has seen many encouraging developments since the restoration of civilian rule 29 years ago, especially since the installation of the current administration in 2001 (Ame, 2018). Nevertheless, the usual problems threaten its effectiveness: among others are poor coordination among the different actors in the sector; long delays in hearing cases; a lack of legal aid to help the poor access justice; overcrowded prisons; and critical allegations of corruption among the police, as well as court staff, including judges and magistrates (Ame, 2019). However, there have been many exciting and valuable initiatives to improve justice system performance, ranging from an increasingly merit-based system for the appointment of judges to a rapid expansion of legal aid and procedures to reduce delays and promote out-of-court settlements in the higher courts. Civil society organizations and constitutionally mandated oversight institutions have played an essential role in promoting these reforms (Adjorlolo, 2016).

More broadly, the government has shown, for the most part, increasing respect for the rule of law, complying with difficult decisions handed down by the courts, and appointing and respecting the findings of commissions of inquiry that have found government officials at fault. The current administration has also led an anti-corruption campaign that has touched its members and those of the past government. However, there have still been cases in which executive interference in prosecutions has been alleged, and some court rulings have not been fully respected; or attempts have been made to overturn them other than through the typical avenues of appeal. Moreover, weaknesses in the constitutional and legislative framework providing for the appointment of judges still give the president too great a discretion. Continued vigilance and legal reform are needed to ensure and promote respect for the proper separation of powers and independence of the courts (Gordon, 2017).

Access to justice encompasses two significant facets: legal justice and social justice. The distinction between these two aspects of Access to Justice is important because even if legal justice, as legal justice was effectively administered, it would still produce a severely limited kind of justice and would most certainly not deliver social justice. This is because it may not consider critical factors such as the different stations of life of other people and may unrealistically assume that a wholesale application of its tenets would yield the same result in each case. This brings a severe theoretical issue in any discussion on Access to Justice (Nolan-Haley, 2015).

Access means that everyone, no matter their circumstances and station in life, must have equal rights, obligations, and opportunities for redressing a wrong and settling disputes (Adu-Gyamfi, 2014). Yet, a literal operationalization of this ideal will lead to far more injustices because of the differential circumstances of the citizenry. Such a

system will mean that persons who can buy legal services, for example, at commercial rates, should also be entitled to say legal to prosecute. To avert such a situation, Access to Justice paradoxically implies systems for accessing justice that is partial to the disadvantaged through establishing systems, processes, and social agencies to facilitate the provision of justice services to the needy (Harvey, 2011). The fundamental theoretical and policy challenge here is how to ensure that differential treatment of the citizenry, to privilege the disadvantaged and allow them to access justice on equal terms with the privileged, does not inadvertently create opportunities, fodder, and avenues for the manipulation of the justice system by the select to serve their interests. With this theoretical issue at the background, we should view the non-discrimination clause in Ghana's 1992 Constitution (and similar other provisions in the Constitution) related to Access to Justice (Asamoah & Ofori-Mensah, 2018).

The Article provides for equality of all persons before the law. This commendable provision, at first blush, offers a level terrain for access to justice to all manner of persons and enhances equity and fairness. However, in practice, this provision might be a high-sounding and dead letter if applied comprehensively without particular reference to the economically challenged and socially disadvantaged circumstances. Not infrequently, allegations of unequal treatment are a direct product, not of outright discriminatory rules, but of the differing social and economic conditions and situations in which different people exist, especially the power-relational function that leads to actual exploitative and oppressive relationships (Annan, 2013).

In line with the constitutional injunction of equality before the law, the State has been charged, under the directive principles of state policy (Article 37(1) of the 1992 Constitution), to pursue a social objective of directing "its policy towards ensuring

that every citizen has equality of rights, obligation, and opportunities before the law.” This ideal is based on a secure and protected “social order founded on the ideals and principles of freedom, equality, justice, probity, and accountability.” Article 35 (3) also provides that “the State shall promote just and reasonable access by all citizens to public facilities and services in accordance with the law.” This includes public facilities for Access to Justice and immediately implicates the state as the critical duty-bearer in public facilities for Access to Justice. While we may note that our Supreme Court has held that the Directive Principles of State Policy, such as articles 35 and 37 of the Constitution, are not themselves justiciable (unless they are expressly tagged to some other enforceable article of the Constitution), the guiding principles they remain valid according to the terms of Article 34 and may serve as a basis for the enactment of laws that promote Access to Justice.

2.3.1 Criminal Justice in Ghana

In Africa, criminal justice systems remain somewhat fragile. This is not only because of the human rights practices of some African governments but because the changes on the continent demand good governance and democracy. Criminal justice cannot be separated from democracy since its practical implementation has become a barometer of democratic practices throughout the developed world. While it is no guarantor of democratic governance, the application and administration of human rights remain a helpful measuring tool of basic democratic practices of any state in the world. Global procedures of justice in postmodern democracies were redefined after the 9/11 attacks.

Criminal justice, broadly, refers to the norms, processes, and decisions about the enactment and enforcement of criminal laws, the determination of the guilt of crime

suspects, and the allocation and administration of punishment and other sanctions. The norms, institutions, and processes of criminal justice administration are politically determined. Accordingly, their articulation and incorporation into the governance systems of society involve the exercise of political power through the legislative, executive, and judicial organs of government.

Reforms introduced from within by the Ghana Police Service have enhanced its capacity to collect data on criminality and improved the relationship with the civilian population. These enhancement programs need to be consolidated in legislative reform of the police service to bring the law into line with the policing requirements in a democratic society. Abuses of suspects by the police have reduced since the period of military regimes but remain common, and the mechanisms to check such abuses and ensure civilian oversight of the police are weak. The courts generally respect the right to fair trial as provided for in the Constitution and the habeas corpus mechanism has been successfully enforced, although it is limited in its geographic scope. Recent legislative reforms have offered critical new protections for young persons in the justice system. However, constitutional guarantees are routinely violated by long delays in bringing cases to trial and inadequate provision of legal aid.

Furthermore, there is a lack of effective witness protection mechanisms, while private enforcement of justice has also resulted in abuses. Since 2003, considerable efforts have been devoted to rehabilitating and constructing prison facilities; the Commission on Human Rights and Administrative Justice has also played an essential role in improving prison conditions. However, prison overcrowding and poor detention conditions remain the vast challenges facing Ghana's prison service. In addition, there is a lack of suitable alternative sentences to imprisonment.

Section 1 of the Police Service Act of 1970 states that it shall be the duty of the Ghana Police Service (GPS) to prevent and detect crime, apprehend offenders, and maintain public order and the safety of persons and property. To do this, the GPS has established a crime statistics unit within the Criminal Investigation Department (CID), which is responsible for collecting and collating crime figures in Ghana. By practice, station masters at all police stations across the country record all crimes reported to the police stations daily. These figures are compiled and submitted to the regional commanders, who forward them to the headquarters. Crime figures are updated daily, weekly, monthly and quarterly. It is a continuous bottom-up process of collating crime figures from the regional and district level and onward then submitting them

The Crime Statistics Unit at CID headquarters compiles data on all crimes listed under the Criminal Code, including other offenses found in other existing pieces of legislation. A media monitoring unit of the GPS tracks newspaper reports of crime across the country, which forms the basis for strategizing police operations throughout the country. It enables them to identify geographical areas in the country that face the most crime, thus enabling the service to respond by beefing up personnel and logistics. According to the statistics unit, crime data collection has improved significantly over the past four years. There is a more systematic and conscious attempt to record and disaggregate data and analyze trends, identify factors responsible for the increase or reduction in crime, and, based on this analysis,

Criminal justice implies that citizens are equally affected by the provisions of criminal codes and are treated equally in making, enforcing, interpreting, and administering criminal law. Therefore, if access to criminal justice within the legal system is mediated by class, education, income, gender, age, ethnicity, or race, the outcome will

inevitably be unjust, irrespective of the due process (the formal process of justice) followed. The legal aspects of criminal justice prescribe the principles and procedures for making, enforcing, and interpreting the criminal law to arrive at a suspect's impartial trial. The principles and process are often summarised as due process. The essence of due process is to prevent coercion and persecution, rather than prosecution, of suspects. It also prohibits illegal arrest and detention, searches and seizures; self-incrimination; double jeopardy; excessive bail, unduly extended pre-trial detention, and cruel and unusual punishment (Alemika 2006).

The criminal justice system is responsible for dispensing justice (allocation of entitlements and deprivations or disabilities) due to or deserved by the criminals, victims, and society. The system is an amalgam of loosely coupled subsystems sequentially involved in law-making, law enforcement and policing, prosecution, judgment, sentencing, penal sanctions administration, and correctional programs. One of the challenges of the criminal justice system is the poor coordination of its numerous institutions, processes, and actions. As a result, the various agencies often operate at cross-purposes and produce contradictory results. Punishment for crime constitutes the core concern of the criminal justice system. It is often justified based on retributive or utilitarian philosophy. According to the neo-Kantian retributionists, punishment is the offender's right and a means of restoring him to full contractual relationships with his fellow citizens following the logic and contemplation of the social contract. Thus, punishment is viewed as an inevitable consequence of criminality and the vindication and compensation of law-abiding citizens. In this context, punishment is past-oriented and directed towards the offending conduct of the criminal and should be graduated to fit the harm occasioned by the instant crime

(von Hirsch 1976, 1993; Ashworth & Wasik 1998). Retributionists have been criticized for advocating vengeance.

The primary duty of the criminal justice system is to dispense criminal justice in accordance with the due process or the rule of law. In practical terms, criminal justice refers to the determination of the guilt or innocence of a suspect and the allocation of punishment that is fair and proportional to the convict's offense. Substantive criminal justice requires equity and equality in the enforcement and interpretation of criminal justice, which, however, can only be realized with minimum disparities in political and socio-economic power. Criminal justice (equity and equality) cannot be realized if wide economic and political inequities and inequalities exist in society. The formal rules of criminal justice – which are often the focus of attention by the legal technologists (lawyers and judges) – cannot produce criminal justice if the requisite political and economic conditions for substantive criminal justice are absent. Both formal and substantive preconditions must be satisfied for criminal justice to be realized.

2.3.2 Barriers and Challenges that Impinge on Access to Justice

According to the Ghana Poverty Reduction Strategy (GPRS II): “.... The major difficulties associated with the administration of justice in Ghana can be categorized into judicial and attitudinal. Those that can be traced to the judiciary include delays and costs in the administration of justice, resulting in a lack of confidence in the judiciary and inaccessibility of justice and legal institutions. On the other hand, key attitudinal issues relate to poor compliance with rules, regulations and procedures and weak enforcement of existing rules, regulations, and procedures”.

The judicial processes are cumbersome, and most poor people do not have access to the formal channels for justice services. The main principle of Access to Justice is that the legal/justice system should be structured and administered so that it provides the citizenry with affordable and timeous access to appropriate institutions and procedures through which they can claim and protect their rights. However, the formal system is not structured or administered in this manner. Instead, as is often said, “the wheels of justice grind slowly,” and in the context of Ghana, the wheels of justice have almost come to a halt in many respects. In this context, the mushrooming of informal/extra-legal systems of justice must be assessed (Appiah, 2014).

Poverty is both a cause and a consequence of inadequate levels of access to justice. On the one hand, reduced financial and human resource allocations to justice institutions produce failures in the justice system. These failures, in turn, have a disproportionate impact on the poor precisely because of their lack of individual economic resources enabling them to overcome systemic failures (Edwards, Harold & Kilcommins, 2012). On the other hand, when equal access to justice is denied, people living in poverty are less able to enforce their economic and social rights, including property and labor rights, and avoid exploitation. Moreover, poverty as a barrier to access to justice is exacerbated by other structural and social obstacles generally connected to poverty statuses, such as reduced access to literacy and information, limited political say, stigmatization, and discrimination. Poverty may affect large portions of populations, but some groups will be disproportionately represented among the poor. Socially marginalized and otherwise disadvantaged people will be more seriously affected than the general population. Ensuring access to justice for

these groups is a crucial focus of poverty eradication and empowerment (Dhand, 2011).

Discrimination is an obstacle that can affect all aspects of access to justice – from awareness and understanding of legal rights, access to counsel and dispute resolution mechanisms, and finally, the achievement of fair, impartial, and enforceable solutions. While de jure discrimination can be repealed through laws, the elimination of de facto discrimination requires additional positive strategies. Importantly, in times of economic downturn, discrimination tends to persist or reappear, so measures aimed at combating inequality and exclusion in the long term are essential (King, 1999).

Insufficient financial and human resource allocations to justice institutions create shortcomings in the effective functioning of the justice system and seriously affect access to justice. Institutional capacity will be affected by the formal independence of the judiciary – a precondition for quality justice institutions to be capable of providing appropriate solutions to justice problems – and the practical capacity of judges to exercise that independence. That capacity will be affected by resourcing the administrative systems that support the judiciary and justice institutions (Zorza, 2016). Three examples illustrate the types of institutional barriers that exist in poorly resourced justice systems: insufficient and unequal geographical distribution of justice institutions affects physical access to the delivery of justice; failure to record the commencement of action (sometimes referred to as a failure to register complaints), which often affects the most vulnerable groups and has the consequence of validating impunity for offenders, while victims of injustices are either disregarded or mistreated; and judiciaries may be inadequately trained or qualified, with the result

that independence is compromised and decisions are poorly reasoned, inconsistent or biased (Rogers, 2017).

Access to justice requires that parties have the opportunity to present their case effectively, that procedures will be fair and that parties will know the case against them. Justice should ordinarily be done in public so that legal processes can be scrutinized, which helps ensure fairness. There should also be mechanisms that provide the prompt enforcement of decisions, including the release of a defendant or the carrying out of sentences after criminal proceedings. Where these are not characteristics of justice systems, access to justice is inhibited (Roznai & Mordechay, 2015).

Institutional barriers within justice systems can be identified with more precision than societal and cultural barriers to access to justice. They can also be targeted more directly, and the legal profession is well placed to provide some solutions to the problems (Staszak, 2014). However, the lack of resources may be a severe obstacle in addressing these barriers, especially as those same resource issues prevent addressing societal and cultural barriers, and many countries face significant capacity problems within their systems. As such, policies and strategies that address institutional barriers in ways that take account of disproportionate effects on particular groups may be very important (Schwartz & Sangiuliano, 2016).

2.4 Mob Justice

Mob justice, defined as the practice whereby a mob, usually several dozens or several hundred persons, take the law into their hands to injure and kill a person accused of wrongdoing, poses a medico-legal, social and public health problem in most developing countries, including Ghana (Paulsen., 2002; Ng'walali & Kitinya, 2006;

Outwater et al., 2008, 2011). This violent phenomenon of mob justice occurs when a group of people act as both accusers, jury, and judge and punish an alleged wrongdoer on the spot. The person accused of a crime has no chance to defend them or claim innocence. This procedure often ends up with the victim being beaten to death or seriously injured. The victim of mob justice is denied a fair trial and the right to life which violates the United National standards of human rights.

In some societies globally, mob justice occurs because of social discrimination. For example, in certain countries, asylum seekers and refugees are being subjected to incidences of mob violence performed by citizens of the host countries who are either racists or view refugees as exploiters of their resources such as jobs and employment. This is true in most Western Europe countries where the natives harass and sometimes beat to death the immigrants from the developing world in Africa, Asia, and Eastern Europe countries seeking asylum or jobs (Ng'walali & Kitinya, 2006).

Mob justice is a form of unlawful punishment usually carried out by a group of individuals (mob) for presumed criminal offenses without consideration for due process of the law. Robin et al. (2010) observed that mob justice is a 'situation where a crowd of people take the law into their own hands, act as accusers, jury, and judge and punish a criminal suspect or an alleged criminal on the spot. This procedure often ends up with the victim being beaten to death or seriously injured. Mob justice or execution is usually initiated by a group of people who may have witnessed the perceived allegation or offense. Typically, the mob increases in size as people join the group to punish the victim. Adu-Gyamfi (2014) stressed that it is not unusual in communities where mob justice is so widespread to see people (passing by) joining a crowd to castigate the accused person without actually knowing the victim's particular

wrongdoing to have committed. On that spot, the mob, therefore, serves as the accuser, prosecutor, judge, and at the same time, the executor (Robin et al., 2010). Mobs react to crime or allegation of offense with a subjective mindset without any reasonable procedure for gauging the punishment imposed on the persons accused of a crime (Cooper-Knock, 2014). Mob punishment is usually the same for crimes or offenses and perpetrators.

No consideration is given to the minor, adults, or male and female. Severe beating with odd objects and lynching is the standard punishment for bitter and petty crimes. The penalty depends on the tension and mood of the mob (Godoy, 2004). As Maddensen (2014) observed, group punishment is usually baseless, unpredictable, dangerous, and very quick. It takes numerous dimensions. The penalty includes subjecting alleged offenders to degrading and inhumane treatments, spanking, slashing, stripping, pounding, and burning.

Several causes or reasons why mob justice occurs are documented in the literature. The most prominent one in literature is the criminal justice system's failure. Mob actions in the quest for justice are often widely motivated by public distrust and loss of confidence in the justice system (Baker, 2005). Ng'walali and James (2006) noted that it is one of the consequences of a dysfunctional justice system that fails to offer justice to the ordinary person. Ng'walali and James further stressed that when the justice system, often regarded as the last hope, begins to fail people and promote injustice, the manifestation is law-breaking and mass disorder. Kanaabi (2004) also observed that a lack of confidence in the capacity of the security service and the inefficiency of the various justice apparatus to fairly and independently prosecute offenders according to the law is apparent mainly in the mob violence witnessed in

many countries around the globe. Mutabazi (2006) noted that virtually all mob violence in the pursuit of justice in Uganda results from the incompetent and inefficient police and the legal system, especially in the management of procedural processes. From the preceding, this study defines mob justice as an unlawful practice whereby a crowd or group of people take the law into their own hands to carry out punishment on a presumed criminal suspect without consideration for due process of the law and without any practical basis for measuring the sentence. This punishment often results in serious bodily injury and the killing of the person accused of wrongdoing.

2.5 Rule of Law

The rule of law refers to a situation in which the people in a society obey its laws and enable them to function appropriately (Kadah, 2012). It emphasizes the supremacy of the justice system, the rules and the law courts, the judges and lawyers, and the law enforcement agencies of the State working effectively and efficiently to ensure peace, stability, and socio-economic development through fairness and respect for the rule of law.

The Rule of Law comprises several principles of a formal and procedural character, addressing how a community is governed (J Waldron, 2016). The legal regulations concern the generality, clarity, publicity, stability, and prospectively of the norms that govern a society. The procedural principles discuss the processes by which these norms are administered and the institutions—like courts and an independent judiciary that their administration requires. On some accounts, the Rule of Law also comprises certain substantive ideals like a presumption of liberty and respect for private property rights (J Waldron, 2016).

Even if the Rule of Law principles are purely formal in their application, we don't just value them for formalistic reasons (J Waldron, 2016). Most fundamentally, people appreciate the Rule of Law because it takes some of the edges of the power that is necessarily exercised over them in a political community. In various ways, being ruled through law means that power is less arbitrary, more predictable, impersonal, less peremptory, and less coercive. In addition, it establishes what Fuller (1964: 39–40) called a bond of reciprocity—a mutuality of constraint—between the ruler and the ruled, and in that sense, it mitigates the asymmetry that political power otherwise involves.

Accused persons are presumed innocent until the contrary is proved, trials are public, and defendants have a right to be present, represented by an attorney (at public expense if necessary), and cross-examine witnesses. In practice, authorities generally respect these safeguards. Article 14(2) of the Constitution states that a person arrested shall be informed immediately of his right to a lawyer. Unfortunately, not many people have legal counsel they can directly call for their assistance. The result of this has been a situation where many people have been incarcerated or have had charges preferred against them without counsel's knowledge. Article 19(2)(f) of the Constitution also provides that a person charged with a criminal offense should be permitted to defend himself before the court in person or by a lawyer of his choice. Section 114(1) of the Courts Act of 1993 provides that the Supreme Court, the Court of Appeal, the High Court, or regional tribunal may assign a lawyer by way of legal aid to any party to any proceedings where the court or tribunal believes that it is desirable in the interest of justice that the party should have legal assistance. Unfortunately, the person is financially unable to obtain the services of a lawyer.

Legal assistance in criminal matters is made available through the Ghana Legal Aid Board (GLAB), established by the Legal Aid Scheme Act of 1997 (Act 542). Criminal defendants can apply to GLAB for representation, which has its own offices in eight regions and temporary offices in the two other areas. GLAB represents any individual who earns less than the government minimum wage and desires legal assistance for a civil or criminal matter. The majority of the cases they deal with relate to landlord-tenant and property disputes and custody and maintenance of children. After inheritance, criminal cases represent the second majority of cases handled by GLAB. Out of 3 030 cases processed by GLAB in 2003, 943 (31 percent) were illegal. Despite the existence of the Legal Aid Board, many criminal defendants are unable to get legal representation for several reasons, such as lack of knowledge of the availability of legal aid services and unavailable legal officers in specific communities, or lack of the means to employ the services of a lawyer. Though GLAB has offices across the country, many districts and communities still do not have this facility. Information on the percentage of unrepresented criminal defendants is not available.

English is the medium of communication in court. Article 19(2)(h) of the Constitution provides that a person charged with a criminal offense shall have the right to an interpreter if they cannot understand the language used at the trial. Accordingly, for those unable to speak or understand English, courts have interpreters who explain proceedings to the defendants. At the point of arrest, Article 32(1)(a) of the Constitution stipulates that an arrested person's statement be read or interpreted in a language they best understands. However, problems arise when a detained person does not understand English and the policeman cannot explain the charges in a

language that the accused person understands. Interpreters often play the additional role of explaining the court procedures to defendants. However, since the translators are not trained legal persons, they cannot correctly interpret the legal terms to satisfy all parties and court officials involved in the case. Therefore, there is a need for the state to commit resources to train professional interpreters in the law and the major languages of Ghana for improved delivery of services to illiterate parties.

2.5.1 Delays in Bringing Cases to Trial

Article 14(3)(b) of the Constitution states that a person arrested, restricted, or detained shall be brought before a court within 48 hours. Article 19(1) also states that persons charged with a criminal offense shall be given a fair hearing within a reasonable time by a court. The Constitution further provides that a detainee who has not been tried 'within a suitable time shall be released unconditionally or subject to conditions necessary to ensure that the person appears in court later. In the case of children in the criminal justice system, Section 33 of the Juvenile Justice Act of 2003 (Act 653) provides for trial within six months from the date of arrest, failing which the accused is to be discharged unconditionally.

Though these legal provisions are in place, delays have become an everyday reality in the judicial process, denying fair trial in many cases. In practice, there are many cases of abuse, including detention without charge for longer than 48 hours, failure to obtain a warrant of arrest, and remand of prisoners into investigative custody for indefinite periods by renewing assurances or simply allowing them to lapse. In addition, authorities routinely fail to notify prisoners' families of their incarceration. Human rights activists have criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until the court was in session

on Monday, which they described as a deliberate circumvention of the 48-hour detention rule. However, CHRAJ has noted that its annual inspection of police cells has revealed that fewer suspects were held in breach of the 48 hours rule.

Delays in trials depend on the circumstances of the case. It has been difficult for each segment of the criminal justice sector to admit blame for the delay in prosecuting cases. For example, the A-G and Minister of Justice have blamed the delay in prosecuting cases, not on the A-G's Prosecution Division but on the police for being slow in submitting dockets. On the other hand, the Judicial Service has denied accusations of inaction concerning the prosecution of criminals, saying it is the responsibility of the A-G's Department and the GPS and attributing the adjournment of cases to the inability of the prosecution to produce witnesses. A circuit court judge also blamed the A-G's department for the delay in prosecuting cases after a suspect had made over 40 appearances, but each time the case had to be adjourned due to the absence of advice from the A-G's department. The DPP attributed some time delays to the lack of lawyers in court, retirement, transfer or death of criminal investigating officers, police prosecutors or judges, or unwillingness of witnesses to appear in court. The police talk of inadequate staff, the reluctance of accused persons to collaborate, corruption, and extensive and exhaustive investigative techniques. The blame-shifting reflects a severe lack of coordination between the justice sector departments (Gopaul, 2015).

The judiciary has introduced several measures to ensure prompt prosecution of criminal cases. First, 'fast-track' courts try criminal cases in addition to the regular High Court and circuit courts. Such criminal cases are those with a public concern or public interest and those political in nature. Second, two panels of the Court of Appeal

have been provided to hear criminal appeals daily. The third is an amendment of the Criminal Code to allow summary trials of armed robbery cases. These measures are helpful and could prove successful in expediting trials. It is recommended that ‘fast-track’ courts be extended to all the country's ten regions. The length of time for appeals to be heard and the reasons for requests are provided in the Criminal Procedure Code. Delays in the appeal process are often caused because many judges write longhand judgments, which are later typed out. Hence it takes a long time for counsel to get access to certified court records based upon which they can appeal. However, introducing the ‘fast-track’ and automated court systems has begun to address this problem. Relying on Article 19(1) of the Constitution, where there are undue delays, an accused person, through their counsel, may apply to the courts for a speedy trial or, in some cases, for the person to be set free. However, this procedure has been rarely made use of due to the delays the application process entails. Sometimes people find it ‘faster’ to pay their way through the system than to engage in the legal process

2.6 Right to Life

There are various contemporary definitions of human rights. The UN defined human rights as those rights inherent in our state of nature and without which we cannot live as human beings (Mishra, 2000). Human rights belong to every person and do not depend on the specifics of the individual or the relationship between the right-holder and the suitable guarantor (Chandra, 2017). Human rights are the rights that everyone has equal rights by virtue of their humanity. It is grounded in an appeal to our human nature.

Christian Bay defined human rights as any claims that ought to have legal and moral protection to ensure that basic needs will be met (Vincent, Vincent, & Vincent, 1986; cited in Donnelly, 2013). Therefore, human rights can be defined as those minimum rights that every individual must have against the state or other public authority by virtue of being a member of the human family. Shree P. P. Rao said human rights are the inherent dignity and inalienable rights of all members of the human family, recognizing them as the foundation of freedom, justice, and peace. For D. D. Raphael, human rights, in a general sense, denote the rights of humans. However, in a more specific sense, human rights constitute those rights that one has precisely because of being a human (Rajawat, 2002).

Among the protected rights is the right to life. Article 5 provides that everyone has the right to life, liberty, and security (Ghana's Constitution of 1992 with Amendments through 1996). Furthermore, article 13 grants the right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment. That is, “no person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offense under the laws of Ghana of which he has been convicted.” At the regional level, human rights are declared in the African Charter on Human and Peoples Rights (ACHPR), 1981. Article 5 states that every individual shall have the right to respect the dignity inherent in a human being and to the recognition of his legal status (African Charter on Human and People's Rights 1981).

The dignity and worth of the human person are underscored in the preamble to the Charter of the United Nations (UN Charter) 1945 and the Preamble to the UDHR. The ICCPR and the ICESCR regard it as "the inherent..., and inalienable right of all human

family members the foundation of freedom, justice and peace in the world” (Binchy, 2013). Moreover, the 1992 Constitution of Ghana Article 15 confers the right to life and declares that human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right. However, these rights need to be exercised with limitations, the criterion being that "these limitations must be provided by law and must be necessary to protect national security, public order, public health, or morals or the rights and freedoms of others." The above provisions demonstrate the importance of the right to life. Given this position, it is reasonable to conclude that every human being has the inherent right to life, and this right must be protected by law. Given this, no human being has the right to take another's life, especially concerning the study of mob justice.

2.7 Police and Public Relationship in Ghana

The conceptualization of legitimacy could be distinguished between normative and empirical legitimacy. Normative legitimacy is when people in authority or position meet various agreed objective criteria, such as the absence of corruption, whereas empirical legitimacy depends on citizens' perception (Van Damme, 2015). World Internal Security and Police Index defined legitimacy based on the dimensions of due process of law and rights of the accused, confidence in the police, public office or position for private gains, and political terror where the government uses the police force to terrorize its citizens. Tankebe (2013), in defining police legitimacy, adopted similar indicators used by World Internal Security and Police Index. Tankebe's indicators of police legitimacy are effectiveness, distributive fairness, procedural fairness, and lawfulness. These dimensions influence citizens' perceptions about the

police service in protecting and ensuring their security which impacts public trust. This calls attention to the fact that police legitimacy promotes public confidence. However, equipping the police service of any country is not enough to help them perform their functions effectively. It is important to note that, for the police force of any country to perform effectively, it needs the support of the public in reporting crimes and providing the police with relevant information to address criminal activities.

In Africa, the legitimacy of police services is of great concern. Threats to community security and personal security are significant challenges facing African countries. Despite internal conflicts being linked to the emotional insecurity of Africans, high crime rate, sexual assaults, and homicides are the other common threats to the personal and community security of Africans. However, these crimes and threats are often not reported to the police, with the principal explanation being the lack of trust and confidence in the police (O'Regan, 2018). This stresses the issue of police legitimacy in African countries such as Ghana. It is worth noting that the normative legitimacy of the police does not influence citizens' perceptions. Despite the Ghana Police Service operating under guiding principles and values, many Ghanaians are displeased with the Ghana Police Service proven through several surveys about the institution, as stated earlier. One of the recent accounts of mistrust and dissatisfaction with the Ghana Police Service was the case of a prime suspect of four kidnapped girls in Takoradi in the Western Region of Ghana. The suspect escaped from the police cell with the help of a police investigator (Annim, 2018). Issues surrounding police legitimacy in Ghana can be blamed on under-resourced police service, lack of enhanced professional training, and the recruitment processes of the Ghana Police

Service, where ethnicity and political affiliation are prioritized ahead of conscientiousness, professionalism, and proficiency.

There is enough evidence illustrating that the Ghana Police Service is perceived to be the most corrupt and the most detested public institution in the country. This description of the Ghana Police Service has been consistent over the years according to surveys, reports, and commission of inquiry reports such as the Final Report on the Commission of Enquiry into Bribery and Corruption produced in 1974 (Atuguba, 2007). To further reveal the height of mistrust of the Ghana Police Service was the 2018 arrest of three police officers stationed at the Weija District Police Commander by the Greater Accra Regional Police Command, Anti-Robbery Squad for allegedly hiring out their assigned AK47 rifles to armed robbers. These cases have increased mistrust and public disapproval of the Ghana Police Service, resulting in increased attacks on police officers, mob attacks on criminals, and police facilities (Atuguba, 2007; Pokoo-Aikins, 2002).

Mob justice is an uncivilized way of life which unfortunately turns out to be expected in many African countries even in the 21st century of civilization. In Africa, weak security institutions and a lack of trust from the public wrongfully justify mob justice as an alternative measure to protecting personal and community security in the eyes of the people. Other reasons for mob justice are judicial inefficiency and the slow delivery of justice (Neequaye 2007; Awuni 2007). In Ghanaian society, mob justice is a consequence of mistrust of the police service and the legal systems. As a result, many Ghanaian communities view mob justice or instant justice as a measure of enforcing the law deemed to be delayed and, at times, not further pursued by the police service and legal systems.

Mob justice violates the human rights of the victims under Articles 5, 10, and 11 of the Universal Declaration of Human Rights. These rights are also highlighted under Chapter 5 of the 1992 Constitution of Ghana. In some Ghanaian societies, mob justice answers questions such as what do you do when there are hundreds of civilian killings, injustices, and brutalities, where the perpetrators of these crimes have never been brought to justice yet, are under police investigation? Mob justice comes in various forms in Ghanaian societies, such as lynching, vigilantism, bludgeoning, and burning of accused persons (de la Roche, 1996). It is meted out to persons charged with robbery, rape, and theft. For example, a petty theft could subject an accused to mob justice in some Ghanaian societies. Under this development, every crime carries the same weight of punishment under the court of mob justice. In some instances, innocent people are subjected to mob justice by mistaken identity.

2.7.1 Factors that Influence Victims' Reporting of Crimes

Several analyses of crime reporting were initiated in the 1970s and 1980s using victimization surveys conducted at the national and municipal levels in North America, Europe, and Australia, as well as several smaller studies in Mexico and Colombia. Surprisingly, rates of reporting were rarely very high. "In every jurisdiction, there is a great deal of unreported crime – even in the most 'civil' places, where cooperation with the police was presumed to be high – and everywhere, the decision to report seems to be dominated by a rational calculus regarding the costs and benefits of such action" (Skogan, 1984, p. 114). For example, across the United States and European countries, burglaries reported to police in the 1970s and 1980s varied between 45% and 67%, with the U.S. figure at about 50% (Skogan 1984). In other words, at least one-third of incidents perceived as crimes by victims were not

reported to the police. Moreover, reporting does not appear to have changed dramatically since. For example, in 2014, only 46% of assaults and 60% of burglaries in the United States were reported to the police (Truman & Langton, 2015).

Past analysis of the determinants of reporting focused on incident, individual, and environmental factors. Specifically, what type of crime was experienced, the demographic and socioeconomic profile of the victims, a victim's perception of the police, and the environmental context of the incident were examined for any effect on reporting. Factors that were found to raise rates of reporting of crime consistently included the seriousness of the crime, the prospect of restorative services or insurance coverage, a sense of obligation among victims to prevent or deter future crime, and whether the victim believed there was sufficient actionable information or evidence for the police to pursue an investigation. Surprisingly, a victim's attitudes toward the police did not consistently affect reporting, even in contexts featuring hostile police-citizen relationships, such as cities where riots had recently occurred. Nor did demographic factors, such as race and income, result in significant differences in reporting, though these factors were associated with different rates and seriousness of the crime, which affected reporting. Women were more likely to report crimes than men. According to U.S. surveys, reporting rates by crime type are similar in urban, suburban, and rural areas (Skogan, 1984). Overall, the seriousness and cost of a crime bore the most significant association with reporting, while many victim-specific factors such as race and income displayed no clear relationship.

More recent surveys and analytical work have explored reporting in developing-country contexts and the influence of community- and neighborhood-level factors on individual reporting. For example, in analyzing their random survey of 532

households in Belize City in 1990, Bennett and Wiegand (1994) hypothesized that income, gender, education, and other indicators of social status would play a more significant role in reporting in Belize than in developed countries. In Belize and many developing countries, Bennett and Wiegand theorized, policing and governance, in general, tend to be “particularistic” and based on status and access to elite circles, whereas in developed countries policing is more universalistic and focused on responding to events regardless of the position of the victims involved. In Belize, Bennett and Wiegand believed that such a “particularistic” form of policing is widely perceived and disinclines victims of crime who are not part of the favored political or economic classes from reporting incidents. They further assumed that particularism would extend to the neighborhood level, with poorer, more diverse areas saying less frequently due to a community-level sense that police services are not equally accessible.

Bivariate and multivariate analyses of Bennett and Wiegand’s survey results did not support their theory of particularism. Indeed, their findings largely align with the earlier work on reporting conducted in developed countries. The authors find that income is positively related to reporting but that no other individual- or neighborhood-level factors display a statistically significant relationship with reporting. A history of victimization and the seriousness of the type of crime or incident was most strongly associated with reporting, as has been repeatedly found in developed countries (Skogan, 1984). Focusing on the role of neighborhood-level factors, Goudriaan, Wittebrood, and Nieuwbeerta (2005) drew on survey data from across the Netherlands. It used hierarchical regression to analyze the influence of social cohesion, socioeconomic disadvantage, and confidence in the police at the

neighborhood level on reporting at the individual level. Due to higher involvement in illicit activities and higher tolerance of deviance, disadvantaged neighborhoods are believed to have weaker access and lower inclination to report to law enforcement. In addition, low community confidence in the police should reduce the expectation among all community members that reporting is worthwhile. Lastly, fragmented neighborhoods can be less organized and access government services, including law enforcement, which should reduce individuals' tendency to report crimes. The authors aggregated individual-level survey results to the neighborhood level and created scores on cohesion and confidence in the police to measure neighborhood-level factors. The disadvantage was scored based on welfare use rates, unemployment, and other socioeconomic indicators.

Consistent with previous research, they find that the type and severity of the crime are significantly associated with reporting. In addition, as measured by income, welfare recipients, single-parent households, and unemployment aggregated to the neighborhood level, the socioeconomic disadvantage is also negatively related to crime reporting. However, the relationship is nonlinear, and its marginal effect is strongest in the most disadvantaged neighborhoods. Meanwhile, social cohesion is positively and consistently associated with reporting, and even appears to moderate the negative influence of highly socioeconomically impoverished communities. Finally, reinforcing earlier findings from Skogan (1984), attitudes toward the police at the neighborhood level demonstrate no relationship with reporting.

Other factors that are believed to impact the reporting of crime relate to the offender's characteristics and the victim-offender relationship. Victims who know their offenders may be less inclined to report them to formal authorities or feel that they can more

effectively utilize informal methods of resolving the victimization (Skogan, 1984). The social status of the victim and offender may also influence the decision to report, mainly if the victim is a member of a racial, ethnic, or another social group that is relatively more privileged than the offender (Xie & Lauritsen, 2012). Overall, given limitations in available data, the analysis here does not explore how offender characteristics or victim-offender relationships and status affect reporting.

2.8 The Reasons Why Citizens Resort to Mob Justice

Literature has documented some mob justice escalating and reducing factors. The mob justice escalating factors include improper crimes investigations and handling by the police and judiciary, for example, due to incompetence or corruption.

Frustration is obtained from accumulated justice and unfair judicial processes and procedures, so direct physical violence or vigilantism are directed at new suspects before they reach the Police (Outwater et al., 2013; Nyonyintono, 2009). In addition, rampant crime in an area can lead to mob justice if police are not doing enough to solve the problem (Human Rights Watch, 2010; Dar es Salaam, 2000; Refugee Law Project, 2009).

A possible cause of this is the lack of trust in the police service, legal system, politicians, and the entire political system. When there is mistrust in the design, people are likely to take the laws into their own hands; when public officials exhibit either manifest or latent discrepancies in law enforcement, it has a rippling or trickle-down effect on subordinates, entire civic behavior, or general moral degeneration (Morris & Klesner, 2010; Della Porta, 2000; Ayee, 2000; Hetherington, 1998). This has been noted by Morris and Klesner (2010) that “one perspective posits that low

levels of trust nurture corruption of the entire system...distrust thus fosters a tolerant or acquiescent attitude towards corruption and, by creating the expectation of corrupt behaviors among others, feeds individual participation in corruption...basic evaluative orientation toward the government founded on how well the government is operating according to people's normative expectations," (p.1261). Public trust in police can enhance police effectiveness and the legitimacy of police actions (Lyons, 2002; Sunshine & Tyler, 2003). Therefore, it is linked to the capacity of state police to provide basic citizen security (Goldsmith, 2003). Unfortunately, the police institution and the legal systems are not very much trusted by the ordinary people, so the slightest chance they get, people prefer to harm or lynch the suspected person or persons without due process or state agencies to take charge. A deficit of trust in the police is all too common in sharply divided, post-conflict and post-authoritarian societies (Weitzer, 1995; del Frate, 1998; Mishler & Rose, 1998). However, more generally, wherever there are strong indicators of relative socio-economic inequality, public trust in police tends to be problematic (Reisig et al., 2004). This point has forcefully been brought home by Alemika (1999), who observed that in Nigeria, contacts 'between the police and the citizens are characterized by anxiety . . . more so for those who are poor and powerless' (p. 2).

Another reason is that numerous people in Ghana may be aware that mob justice practice is illegal and contrary to the land laws. But, again, many people are also ignorant of the implications of mob violence (Attafuah, 2008). Such people may either not know that it is a human rights issue or be oblivious of the ability of a person seeking to settle personal scores to infiltrate the mob's ranks. Because of this, people do not think twice before raising the alarm for the mob to help them retrieve their stolen

items, and the retrieval of their items may end up causing the death or maiming of the victim. Mob justice is illegal, primitive, and has no place in a civilized community. Public sensitization alone will not curb these atrocities without a reliable justice infrastructure.

People also resort to mob violence when certain people in society are shielded from the long arms of the law (Yeboah-Assiamah and Kyeremah, 2014). This makes people lose confidence in the police and the judicial systems. In Ghana, the protection of the political class is a typical example. In most cases, the Inspector General of police position (IGP) is politically inclined or has a soft spot for the ruling political elites in Ghana. Conquest, political domination, the creation of a police force under the direct control of the political class and for their protection and the protection of the affluent class requires one to complement the web of political and social domination (Yeboah-Assiamah and Kyeremah, 2014). This has made it extremely difficult to professionally and independently enforce the rule of law against specific political figures due to political patronage, clientelism, and rent-seeking tendencies between top police officials and political elites. It would be unheard of that any leading politician in power could be jailed accordingly for a hideous crime. As a result, people perceive that other people in society who have a closer relationship with the political class or can pay bribes to law enforcers tend to get out of the long arms of the law. Additionally, the laxities and subjectivity in law application, coupled with the perceived corruption of public officials, make public trust in the political system and order shiver (Yeboah-Assiamah and Kyeremah, 2014).

Perpetrators are willing participants, which invariably makes it hard to get people to attest to the commission of the crime. Most people do not have faith in formal

institutions and resort to mob justice to protect themselves and their property, as people are generally ignorant of how the criminal justice system works. This is accompanied by the breakdown of the traditional justice system, which has been an important aspect in the development of alternative justice methods (Leite, 2017). These methods would help people resolve their disputes amicably. It is also submitted that "times of transition, especially from military or authoritarian governments to democracy, or from armed conflict to peace, can often be accompanied by vigilantism." (Salter, 2017). It's challenging to uproot this informal structure because most people depend on it, although it promotes mob justice. Frustrations among the citizens who find themselves affected by, for instance, poor service delivery pose a challenge to the state as this tends to cause people to erupt and vent their anger on alleged criminals and foreigners. There is a moral collapse in private institutions like homes and schools. People abuse drugs and alcohol and then commit heinous acts against others. Traditional beliefs and other diverse incentives are deeply rooted in and are carried on from generation to generation. This also is a challenge to the Ghanaian constitutional order. There is a lack of tolerance of each other spreading rapidly as the world becomes one big community responding to urbanization and globalization. It is high time that some people accept that their belief does not acquire sanctity or infallibility simply because of its association with an inspired doctrine. If each person agrees with this, tolerance of personality differences will improve, and cases of mob justice will decrease (Salihu & Gholami, 2018).

2.9 The Challenges in Enforcing the Right to Life in the Constitution

In a country faced with a criminal justice system challenged by a parallel informal justice system, the state still has the mandate to enforce and implement laws and

respect, protect and fulfill the constitutional rights of all the people in Ghana. Thus, it is also accepted that providing for rights is one thing and protecting or implementing them is, in fact, something else (Mubangizi, 2004). However, enforcing constitutional rights comes with challenges, creating conflicts of interest. Ideally, citizens are supposed to respect each other's rights and honor the country's Constitution, but this is not always the case, as there are cases where spontaneous mobs form to mete out justice on alleged criminals (Monaghan, 2008). In dealing with such conflicts, justice demands that there be an act of balancing the rights of the offender against the rights of the victim. This demand challenges state law enforcement agents and the criminal justice system as some issues are deep-rooted in the system. The following subsections explain the challenges to law enforcement, especially concerning the right to live in the constitution of Ghana.

2.9.1 Cynicism about the Constitution

The 1992 Constitution of Ghana explicitly guarantees and protects human rights in general and the right to life. The fifth chapter of the Constitution focuses on the Bill of Rights and states the need to protect such rights in unequivocal terms. Section 13(1) provides that everyone has the right to freedom and security of the person, which includes the right not to be tortured in any way and not to be treated or punished in a cruel, inhuman, or degrading way. A right is defined as a duty owed to you by another person, either to perform or to refrain from performing a particular act. Some rights are primary in that one acquires them against all other persons simply by virtue of being a human being (Atri, 2007). The enjoyment and benefits of these constitutional rights "largely depend on public awareness of such rights and the

mechanisms and institutions for their enforcement." The biggest challenge is unawareness of these human rights or at least what they stand for.

Another problem is that there are still some problematic issues that need attention before anyone can do anything about mob justice. People believe that lenient sentences have played a significant role in increasing crime (Cavallaro & Mohamedou, 2005). They think that the courts are too lenient with criminals. Appeals for introducing harsher sentences are made by those alleging leniency in the criminal justice system. Today, there are still those who advocate for the reintroduction of the death penalty. Thus, the debate continues with calls to reintroduce capital punishment to address the escalating crime level in the country.

Unfortunately, those who believe in the death penalty are haste to do what they think should be done with the criminals opposing the Court's decision to outlaw the death penalty as a cruel and inhumane punishment drawing that authority from the Constitution. Regrettably, such repressive and barbaric adjudication systems are still found in Ghana, a state that has made history by outlawing the death penalty in a novel manner.

2.9.2 Issues in the Criminal Justice System

The criminal justice system is confronted with problems regarding issues of access to justice. This spans from a financial, physical, and technical viewpoint. In the rural areas, police posts and higher courts are often far from many of the population (Adu-Gyamfi & Keating, 2013). The problem of staff shortages and insufficient resources cannot be emphasized, as evidenced by backlogs and the incapacity of the system to respond to the needs of the people.

The eroded trust and confidence in the administration of criminal justice are exhibited in violent reactions to crime. The legacy and continuing practice of mob justice is a challenge to the constitutional order in Ghana. What is evident is the adverse impact mob justice practices have on constitutionally guaranteed rights. It is acknowledged that frustrations with the police and courts are a natural and ever-present danger to the survival of democracy and, therefore, must be tackled professionally with zeal, speed, and accuracy (Yeboah-Assiamah & Kyeremeh, 2014). Impliedly democracy does not amount to the will of social deviants who act at their whims to disregard broader societal interests.

Moreover, the continued existence of informal retributive justice, meaning acts committed outside the limits of the formal criminal justice system, blurs the lines between state and non-state action. For this reason, mob justice creates challenges to the constitutional order. Nevertheless, theoretically, Ghana has a dependable and flexible judicial system capable of maintaining order in its realm but lacks its obligation to address the justice inherent in mob justice.

2.9.3 Misinterpretation of the Law

One of the challenges with mob justice is no differentiation between criminal acts in contravention of the ceremonial law or the Constitution and other non-criminal activities (Buur & Jensen, 2004). For instance, particular sexual practices and witchcraft are considered criminal in many communities regardless of laws that penalize attempts to identify witches (Adinkrah, 2011). The problem of non-recognition of the distinction between criminalized and non-criminalized acts defy the legal maxim *nut/urn crimen sine loge*, which loosely translated means, there can be no crime committed without a criminal law (McNamara, 2010). A criminal offense is an

act or conduct that the law condemns as a wrong. To respond effectively and decisively, the offender must be punished. Punishment must, therefore, be justified by reference to a moral wrong that the person punished has allegedly done (Duff, 1991). This will result in the demise and disappearance of self-help groups and the decline of vigilantism.

2.9.4 Police Brutality and Incompetence

The police are an integral part of the criminal justice system. They are concerned with maintaining order and enforcing the criminal law. The system and process of criminal justice depend on effective and efficient police work, particularly when it comes to preventing and detecting crime and apprehending and arresting probable criminal offenders (Burns, 2002).

Law enforcement agencies are supposed to make a concerted effort and consistently enforce laws to bring about compliance and reduce crime. The Ghana Police Service is one of the Public Sector Organisations (PSOs) under the Ministry of the Interior. The colonial administration created the Ghana Police Service to produce an enabling environment for commerce by maintaining law and order and arresting and prosecuting people who foul the rules. After independence, the Service received legal backing through the Police Service Act, 1970 (Act 350). In addition, chapter seven of the 1992 Constitution continued to firm up its existence. Among other duties, the police uphold and enforce the law, protect and secure the citizens, maintain public order, and prevent, combat, and investigate crime. These duties are aimed at creating social justice and establishing a democratic constitutional order in which, at last, all citizens will be able to respect the laws of the country and those who enforce the law.

Brutality is beyond the purview of those duties. This brutality has widened the gulf and mistrust between the police and the citizens—human rights violations in the Ghana police service point to issues of accountability deficits in policing. Lack of accountability compounds the problems as the police in Ghana are hardly held accountable and quickly get away with impunity.

2.9.5 Urbanization and Globalization

Urbanization is the concentration of human populations into discrete areas, leading to land transformation for residential, commercial and industrial, and transportation purposes (Mikayilov, Shukurov, Mukhtarov & Yusifov, 2017). Although urbanization is excellent and necessary, it brings many challenges, especially in crime control. It is submitted that the city life attracts people and lets all kinds of activities flourish. However, criminals also find their share of opportunities here. Street crimes become familiar as the authorities find it hard to patrol cities (Koper, 1995; cited in Ratcliffe, 2016).

This is compounded by globalization. Globalization is the connection of different parts of the world, which expands international cultural, economic, and political activities (Al-Rodhan, & Stoudmann, 2006). As people, ideas, knowledge, and goods move more easily around the globe, the experiences of people around the world become more similar. Modern communication has played a more significant role in cultural globalization. Due to technology development, communication has become much easier and faster, resulting in the rapid spread of different kinds of influence, good and bad. Likely, easy access to information about foreign countries is as easily accessible as it is with local news. Through globalization, people may become aware of incidents quickly through the internet, and with successful global news networks,

as globalization spreads, bad things spread too. It challenges states, including Ghana, to curb or curtail mob justice as this practice has proved to be a global problem.

2.10 Implications of Mob Justice

Mob justice could have numerous implications if not addressed. Mob justice is prone to weaken our legal systems and expose the country's criminal justice system as ineffectual and powerless to punish offenders resolutely according to the laws. The criminal justice system is accountable for dispensing justice (allotment of entitlements and deprivations or disabilities) due to or deserved by the criminals, victims, and society (Cunneen & Hoyle, 2010).

The most important responsibility of the criminal justice system is to give out criminal justice in accordance with the due process or the rule of law. In realistic terms, criminal justice refers to determining the culpability or innocence of a suspect and the allotment of chastisement that is fair and comparative to the convict's offense. Furthermore, substantive criminal justice demands equity and equality in the enforcement and interpretation of criminal justice, which, however, can only be achieved with the most minor disparities in political and socioeconomic power (Ashworth, 2015).

Mob justice provides stern intimidation to national and global security, peace, and stability. Mob justice practice depicts people as primitive and uncivilized on the worldwide front. There are many situations where innocent victims have been brutalized and killed as mistaken identity incidents since it is also possible that an innocent person fleeing from a scene to avoid a probable suspicious link with a crime

committed may be securitized and brutalized (Shalhoub-Kevorkian & Shalhūb-Kīfūrkiyān, 2015).

Mob justice creates a sudden disintegration in the investigation process and the impenetrability or impracticality of arresting other accomplices of the suspected crime. Mob justice, at all times, offers a penalty that is extraordinarily ruthless and brutal compared to the crime committed. Suspects of burglary, attempted rape, robbery, and pickpocketing, time and again, have the same form of retribution. All crimes do not have the same punishment.

Article 19(3) (6) of the Constitution provides that, “No penalty shall be imposed for a criminal offense that is severer in degree or description than the maximum penalty that could have been imposed for that offense at the time when it was committed.” In Ghana’s constitution, a mob cannot set down a sentence for a criminal offense. Article 125(3) stipulates, “The judicial power of Ghana shall be vested in the judiciary. Accordingly, neither the President nor Parliament shall be given final judicial power.” In Article 25(2), citizens are included in the administration of justice but through institutions of public and customary tribunals, jury, and assessor systems. Our constitutional obligation is to work together with legally recognized agencies in safeguarding and conserving law and order as enshrined as stated clearly in Article 41(i) of the 1992 Republican Constitution. Remember that the exercise and enjoyment of rights and freedoms are inseparable from performing duties and obligations.

2.11 Empirical Review of Related Studies

Adu-Gyamfi (2014) assessed the implications of mob justice practice among communities in Ghana. The study used the descriptive survey technique, and the

sample size for the study was one thousand respondents. The study comprised all persons 18 years, and above who were currently residing at Kumasi Metropolis for the past two years. A simple random under probability sampling procedure was used in selecting respondents for the study. The study concluded that mob justice is a social canker in various Ghanaian communities, violating fundamental human rights protection and has severe implications for Ghana's young democracy. The root cause of mob justice is the people's distrust in the legal and security authorities to properly handle suspected criminals, compounded by the increased crime rate and other factors. The study recommended that Ghana needs a decisive evaluation of her Criminal Procedure Code to amend the outmoded procedures which impede speedy trial, and eradicating mob justice practice in Ghanaian communities demands a rigorous effort of the government, state institutions, and non-governmental organizations, civil society organizations, and all citizens.

Sibanda (2014) investigated the harm caused by mob justice to people endowed with the right to life entrenched in the Bill of Rights. The investigation was done against the backdrop of an elaborate Bill of Rights that makes the right to life inviolable in democratic South Africa. It exposed the factors that underlie the growing incidence of mob justice in the country and the implications of this phenomenon for legal and policy options. The study explained that the state has to protect the right to life and that mob justice is unconstitutional and violates the right to life and its associated rights like the section 35 rights and the right to dignity. Therefore, it was necessary that the state act upon this phenomenon to fulfill its constitutional duty to protect the right to life. Beyond the analysis of the incidence of mob justice in South Africa, an

effort was made to proffer possible strategic responses to curb the phenomenon in the short and long terms.

Kodah (2012) also studied the practice of mob violence in the name of justice and its implication for the rule of law in Ghana. The study was divided into three major parts. The first part examines some conceptual issues of justice, which serve as a framework for the analysis. The second part evaluated some possible causes that elicit recourse to mob violence to seek equity and fairness. It also brought out the potential impacts of the practice on the rule of law, good governance, and sustainable democratic development in Ghana. The study rejected mob violence, “mob justice,” as an acceptable way of seeking justice in the third part. This is done by taking cognizance of the conceptual framework set at the beginning. The study turned the paradigm upside down, thus making “mob justice” mob justice. Consequently, the study made some recommendations that should be considered to put an end to upholding the supremacy of the rule of law needed for the entrenchment of democracy and good governance in Ghana.

Chalya et al. (2015) analyzed the mob-justice situation in north-western Tanzania to determine the causes and injury characteristics of mob-justice cases and the outcome of treatment among survivors. A total of 234 cases (i.e., 170(72.6%) deaths and 64 (27.4%) seriously injured patients) of mob justice were studied. The median age of victims was 28 years. Males outnumbered females by a ratio of 6.1: 1. The most common reason for a mob-justice was theft/robbery in 63.2% of cases. Stoning (50.4%) and burning (43.6%) were the most frequent methods used in executing mob justice. The head (95.7%) and the musculoskeletal (63.2%) were injured in the most common body region. Open wounds (97.4%) and fractures (47.9%) were the most

common injuries sustained. More than 70% of the victims brought in alive (64 cases) were treated surgically, of which wound debridement (75.6%) was the most common procedure performed. Complication and mortality rates were 51.6% and 51.1%, respectively. The study concluded that mob justice constitutes a medico-legal, social, and public health problem in Tanzania that needed immediate attention. Addressing the root causes of mob justice, such as poverty, lack of education, unemployment, and substance abuse, will reduce the incidence of mob justice in our environment, hence saving a life.



CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter the thesis will consider the research methodology. This chapter spells out the research design of the study, the population of the study to be taken into consideration, the sample size and sampling techniques, data collection methods as well as the techniques to be used in analyzing the data to be collected. The research design basically considers how the research would be conducted in general while the sample size considers a fraction of the population on which the study would be conducted. Data collection methods look at the techniques or instruments to be used in gathering the data for the study and after which the data analysis describes the tools to be utilized for analyzing the data collected.

3.1 Research Philosophy

The research philosophy deals with the nature of knowledge, and how that knowledge would be developed. Hence, it contains assumptions of the way in which one views the world, and this affects or influences one's research strategy and methods (Saunders et al., 2009). Creswell (1994) is of the view that for research philosophy, four main areas are very important, thus, ontology, epistemology, axiology and methodology. Guba and Lincoln (1994) also suggested four different research paradigms which are post positivism, critical theory, positivism and constructivism. In order to situate you study in the proper research philosophy, one must discuss the several overarching approaches and know how best to place your research in the continuum of what have been identified.

Generally, an action should be guided by some sets of belief, and this is what Guba (1990) defines as a research paradigm. Denzin and Lincoln (1998) assayed that a paradigm has three main parts: epistemology, ontology and methodology. Notwithstanding, Creswell (1994) and Collis and Hussey (2013) decided to keep their philosophical cognitive on four main assumptions, namely, ontological, epistemological, axiological and methodological. In explicating further, works by Thurairajah et al. (2006) threw more light on the stance of the various research paradigms. According to their study, language and process of the research deals with rhetorical and methodological assumptions while the philosophical stance of a research is more concerned with ontology, epistemology and axiological assumptions. These various paradigms appear to be very critical and requires intent identification because it influences the research instruments which would be chosen (Christou et al., 2008).

3.1.1 Pragmatism (Research Philosophy Adopted)

Saunders et al. (2009) opined that pragmatism follows the philosophy that there is no single approach which can encapsulate and explain a subject matter, and thus, there may be multiple realities, hence adopting only one particular stance would appear inadequate and inappropriate. Experienced researchers tend to follow through with a mixed approach between the two extreme ends of research paradigms (Positivist and Interpretivist) which is modified and adapted and called the pragmatic research philosophy (Collis and Hussey, 2013).

In pragmatism, the most important determinant is the research question, and the research question should be such that either adopting a positivist or Interpretivism approach would be appropriate (Tashakkori and Teddlie, 1998). Intuitively, it can be

deduced that the pragmatic philosophy favours the use of either a deductive or inductive research approach; for ontology it can be either objective or subjective in nature; in considering the axiological nature, one can be value-free or biased; and one has the freedom to use either qualitative, quantitative or a combination of both for research strategy (Tashakkori and Teddlie, 1998). Nonetheless, pragmatists do not necessarily have to use different or all of the methods available to their disposal, but only those which deemed significant and appropriate to the study at hand.

Epistemologically, this philosophy was chosen because it is seen as a midway between the positivist philosophy and the Interpretivism philosophy. Hence, it gives the researcher the opportunity to mix different research methods in an effort to finding solutions to the key issues at hand through theories and frameworks. In addition, the impact of mob justice on right to life cannot be seen as a fact unless views from experts, victims and policy developers are taken into consideration to enable us to appreciate the practical views of how the study objectives would be achieved.

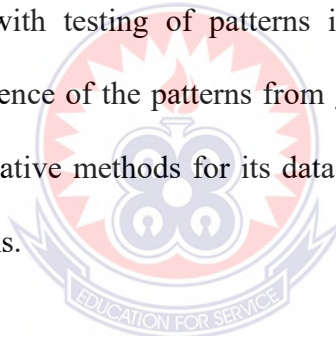
3.3 Research Approaches

Research approach is concerned with the stepwise procedures and action plans adopted for a research from one stage (general assumption) up to the interpretation of data (Creswell, 2013). The philosophical stance of the study affects the type of approach adopted for any study (Creswell, 2009). Kwofie (2015) was of the view that the research approach provides an avenue to propose a general view of the research problem while providing answers to the research questions. Research approach consists of two key areas, deductive and inductive approach. Easterby-Smith et al. (2008) formulated three main reasons which will influence a researcher to choose a particular approach. Firstly, the research design to be used will caused one researcher

to choose one approach over the other. Secondly, the research strategies and choices also influence the decision and lastly knowledge in the different research conducts.

3.3.1 Deductive

This approach deals with existing theories that have been widely been accepted or ideas about a subject by identifying the theory and testing through observations to confirm the theory (Ofori-Kuragu, 2013). The deductive approach mostly consists of a top-down initiative in the creation of the theory and testing of hypothesis while maintaining the independence of the researcher. Hence, the process starts from the identification of the relevant theories and the use of scientific study through observations to confirm these theories. Kwofie (2015) added on that, the deductive approach is concerned with testing of patterns identified through observation to confirm the actual occurrence of the patterns from general to specific. This approach mostly adopts the quantitative methods for its data collection and analysis in testing the validity of assumptions.



3.3.2 Inductive

Inductive approach is used mainly in formulating theories, and it begins with the study of specific instances of societal issues, through the identification and development of patterns from the analysis of data gathered (Ofori-Kuragu, 2013). Kwofie (2015) asserted that this approach engages in a bottom – up perspective, where through the study of specific issues moving up to the broad generalization of the specific situation. Inductive, adopting the qualitative methods in its data collection and analysis means it is subjective in nature. In developing theories using inductive approach, it can be said to be one that helps in gaining more understanding of the problem from the perspective of society such that the researcher is part of the search

in identifying the phenomenon, collecting data and analysing it for deeper understanding (Saunders et al., 2009).

3.3.3 The Research Approach Adopted

In considering the research approach adopted for this study, preference favored the use of the deductive research approach as it is more appropriate and suiting to the use of pragmatist research philosophy. The deductive research approach is objective in nature, and in exploring the sustainable development factors of smart cities, it was imperative to allow for experts' views collection through primary data by using structured research questionnaires.

3.4 Research Design

The research styles fall under any of the three main research strategies proposed by Baiden (2006). Thus, it could either be experiment or surveys or case study (quantitative), action research, grounded theory, ethnography etc. (qualitative); or convergent, transformative, explanatory or exploratory sequential etc. (mixed method).

3.4.1 The Research Strategy and Design Used

The research strategy and style employed for this study were the use of case study and survey questionnaires (quantitative approach). Thus, focusing on a single appropriate setting for this study (Ayawaso Municipality). Case studies helps us to find specific issues associated with the identified locality, and providing solutions geared towards the identified cases. Yin (2003) is of the view that case studies should be employed when the study is relatively new, and there exist unclear boundaries relating to the scope of the study, as well as the need to obtain an in-depth, holistic and rich view on

phenomenon. Hence, Yin's statement supports the choice of research strategy for this study; which is contemporary, and requires in-depth investigation. Case studies are for empirical or exploratory investigations where the researcher has to do an in-depth analysis. It is mostly employed within a context of existence, and its purpose is for gaining rich understanding of such existence (Baiden, 2006; Saunders et al., 2009). In choosing case studies, one must be of the idealist mindset of ontological position, Interpretivism through the epistemological paradigm and a value driven stance of the axiological perspective; case studies could either be single, multiple, embedded or holistic (Pathirage et al., 2005) in providing insight into the phenomenon (Fisher and Purcal, 2010); it should be done through the collection of several data over a time period (Creswell, 2009). Yin (2003) opinionated that case studies are forms of empirical enquiry in which one looks into a contemporary phenomenon within its real-life context, especially where the boundaries between the phenomenon and context are not very overt.

3.5 Population

Hence, considering the agglomeration of several areas or facets which makes up the population, identifying a finite population becomes very difficult. Hence, leading the study to tag its population as infinite. When the situation turns this way, the best point estimate is the population's sample mean (Cochran, 1977). The sample frame consists of the targeted population from the lot which this study considered. Hence, it can be said to the operational definition of the population (Moffitt, 2005). Kothari (2004) defined a sample frame to consist of a list of items from which the sample is to be taken. Ritchie et al. (2013) opined that for any study the researcher can identify the sample frame specifically to the study or it could be obtained from secondary

information. Therefore, considering relevant literature on the subject under study (Giffinger et al., 2007; Hall, 2010; Dahiya, 2012; Anthopoulos, 2019). The target population of the study will be all individuals who were 18 years and above and were currently residing at Ayawaso Municipality for the past two years as well as the members of the justice system of Ghana including lawyers and the police officers. The geographical area for the study was chosen due to increased number of mob violence in the area according to Amnesty International Ghana (Naatogmah, 2017).

Sample Size

A sample size is described as a set of elements from which data is collected. Large sample sizes are preferred by researchers (Cooper & Schindler, 2014). Now that the sampling technique which will be used for the study has been determined, the next focus is to try and figure out a sample size for the study. It must be reiterated that the population of the study is unknown, and moreover, the technique adopted is the purposive sampling technique. Notwithstanding, Cochran (1977) was of the view that in determining the sample size for an unknown population some few things can be taken into consideration to enable us come out with the study's sample size. These are the level of precision and the desired confidence level. However, these are mainly for probability sampling approaches as already explained above. Therefore, since this study adopted a non-probability sampling technique, the sampling size could not be determined by any of the probabilistic approaches. Notwithstanding the precedence statement, in case the study would have adopted a probability sampling technique, the study would have kept the confidence level at 95% (the most used level for quantitative probabilistic studies) and a margin of error of +/- 5%. The total sample population was 94,831 and the sample size was four hundred (400). In the sampling,

a standard error of 95% will be considered in this sampling calculation. On a population of 94,831 respondents, an approximate sample of 400 respondents was attained.

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

Where n is the sample size, N is the population size and e is the margin of error

$$\frac{94,831}{1 + 94,831 (0.05)^2} = 398$$

Based on the population of 94,831 sample size 400 respondents were sampled in the study area. Out this, 275 respondents responded to the questionnaires distributed giving 68.75% response rate.

Table 3.1: Sampling Size Determination

Area	Citizens	Lawyers	Police Officers	Total
Accra Newtown	55	10	15	80
Alajo	55	10	15	80
Nima	55	10	15	80
Kotobabi	55	10	15	80
Pig Farm	55	10	15	80
Total	275	50	75	400

From Table 1, the geographical area for the study being Ayawaso central Municipality has been divided into stratum in order to have a representative selection of the sample size. With five strata, the study sample 20 citizens each, 10 lawyer as well as 15 police officers from each stratum.

Sampling Technique

In research, collection of data from the entire population appears as costly and time wasting. Therefore, several measures have been formulated to enable us to target a part of the population in a careful but impressive manner which will still represent characteristics of the entire population. Saunders et al. (2009) defines these approaches as the sampling technique. Sampling techniques have been grouped into two main broad areas, namely: the probability sampling technique and the non-probability sampling techniques.

Probability sampling techniques are those cases whereby each individual in the population has an equal chance or likelihood of being selected. It is mostly used when the population is known. Probability sampling technique gives us the opportunity to calculate for confidence interval and margin of errors (Bryman, 2004). Though this approach is flout as being very costly and time consuming, it is seen to be superior to the non-probability sampling technique because of the odds of any unit to be selected can be calculated, but they do not have to be the same though. Examples of probability sampling techniques are, cluster sampling, simple random sampling, systematic sampling, stratified random sampling, and multi-stage random sampling (Saunders et al., 2009).

Non-probability sampling techniques are those cases whereby it is impossible for each individual in the population to be selected by chance. Non-probability sampling technique does not give us the opportunity to calculate confidence interval and margin of errors, but this approach is seen as very easy and cost-effective (Bryman, 2004). Examples of non-probability sampling techniques are: quota sampling, convenience sampling, purposive sampling, self-selection sampling and snowball sampling.

Though researchers who adopts quantitative research approach may see the use of this technique as inferior, it comes out to be very useful for exploratory researches where we are just in to prove a theory whose existence have already been confirmed in literature. This is the case for this study. Thus, this study adopted the use of purposive sampling technique, which is a non-probabilistic sampling tool.

The stratified random sampling technique was used for this research. Stratified sampling gives every stratum a chance of being selected to ensure a proportionate representation of population in the sample. In addition, the simple random technique will be used. Simple random sampling consists of a sample of individuals that exist in a population i.e. the individuals are randomly selected from the population and placed into a sample. In this case, the reason for using simple random sampling is to select a sample size that is an unbiased representation of the population.

Sources of Data

Data sources are mainly either primary or secondary. This study resorted to the use of primary data by adopting the quantitative research approach which mostly employs the use of survey questionnaires as the data collection tool. The variables obtained were strategically compounded into close-ended questionnaires which were distributed to the target population to solicit their matchless expertise in meeting the objectives of this study.

Secondary data was not used for this study. However, secondary data are those data sources which could be obtained from the database of an institution or company, or the data collected by an independent body, or the data used by another person in their study. Notwithstanding, the several types of data as seen in literature is presented in the next sub-section below.

Data Collection Methods

After going through the philosophical stance of the study, the research approach, research strategies, research choices and time horizons, and making decisions on which option to use for the study and reasons for choosing one over the other; the next step is to identify the techniques and procedures which would be used to collect data. The data collection methods adopted for a study is very important as it influences the attainment of the research objectives and purpose of the study. Tongoco (2007) was highly concerned about the fact that in data collection no amount of analysis (no matter how careful it is done) can make up for a poor data which does not reflect the population intents. Hence, collection of data must be taken very seriously with all aptness.

In adopting quantitative research approach, most researcher tends to favour the use of survey questionnaires as their data collection tool (Sarantakos, 2005). Survey questionnaires, mostly used in social sciences researchers are adopted in collecting all sorts of data (Creswell, 2005). Questionnaires are mostly in two forms: either open-ended or close-ended questionnaires (Sarantakos, 2005). The questionnaires were formed in such a way that they help in answering the research objectives of this study (Oppenheim, 1996). A good questionnaire would be unique, and contribute to generating several kinds of information from the respondents (Gall et al., 2003). It should be clear, concise, precise, and straight to the point; not requiring further enquiry or deliberations in case of a close-ended type. Sarantakos (2005) opined that survey questionnaires should follow these four main criteria: good categorization, easily comprehended wording, generally acceptable and easy to code variables. In the questionnaire format, one key thing is to explain to your respondents the direction or

research being studied (Salant and Dillman, 1994). A good questionnaire will lead to the attainment of a valid and reliable primary data (Fowler and Floyd, 1995).

Reviewing literature on questionnaire formation, it became overt that questionnaires should be presented on an A4 sheet (preferably white) and it should not exceed eight or nine pages (Oppenheim, 2000; Fellows and Liu, 2003; Naoum, 2012). The presentation of questionnaires generally has an effect on the quality of responses the researcher is deemed to receive from the survey (Wahab, 1996). Hence, one must try to clear as possible and use words or jargon which the average respondent can relate (Fowler and Floyd, 1995).

Piloting of the questionnaires were undertaken before the main survey. Yin (2009) is of the view that pre-testing your questionnaires is very necessary, and could help in obtaining real value facts with inputs from experts about how easy and familiar they could be with your questions. Lietz (2010) said that pre-testing of questionnaires is very pertinent in obtaining reliable and valid data, it also creates room for correction of any ambiguity in the questions asked.

A structured questionnaire was used to collect primary data. A structured questionnaire is a set of coded questions with well-defined patterns following a sequence of questions (Acharya, 2010). These are preferred as they are easy to administer and have few dependencies during data analysis. A Likert scale of one to five will be used to measure the extent to which the respondents agree or disagree with the questions. The scales will include: strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5). Some questions will have an option of “other” where respondents can describe other responses not included in the structured section.

Table 3.2: Data Collection Methods

Specific Objective	Respondents	Method for Data Collection
1. To investigate the effects of mob justice on Ghana's criminal system.	Lawyers and Police Officers	Structured Questionnaire
2. To investigate the effects of mob justice on the Right to Fair Trail	Lawyers and Police Officers	Structured Questionnaire
3. To assess the impact of mob justice on the right to life in Ghana	Citizens, Lawyers and Police Officers	Structured Questionnaire

Table 3.2 depicts the means by which data would be collected according to each specific objectives of the study as well as the kind of respondents' data was collected from.

3.10 Data Analysis Techniques

3.10.1 Statistical Analysis

The data collected was subjected to statistical analysis using tools such as Microsoft Excel and Statistical Package for Social Science (SPSS). Microsoft Excel will be used to organize the data and to generate descriptive statistical result of the data. The organized data in Excel format will be imported into the SPSS workspace to analyze for Pearson's Bivariate Correlation and Simple Linear Regression (SLR) result of the data.

3.10.2 Descriptive Statistics

Descriptive statistical analysis for this research will involve the use of tabular and graphical displays, such as bar charts and frequency distribution tables to summarize the findings. Descriptive statistics will also provide a measure of location or central

tendencies of the data as computed means (average) and standard deviations for further interpretation.

3.10.3 Pearson's Bivariate Correlation

The Pearson's Bivariate Correlation technique will be used to conduct an initial inquiry to investigate the existence of relationship between the variables of mob justice and the right to life. The tool will generate correlation coefficients that will provide a measure of the strength and nature of the relationship between the variables.

3.11 Internal and External Validity

Validity simply means, achieving what the study intends to attain. Proposed by Kelley (1927), validity is used in evaluating the importance of a research study or the procedures used. Generally, we have two main types of validity; internal and external validity. Internal validity considers how the dependent variable(s) is/are well explained by the independent variable(s). Hence, there should be no confounding variables between the independent variables in enabling the correct prediction of the dependent variables (Gay and Airasian, 2000). Internal validity is affected by eight main threats as proposed by Campbell and Stanley (1963). These variables are history, testing, selection preconception, experimental mortality, statistical regression, development (maturing or improving from one state to the other), and instrumentation and research reactivity (ibid).

External validity on the other hand looks at how the research can be generalized to reflect the entire population. Hence, one could ask, does the same thing happens in variant settings other than this one? Smith and Glass (1987) also came out with some threats to external validity which includes; validity affecting the population of the study; ecological validity, and external validity of operations. By recapitulation, one

must note that a study with internal validity, does not automatically confirms that the study will also have an external validity (Onwuegbuzie, 2000).

In assessing the validity of a test McLeod (2013) suggested two main methods of measurement which are content-related validity and criterion-related validity. Under content related validity, we have two main sub-sections; face validity and construct validity. Nevo (1985) opined that face validity considers the face value of what the study intends to measure. For instance, this study was on sustainable consideration of smart cities. Therefore, face validity would be achieved when the constructs reflects the aim of the study. However, face validity is considered a weak approach to test validity (McLeod, 2013). Construct validity looks at the extent to which the constructs explain the theoretical underpinning of the study. For example, this study on sustainability should have constructs which should at least touch on the triple bottom line of sustainable development (social, environment and economy). Therefore, attaining this would mean the study has a good construct validity (Cronbach and Meehl, 1955).

Criterion validity measurement technique is concerned with how one study is correlated to other measurements (variables). Criterion validity is grouped into several types based on the approach adopted. First, one type of criterion validity is concurrent validity. As the name suggests, concurrent validity measures the rate at which the test relates to another construct concurrently (McLeod, 2013). For instance, in this study, it has been purported that smart cities could lead to urban sustainability. Hence, constructs in smart cities for improving any city in becoming smart should also have linkages which could lead the city to urban sustainability. Predictive validity is when after some point in time we can predict the scores of a future outcome from the test.

Convergent validity on the other hand relates to how new findings and previous findings still leads to the same concurrent outcome on the study (Petty et al., 2009).

3.12 Ethical Considerations

Ethics is an ancient Greek word which was used to differentiate between good and bad morals. Hence, it can be dubbed as the branch of philosophy which deals with the phenomenon of right and wrong in decision making (Johnstone, 2015). Since the use of scientific enquiry somewhere as back in time even before the 18th century, ethics became a formalised part of research only until recently; after the Nazi experiments with the Nuremberg code published in 1947. The code is seen to be the mother of all research codes from which the other codes emanated from (Fouka and Mantzorou, 2011). The Nuremberg code focused on freedom to partake or withdraw from research, informed consent of respondents' protection from physical and mental harm, risk-benefit balance and protection from suffering or death (Oddi and Cassidy, 1990).

Ethical issues are very important in research now, because ethical standards eschew falsification of data and promotes the formulation of real value facts and truth in promoting knowledge (Riddell and Burgess, 1989). Ethical issues also provide good grounds for collaborative research because it spills out the rules and duties of each member, and it enables the easy formation of co-authorship, copyright guidelines and confidentiality of each member (Dich et al., 2013). Moreover, in order to increase the integrity of research, ethical issues are harnessed in that regards and also for increasing confidence of the public in research. Thus, does the study protects human right, ensures animal welfare, safeguard the environment, complies to the laws, safety and available standards etc. (Riddell and Burgess, 1989). Examples of ethical issues considered in research includes but not limited to the following:

Beneficence – Thus, the study must be of immense benefit to the world or the scientific domain without having any harm whatsoever on the population of the study or the world (Beauchamp and Childres, 2001).

Informed Consent – this is when the respondent without any reservations whatsoever gives his/her consent to conduct the study or provide information to the questions being asked in the data collection tool (Armiger, 1997).

Respect for confidentiality and anonymity – the type of research method adopted would mostly influence the choice between anonymity and confidentiality. However, if the researcher is unable to provide anonymity (in case of a qualitative research), then at least the confidentiality of the respondent should be kept (Levine, 1976).

Respect for privacy – Levine (1976) opined that privacy is when an individual decides when to share, distribute, discuss or withheld his/her private information from others. When the researcher shares the private information of a respondent without informed consent, there is a breach of privacy (Kelman, 1977).

Protecting the vulnerable in the society – vulnerable group are those who do not have what it takes to protect their rights and welfare, for example the poor, children, the sick, pregnant women, aged, lunatics, very ill or dying people etc. (Fisher, 1993). Therefore, studies relating to these people should have a highly informed ethical consideration.

3.13 Chapter Summary

The chapter presented in details the several methods available for use in research methods as well as reasons to choose one method over the other. This chapter in a

nutshell provides the research structures or background to which the entire study lingers on. Hence, it is one of the main aspects which cannot be overemphasised in ensuring that a good and novel study is conducted. From this chapter, it can be deduced that the study will use the pragmatic research philosophy which favours the use of both deductive and inductive research approaches, and either qualitative or quantitative or both research strategies. Though this research is a case study, close-ended questionnaires were used as the data collection tool. The study was also conducted within a short time frame (cross-sectional). Moreover, the purposive sampling technique was adopted invoking the use of non-parametric test for analysis of the study



CHAPTER FOUR

RESULTS AND DISCUSSION

4.1 Introduction

The main goal of the study is to assess the effects of mob justice on the right to life of citizens in Ghana. The focus was on three specific objectives: to investigate the effects of mob justice on Ghana's criminal system, investigate the effects of mob justice on the Right to Fair Trial and assess the effects of mob justice on the right to life in Ghana. In order to accomplish the above, three research questions were framed

and the results are presented in this chapter. Information obtained was analyzed in terms of tables of frequencies and percentages.

4.2 Demographic Information of Respondents

This section provides the background and demographic details of the respondents. These include the age, marital status and the level of education as described in Tables below. This information based on the respondents was considered necessary because it allowed the researcher to determine the target audience that were recruited for the study and if the information required was being collected.

The findings from the table reveal that 76.7% of the respondents were males and 23.3% were females. With regards to the age of the respondents, the findings show that 16.7% of them were less than 20 years, 22.2% of the respondents were between the ages of 20 and 29 years, 34.4% of the respondents were 30 and 39 years, 20% of the respondents were between the ages of 40 and 49 years and 6.7% of the respondents were 50 years and above.

With regards to the marital status, the results from the table reveal that 17.8% of the respondents were married, 67.8% of the respondents were single, 8.9% of the respondents were divorced and 5.6% of the respondents were widow/widower.

The findings of the study further reveal that 27.8% of the respondents were Christians, 54.4% of the respondents were Muslims, 11.1% of the respondents were of the African Traditional Religion and 6.7% of the respondents were of other religion which was not mentioned.

Concerning the occupation of the respondents, the results of the study show that 14.4% were traders, 22.2% of the respondents were Lawyers, 33.3% of the respondents were Police officers, 13.3% of the respondents were Public Officers and 16.8% of the respondents were of other profession which was not specify.

The results of the study show that 20% of the respondents had their residence at Accra Newtown, 22.2% of the respondents reside at Alajo, 16.7% of the respondents had their residence at Nima, 18.9% of the respondents had their residence at Kotobabi and 22.2% of the respondents had their residence at Pig farm.

With regards to whether the respondents had been victim or witnessed any mob justice, the findings show that 83.3% of the respondents claimed they have been either victim or witness to mob justice and 16.7% of the respondents have neither been victim or witness to any mob justice.

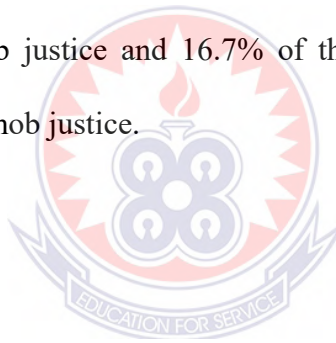


Table 4.1: Demographic Information of Respondents

Variables	Indicators	Frequency	Percentage
Gender	Male	173	76.7
	Female	52	23.3
Age	Less than 20	38	16.7
	20 to 29	50	22.2
	30 to 39	77	34.4
	40 to 49	45	20.0

	50+	15	6.7
Marital Status	Married	40	17.8
	Single	153	67.8
	Divorce	20	8.9
	Widow/Widower	13	5.6
Religion	Christian	63	27.8
	Muslim	122	54.4
	African Traditional Religion	25	11.1
	Other	15	6.7
Occupation	Trader	33	14.4
	Lawyer	50	22.2
	Police	75	33.3
	Public Officer	30	13.3
	Other	37	16.8
Residence	Accra Newtown	45	20.0
	Alajo	50	22.2
	Nima	38	16.7
	Kotobabi	43	18.9
	Pig Farm	50	22.2
Victim or Witness to Mob Justice	Yes	187	83.3
	No	38	16.7

Source: Field Data, 2020

4.2 Descriptive Statistics

The table below presents results on the distribution of the responses of the respondents on the items that were used to measure variables. All the variables – Mob Justice, Criminal System, Right to Fair Trial and Right to Life were measured on a five-point Likert scale where “1= Strongly Disagree; 2 = Disagree; 3 = Slightly Agree; 4 = Agree and 5 = Strongly Agree”. Interpretation of the mean values in the

Table below is based on how the items were measured as already indicated in the statement above.

Table 4.2: Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Mob Justice	225	1.00	2.33	1.5074	.34340
Criminal System	225	3.00	4.50	4.0667	.42532
Right to Fair Trial	225	2.33	4.67	4.0259	.46935
Right to Life	225	3.00	4.50	4.1333	.48459

With regards to the findings from the table above, it is being observed that Mob Justice had a mean score of 1.5 and a standard deviation of 0.34, which suggests that on the average a respondent in the study disagreed on the items that were used to measure Mob Justice in the study. Again, it is being observed that criminal justice had a mean score of 4.07 and a standard deviation of 0.43, which suggests that on the average a respondent in the study agreed on the items that were used to measure criminal justice in the study.

With regards to Right to Fair Trial, the findings in the table show Right to Fair Trial had a mean score of 4.03 and a standard deviation of 0.47, which suggests that on the average a respondent in the study agreed on the items that were used to measure Right to Fair Trial in the study. Also, with a mean of 4.13 and a standard deviation of .48 depicts that on the average a respondent in the study agreed on the items that were used to measure Right to Life in the study.

4.3 Reliability Test

As part of the preliminary analysis of the study, the reliability test was conducted to see if all the items that were used in the research instrument could consistently give the study a good result. The Cronbach Alpha statistic technique was used to check the internal consistency of the items. The results as presented in the Table below shows that, all the items under each variable or dimension of a variable passed the reliability test since all the Cronbach alpha values are more than the lower limit threshold of 0.7. The Cronbach alpha values for each ranged between 0.743 – 0.974.

Table 4.3 Reliability Tests Results

	Number of Items	Cronbach Alpha
Mob Justice	12	.742
Criminal System	6	.787
Right to Fair Trial	6	.747
Right to Life	6	.828

Source: Field Data, 2020

4.4 Validity Tests

Validity is the extent to which the scores from a measure represent the variable they are intended to. This study used the Kaiser-Meyer-Olkin (KMO) test and Bartlett's test of sphericity to measure the adequacy of samples in terms of the distribution of values for the execution of factor analysis.

Table 4.4: Validity Tests Results

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.663
Bartlett's Test of Sphericity	Approx. Chi-Square	219.661

df	6
Sig.	.000

Source (Field data, 2020)

In this study, the KMO test and Bartlett's test of sphericity were used to measure the adequacy of the collected samples prior to the execution of exploratory for its suitability in the factor analysis. The outcome for the KMO test was .663, so the conformity was confirmed to perform the factor analysis. Also, as the stage to figure out common factors and to indicate the suitability of the factor analysis model, Bartlett's test of sphericity generated 219.661 (0.000), showing the statistical significance.

4.5 Correlation Analysis

In verifying the hypotheses, the researcher used a Pearson correlation analysis method to find out whether effects on the economy were linearly correlated with each of the independent variable. Thus, the categorical data was transformed into quantitative forms. In view of this, Extreme positive responses (i.e. strongly agree) were assigned the value of 5 and the extreme negative responses (i.e. Strongly Disagree) were assigned the value of 1. Composite scores were computed for the independent and the dependent variable for statements of the questionnaire dealing with the independent variable and the dependent variable. Consequently, the analysis entailed the verification of the null hypotheses at (0.05) level of significance.

Table 4.5: Correlation Analysis Results

	1	2	3
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1. Mob Justice	1		
2. Criminal System	-.362**	1	
3. Right to Fair Trail	-.129	.826**	1
4. Right to Life	-.557**	.760**	.619**

Source (Field data, 2020)

The hypothesis was tested using a Pearson product moment correlation index to find out whether there is a relationship between the two variables. The result of the finding is presented in table 4.5. The results of this analysis show a negative linear relationship between the Mob Justice on the Criminal System of Ghana as given by the negative value of the computed correlation index (-.362). The p-value (.000) being less than the level of significance alpha .05 implies that the results were statistically significant.

The results of this analysis further show a negative linear relationship between the Mob Justice on the Right to Fair Trail as given by the negative value of the computed correlation index (-.129). The p-value (.000) being less than the level of significance alpha .05 implies that the results were statistically significant.

The results of this analysis show a negative linear relationship between the Mob Justice on the Right to Life as given by the negative value of the computed correlation index (-.557). The p-value (.000) being less than the level of significance alpha .05 implies that the results were statistically significant.

4.6 Regression Analysis

Section 4.6 was dedicated to the answering the research questions, specifically utilizing the mean weighted average and chi-square methods. In this section, the focus was on explaining the concept of hypothesis testing, a statistical method used to make inferences or draw conclusions about a population based on a sample of data. The section began by introducing the concept of the mean weighted average, a statistical measure that calculates the average value of a particular set of numbers, each of which is assigned a different relative weight. The section elaborated on how this method can be applied in hypothesis testing to provide more accurate results when certain data points carry more significance or relevance than others. This section demonstrates the findings on each of the specific objectives of the study.

4.6.1 Effects of mob justice on Ghana's criminal system

The first specific objective of the study was to investigate the effects of mob justice on Ghana's criminal system. The findings on effects of mob justice on Ghana's criminal system are demonstrated in this section. The results presented in Table 4.6 provide insights into the perceptions of the impact of mob justice on Ghana's criminal system. The table presents six statements about mob justice, and respondents were asked to rate their agreement with each statement on a scale from "Strongly Disagree" to "Strongly Agree". The mean score for each statement provides an average level of agreement, and the chi-square test was used to determine if the distribution of responses was significantly different from what would be expected by chance.



Table 4.6: Effects of mob justice on Ghana's criminal system

Items	SD (%)	D (%)	SLA (%)	A (%)	SA (%)	Mean	Chi-Square (df)	Decision
Mob justice weakens our legal systems and exposing country's criminal justice system	12 (5.3)	9 (4.0)	12 (5.3)	142 (63.1)	50 (22.2)	3.93	286.844** (4)	Low Perception
It makes the system ineffectual and powerless of punishing offenders resolutely according to the laws	6 (2.7)	6 (2.7)	8 (3.6)	121 (53.8)	84 (37.3)	4.20	260.178** (4)	High Perception
It makes it system is difficult for the dispensation of justice that is due to or deserved by the criminals, victims, and society	12 (5.3)	9 (4.0)	12 (5.3)	142 (63.1)	50 (22.2)	3.93	286.844** (4)	Low Perception
It provides a stern intimidation to national and global security, peace, and stability	6 (2.7)	6 (2.7)	8 (3.6)	121 (53.8)	84 (37.3)	4.20	260.178** (4)	High Perception
It leads to the impenetrability or impracticality of arresting other accomplices of the suspected crime	12 (5.3)	9 (4.0)	12 (5.3)	142 (63.1)	50 (22.2)	3.93	286.844** (4)	Low Perception
It makes it challenging for criminal offence to be presumed to be innocent until he is proved or has pleaded guilty	6 (2.7)	6 (2.7)	8 (3.6)	121 (53.8)	84 (37.3)	4.20	260.178** (4)	High Perception

Note: $N = 225$; $SD = Strongly Disagree$; $D = Disagree$; $SLA = Slightly Agree$; $A = Agree$; $SA = Strongly Agree$; $Decision (Weighted Average) = 24.39/6 = 4.065$; $df = Degree of freedom$; **. *Chi-Square is significant at the 0.01 level (2-tailed).*



The first statement suggests that mob justice weakens the legal systems and exposes the country's criminal justice system. The mean score of 3.93 and a chi-square value of 286.844 (significant at the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The second statement posits that mob justice makes the system ineffectual and powerless in punishing offenders resolutely according to the laws. The mean score of 4.20 and a chi-square value of 260.178 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The third statement suggests that mob justice makes it difficult for the dispensation of justice that is due to or deserved by the criminals, victims, and society. Similar to the first statement, the mean score of 3.93 and a chi-square value of 286.844 (significant at the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The fourth statement posits that mob justice provides a stern intimidation to national and global security, peace, and stability. Similar to the second statement, the mean score of 4.20 and a chi-square value of 260.178 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The fifth statement suggests that mob justice leads to the impenetrability or impracticality of arresting other accomplices of the suspected crime. Similar to the first and third statements, the mean score of 3.93 and a chi-square value of 286.844

(significant at the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The sixth statement posits that mob justice makes it challenging for a criminal offence to be presumed to be innocent until proven or has pleaded guilty. Similar to the second and fourth statements, the mean score of 4.20 and a chi-square value of 260.178 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The overall weighted average of the perceptions is 4.065, which leans towards agreement with the statements. This suggests that the respondents generally perceive that mob justice has a significant impact on Ghana's criminal system. However, the perceptions vary depending on the specific aspect of the criminal system being considered.

4.6.2 Effects of mob justice on the Right to Fair Trial

The second specific objective of the study was to investigate the effects of mob justice on the Right to Fair Trial. The findings on effects of mob justice on the Right to Fair Trial are demonstrated in this section. Table 4.7 presents the perceptions of the impact of mob justice on the Right to Fair Trial. The table presents six statements about mob justice, and respondents were asked to rate their agreement with each statement on a scale from "Strongly Disagree" to "Strongly Agree". The mean score for each statement provides an average level of agreement, and the chi-square test was used to determine if the distribution of responses was significantly different from what would be expected by chance.

Table 4.7: Effects of mob justice on the Right to Fair Trial

Items	SD (%)	D (%)	SLA (%)	A (%)	SA (%)	Mean	Chi-Square (df)	Decision
An individual is sentenced without being given the occasion to be heard	10 (4.4)	13 (5.8)	14 (6.2)	65 (28.9)	123 (54.7)	4.24	215.422** (4)	High Perception
The right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal is denied	14 (6.2)	20 (8.9)	21 (9.3)	84 (37.3)	86 (38.2)	3.92	119.200** (4)	High Perception
Procedural fairness and the fairness of a decision or judgement of a court or tribunal is also deprived	42 (18.7)	34 (15.1)	88 (39.1)	61 (27.1)	NA	2.75	30.733** (3)	Low Perception
Right for parties to be heard and to respond to allegations made against them are also deprived	18 (8.0)	28 (12.4)	15 (6.7)	91 (40.4)	73 (32.4)	3.77	107.067** (4)	High Perception
Rights of the accused and the victim in criminal proceedings are not possible	13 (5.8)	8 (3.6)	18 (8.0)	61 (27.1)	125 (55.6)	4.23	217.289** (4)	High Perception
Individuals are punished out of the legal domain	46 (20.4)	29 (12.9)	28 (12.4)	91 (40.4)	31 (13.8)	3.14	63.511** (4)	Low Perception

Note: *N* = 225; *SD* = Strongly Disagree; *D* = Disagree; *SLA* = Slightly Agree; *A* = Agree; *SA* = Strongly Agree; *Decision (Weighted Average)* = $22.05/6 = 3.675$; *df* = Degree of freedom; **. *Chi-Square is significant at the 0.01 level (2-tailed).*



The first statement suggests that mob justice results in individuals being sentenced without being given the occasion to be heard. The mean score of 4.24 and a chi-square value of 215.422 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The second statement posits that the right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal is denied due to mob justice. The mean score of 3.92 and a chi-square value of 119.200 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The third statement suggests that mob justice deprives procedural fairness and the fairness of a decision or judgement of a court or tribunal. The mean score of 2.75 and a chi-square value of 30.733 (significant at the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The fourth statement posits that the right for parties to be heard and to respond to allegations made against them are also deprived due to mob justice. The mean score of 3.77 and a chi-square value of 107.067 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The fifth statement suggests that the rights of the accused and the victim in criminal proceedings are not possible due to mob justice. The mean score of 4.23 and a chi-square value of 217.289 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The sixth statement posits that individuals are punished out of the legal domain due to mob justice. The mean score of 3.14 and a chi-square value of 63.511 (significant at

the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The overall weighted average of the perceptions is 3.675, which leans towards agreement with the statements. This suggests that the respondents generally perceive that mob justice has a significant impact on the Right to Fair Trial. However, the perceptions vary depending on the specific aspect of the Right to Fair Trial being considered.

4.6.3 Effects of mob justice on the right to life in Ghana

The third specific objective of the study was to investigate the effects of mob justice on the right to life in Ghana. The findings on effects of mob justice on the right to life in Ghana are demonstrated in this section.

Table 4.8 presents the perceptions of the impact of mob justice on the right to life in Ghana. The table presents six statements about mob justice, and respondents were asked to rate their agreement with each statement on a scale from "Strongly Disagree" to "Strongly Agree". The mean score for each statement provides an average level of agreement, and the chi-square test was used to determine if the distribution of responses was significantly different from what would be expected by chance.

Table 4.8: Effects of mob justice on the right to life in Ghana

Items	SD (%)	D (%)	SLA (%)	A (%)	SA (%)	Mean	Chi-Square (df)	Decision
Innocent victims are brutalized and killed as mistaken identity	10 (4.4)	16 (7.1)	15 (6.7)	99 (44.0)	85 (37.8)	4.04	166.267** (4)	High Perception
Innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed	10 (4.4)	11 (4.9)	16 (7.1)	85 (37.8)	103 (45.8)	4.16	181.911** (4)	High Perception
Mob Justice offers penalty which is extremely ruthless and brutal, compared to the crime committed.	9 (4.0)	12 (5.3)	9 (4.0)	121 (53.8)	74 (32.9)	4.06	228.844** (4)	High Perception
Prevents the states to take steps to protect the lives of individuals	10 (4.4)	10 (4.4)	6 (2.7)	94 (41.8)	105 (46.7)	4.22	221.600** (4)	High Perception
Denial of right to the respect of the dignity inherent in a human being	9 (4.0)	12 (5.3)	9 (4.0)	121 (53.8)	74 (32.9)	4.06	228.844** (4)	High Perception
Denial of right to the respect of the dignity inherent in the recognition of his legal status	16 (7.1)	17 (7.6)	15 (6.7)	87 (38.7)	90 (40.0)	3.97	140.311** (4)	Low Perception

Note: $N = 225$; $SD = Strongly Disagree$; $D = Disagree$; $SLA = Slightly Agree$; $A = Agree$; $SA = Strongly Agree$; $Decision (Weighted Average) = 24.51/6 = 4.036$; $df = Degree of freedom$; ******. *Chi-Square is significant at the 0.01 level (2-tailed).*



The first statement suggests that innocent victims are brutalized and killed as a result of mistaken identity due to mob justice. The mean score of 4.04 and a chi-square value of 166.267 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The second statement posits that an innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed can be a victim of mob justice. The mean score of 4.16 and a chi-square value of 181.911 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The third statement suggests that mob justice offers a penalty which is extremely ruthless and brutal, compared to the crime committed. The mean score of 4.06 and a chi-square value of 228.844 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The fourth statement posits that mob justice prevents the states from taking steps to protect the lives of individuals. The mean score of 4.22 and a chi-square value of 221.600 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The fifth statement suggests that mob justice results in the denial of the right to the respect of the dignity inherent in a human being. The mean score of 4.06 and a chi-square value of 228.844 (significant at the 0.01 level) indicate a high perception of this statement, suggesting that respondents generally agreed with this statement.

The sixth statement posits that mob justice results in the denial of the right to the respect of the dignity inherent in the recognition of an individual's legal status. The mean score of 3.97 and a chi-square value of 140.311 (significant at the 0.01 level) indicate a low perception of this statement, suggesting that respondents generally disagreed with this statement.

The overall weighted average of the perceptions is 4.036, which leans towards agreement with the statements. This suggests that the respondents generally perceive that mob justice has a significant impact on the right to life in Ghana. However, the perceptions vary depending on the specific aspect of the right to life being considered.

4.7 Discussion of Findings

This section of the chapter depicts the discussion of the findings in relation to other studies conducted in the area of implications of mob justice:

4.7.1 Discussion of Findings on the effects of mob justice on the right to life of citizens

The main goal of the study is to assess the effects of mob justice on the right to life of citizens in Ghana. The first specific objective of the study was to investigate the effects of mob justice on Ghana's criminal system. The findings of the study showed that Mob Justice negatively impacts the Criminal Justice of Ghana. With the findings of this study, it is observed that Mob justice weakens our legal systems and exposing country's criminal justice system, it makes the system ineffectual and powerless of punishing offenders resolutely according to the laws and makes it system is difficult for the dispensation of justice that is due to or deserved by the criminals, victims, and society.

Mob justice could have numerous implications which if not addressed. Mob justice is prone to weaken our legal systems and exposing country's criminal justice system as ineffectual and powerless of punishing offenders resolutely according to the laws. The criminal justice system is accountable for the dispensation of justice (allotment of entitlements and deprivations or disabilities) that is due to or deserved by the criminals, victims and society (Cunneen & Hoyle, 2010). The most important responsibility of the criminal justice system is to give out criminal justice in accordance with the due process or rule of law. In realistic terms, criminal justice refers to the determination of the culpability or innocence of a suspect, and the allotment of chastisement that is fair and comparative to the convict's offence. Substantive criminal justice demands equity and equality in the enforcement and interpretation of criminal justice, which, however, can only be achieved with least disparities in political and socioeconomic power (Ashworth, 2015). Mob justice provides a stern intimidation to national and global security, peace and stability. On the global front, mob justice practice clearly depicts people as primitive and uncivilized. There are many situations where innocent victims have been brutalized and killed as mistaken identity incident owing to the fact that it is also possible that an innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed may be securitized and brutalized (Shalhoub-Kevorkian & Shalhūb-Kīfūrkiyān, 2015).

4.7.2 Discussion of Findings on the effects of mob justice on the Right to Fair

Trail

The second specific objective of the study was to investigate the effects of mob justice on the Right to Fair Trail. The study revealed that Mob Justice negatively impacts the

Right to Fair Trial in Ghana. With the findings of this study, mob justice can lead to the case where an individual to be sentenced without being given the occasion to be heard, the right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal is denied and procedural fairness and the fairness of a decision or judgement of a court or tribunal is also deprived.

In line with these findings, the study concluded that mob justice is a social canker in various Ghanaian communities which clearly violates the protection of the fundamental human rights and has serious implications on Ghana's young democracy. The root cause of the mob justice is the people distrust in the legal and security authorities to properly handle suspected criminals compounded with the increase rate of crime and other factors. The study recommended that Ghana needs a decisive evaluation of her Criminal Procedure Code with the purpose of amending the outmoded procedures which impede swift trial and eradicating mob justice practice in Ghanaian communities demands a rigorous effort of the government, state institutions, non-governmental organizations, civil society organizations, and all citizens. Kodah (2012) also studied the practice of mob violence in the name of justice, and its implication to the rule of law in Ghana. The study was divided into three major part parts. The first part examines a number of conceptual issues of justice which serve as framework for the study. The second part evaluated a number of possible causes that elicit recourse to mob violence as a way of seeking equity and fairness. It also brought out the possible impacts of the practice on the rule of law, good governance and sustainable democratic development in Ghana. The study rejected mob violence, "mob justice", as an acceptable way of seeking justice, in the third part. This is done, taking cognizance of the conceptual framework set at the

beginning. In effect, the study turned the paradigm upside down, thus making of “mob justice” mob justice. Consequently, the study made a number of recommendations that should be considered in an attempt to put an end to the practice in order to uphold the supremacy of the rule of law needed for the entrenchment of democracy and good governance in Ghana.

4.7.3 Discussion of Findings on the effects of mob justice on the right to life

The third specific objective of the study was to investigate the effects of mob justice on the right to life in Ghana. The findings on effects of mob justice on the right to life showed that Mob Justice negatively impacts the right to life in Ghana. With the findings of this study, mob justice can cause innocent victims are brutalized and killed as mistaken identity, innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed, offers penalty which is extremely ruthless and brutal, compared to the crime committed and prevents the states to take steps to protect the lives of individuals.

In tandem to these findings, Sibanda (2014) investigated the harm caused by mob justice to people who are endowed with the right to life that is entrenched in the Bill of Rights. The investigation was done against the backdrop of an elaborate Bill of Rights that makes the right to life inviolable in democratic South Africa. It exposed the factors that underlie the growing incidence of mob justice in the country and the implications of this phenomenon for legal and policy options. The study proceeded from the understanding that the state has a duty to protect the right to life and that mob justice is unconstitutional and violates the right to life and its associated rights like the section 35 rights, right to dignity and so on. It was necessary that the state acts upon this phenomenon so as to fulfill its constitutional duty to protect the right to life.

Beyond the analysis of the incidence of mob justice in South Africa, an effort was made to proffer viable strategic responses to curb the phenomenon in the short and long terms. Chalya et al., (2015) analyzed the mob-justice situation in north-western Tanzania to determine the causes and injury characteristics of mob-justice cases and the outcome of treatment among survivors. A total of 234 cases (i.e. 170(72.6%) deaths and 64 (27.4%) seriously injured patients) of mob-justice were studied. The median age of victims was 28 years. Males outnumbered females by a ratio of 6.1: 1. The most common reason for a mob-justice was theft/robbery in 63.2% of cases. Stoning (50.4%) and burning (43.6%) were the most frequent methods used in executing mob-justice. The head (95.7%) and the musculoskeletal (63.2%) were the most common body region injured. Open wounds (97.4%) and fractures (47.9%) were the most common type of injuries sustained. More than 70% of the victims who were brought in alive (64 cases) were treated surgically, of which wound debridement (75.6%) was the most common procedure performed. Complication and mortality rates were 51.6% and 51.1% respectively. The study concluded that mob-justice constitutes a medico-legal, social and public health problem in Tanzania that needed immediate attention. Addressing the root causes of mob-justice such as poverty, lack of education, unemployment, and substance abuse will reduce the incidence of mob-justice in our environment, hence saving life.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter set out to be a representation of the conclusions and recommendations of the study. The previous chapter was an analysis of the three research questions of the study. It is also a discussion and analysis of the data based on the findings. Finally, this chapter provides the appropriate recommendations and suggestions for further research options

5.2 Summary of Findings

The main goal of the study is to assess the effects of mob justice on the right to life of citizens in Ghana. The first specific objective of the study was to investigate the effects of mob justice on Ghana's criminal system. The findings of the study showed that Mob Justice negatively impacts the Criminal Justice of Ghana. With the findings of this study, it is observed that Mob justice weakens our legal systems and exposing country's criminal justice system, it makes the system ineffectual and powerless of punishing offenders resolutely according to the laws and makes it system is difficult for the dispensation of justice that is due to or deserved by the criminals, victims, and society.

The second specific objective of the study was to investigate the effects of mob justice on the Right to Fair Trail. The study revealed that Mob Justice negatively impacts the Right to Fair Trail in Ghana. With the findings of this study, mob justice can lead to the case where an individual to be sentenced without being given the occasion to be

heard, the right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal is denied and procedural fairness and the fairness of a decision or judgement of a court or tribunal is also deprived.

The third specific objective of the study was to investigate the effects of mob justice on the right to life in Ghana. The findings on effects of mob justice on the right to life showed that Mob Justice negatively impacts the right to life in Ghana. With the findings of this study, mob justice can cause innocent victims are brutalized and killed as mistaken identity, innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed, offers penalty which is extremely ruthless and brutal, compared to the crime committed and prevents the states to take steps to protect the lives of individuals.

5.3 Conclusion

Mob justice is a symptom of a society where ignorance, weak justice system, and human rights violations impede access to justice. The causes of mob justice are diverse but some have noted that the phenomenon occurs as a result of lack of public trust in the legal and security authorities to properly handle suspected criminals. Also, the effects of mob justice are enormous including the criminal system, the right to fair trial and the right to life. The life of every citizen in Ghana is of great importance in nation building. The loss of a single human resource is a big loss to the family, friends, society, the nation as a whole and the world at large. And although the actions of a mob seem to reflect their sentiments of abhorrence to criminal acts, these actions are not justified by law and they tend to devalue the dignity of the suspected criminals involved. Dependent on the findings of the study, conclusions are made that

mob justice have negative effects on the criminal justice of Ghana, as well as the right to fair trial and right to life in Ghana.

5.4 Recommendations

Looking at the adverse effects of mob justice, it would be best if something is done in order to decrease or do away with mob justice. The following are some suggestions that can be implemented in curbing mob justice in Ghana.

5.4.1 The Use of the Media to Curb Mob Justice

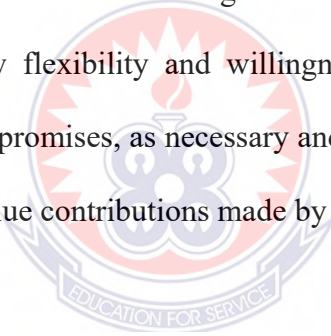
The media is known to be the sword arm of democracy and the fourth estate of the realm. It acts as a watchdog to protect public interest against malpractices and creates public awareness. Its ability to quickly disseminate information has earned it that role of curbing mob justice that has plagued our nation. The media, therefore, can best perform this role by adopting interpersonal communication through organising seminars, workshops and providing forums on which skilled personnel will sensitize the citizenry to the devastating effects of mob justice and how best society, as a whole, can deal with suspected criminals.

5.4.2 Education on Mob Justice

It can be attested that the effects of mob justice on the victim as well as the community cannot be taken for granted including disturbances of the public peace. In view of this, the study suggests that the government should take it upon itself to roll out educational campaigns on the why mob justice should be the resorts for curbing criminal acts. This would enlighten the public and might decrease the acts of mob justice.

5.4.3 Intervention Programs

As we try to look around for intervention programs to address this mob justice issue all over Ghana, we believe that one of the key elements is a generation that is prepared with 21st Century skills. Some of these skills have been put into a book where we will like to share with you below: The skills are not only to prevent mob injustice but a general one that will benefit everybody. Communication is one of the intervention programs that can help in curbing this menace. This includes the abilities to articulate your ideas effectively in spoken, written and nonverbal forms in a variety of contexts, listen effectively, to understand meaning, attitudes and intentions and communicate effectively in multilingual and multicultural environments. Another is Collaboration where such sub skills as being able to work effectively and respectfully with diverse teams, show flexibility and willingness to be helpful to accomplish common goals, make compromises, as necessary and assume shared responsibility for collaborative work and value contributions made by others.



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APPENDIX

QUESTIONNAIRE

Dear respondent,

I am a final year postgraduate student of the KNUST pursuing an MPhil in Social Psychology. As part of the requirements for the award of the degree, I am undertaking a study on “**PREVALENCE OF MOB JUSTICE AND ITS IMPLICATION FOR THE PEOPLE OF AYAWASO MUNICIPALITY**”. The researcher seeks to understand how mob justice impacts the criminal justice, right to fair trial and right to life in Ghana. Your participation in this study is entirely voluntary. Any information you provide will be treated with the highest confidentiality and used for academic purposes only. It would be greatly appreciated if you could spend some time to complete this questionnaire.

SECTION A: - DEMOGRAPHIC DATA

This section asks you to tell us a bit about yourself. Please answer by ticking the appropriate box or writing your response in the space provided

1. Age: _____

2. Sex: Male Female

3. Marital status: Married Single

4. Religion: Christian Muslim African Traditional Religion Other Please specify other: _____

5. Occupation: _____

6. Residence: _____

7. Have you ever been a victim or witness of any kind of mob justice? Yes [] No []

SECTION B: MOB JUSTICE

For each of these statements below, please indicate the extent of your agreement or disagreement in order to determine your potential attitude towards mob justice.

Kindly tick as appropriate; Strongly disagree (1), disagree (2), Neutral (3), agree (4) or Strongly agree (5), for the following statements.

	1	2	3	4	5
It is alright for members of the public to beat up crime suspects.	1	2	3	4	5
People who kill armed robbers should not be blamed.	1	2	3	4	5
It is sometimes OK for people to take the law into their own hands if they feel the police are unable to protect them.	1	2	3	4	5
It is pointless to hand over a suspected criminal to the police because they would not bring the offender to justice.	1	2	3	4	5
I feel satisfied if criminals are punished by community members than the law enforcers.	1	2	3	4	5
Beating of thieves is good and should be encourage.	1	2	3	4	5
My mood rapidly cycled in terms of anger and anxiety when criminals are caught.	1	2	3	4	5
I don't belief in the right of a criminal.	1	2	3	4	5
I believe in punishing those who wrong me or others.	1	2	3	4	5
Punishing criminals out of the legal domain is sensible.	1	2	3	4	5
Beating of criminals deters criminal activities.	1	2	3	4	5
There should be no restriction on beating criminals caught.	1	2	3	4	5

SECTION C: Effects Of Mob Justice on Ghana's Criminal System

For each of these statements below, please indicate the extent of your agreement or disagreement in order to determine how mob justice influence the criminal system of Ghana. Kindly tick as appropriate; Strongly disagree (1), disagree (2), Neutral (3), agree (4) or Strongly agree (5), for the following statements.

	1	2	3	4	5
Mob justice weakens our legal systems and exposing country's criminal justice system	1	2	3	4	5
It makes the system ineffectual and powerless of punishing offenders resolutely according to the laws	1	2	3	4	5
It makes it system is difficult for the dispensation of justice that is due to or deserved by the criminals, victims, and society.	1	2	3	4	5
It provides a stern intimidation to national and global security, peace, and stability	1	2	3	4	5
It leads to the impenetrability or impracticality of arresting other accomplices of the suspected crime.	1	2	3	4	5
It makes it challenging for criminal offence to be presumed to be innocent until he is proved or has pleaded guilty	1	2	3	4	5

SECTION D: Effects of Mob Justice on the Right to Fair Trial

For each of these statements below, please indicate the extent of your agreement or disagreement in order to determine how mob justice influence the right to fair trial.

Kindly tick as appropriate; Strongly disagree (1), disagree (2), Neutral (3), agree (4) or Strongly agree (5), for the following statements.

Effects of Mob Justice on the Right to Fair Trial	1	2	3	4	5
An individual is sentenced without being given the occasion to be heard	1	2	3	4	5
The right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal is denied	1	2	3	4	5
Procedural fairness and the fairness of a decision or judgement of a court or tribunal is also deprived	1	2	3	4	5
Right for parties to be heard and to respond to allegations made against them are also deprived	1	2	3	4	5
Rights of the accused and the victim in criminal proceedings are not possible	1	2	3	4	5
Individuals are punished out of the legal domain	1	2	3	4	5

SECTION E: Effects of Mob Justice on the Right to Life

Article 5 provides that everyone has the right to life, liberty and security of person (Ghana's Constitution of 1992 with Amendments through 1996). For each of these statements below, please indicate the extent of your agreement or disagreement in order to determine how mob justice influence the right to life. Kindly tick as appropriate; Strongly disagree (1), disagree (2), Neutral (3), agree (4) or Strongly agree (5), for the following statements.

Effects of Mob Justice on the Right to Life	1	2	3	4	5
Innocent victims are brutalized and killed as mistaken identity	1	2	3	4	5
Innocent person fleeing from a scene to avoid a probable suspicious link with a crime committed	1	2	3	4	5
Mob Justice offers penalty which is extremely ruthless and brutal, compared to the crime committed.	1	2	3	4	5
Prevents the states to take steps to protect the lives of individuals	1	2	3	4	5
Denial of right to the respect of the dignity inherent in a human being	1	2	3	4	5
Denial of right to the respect of the dignity inherent in the recognition of his legal status	1	2	3	4	5

Thank You for your Participation