



Judicial independence without public trust? Reassessing institutional legitimacy in Sierra Leone's democratic governance

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Article Info	Abstract
Article history: Received Jun 12th, 2026 Revised Jun 20th, 2026 Accepted Jun 20th, 2026 Published Jun 30th, 2026 Keywords: <i>Judicial independence; public Trust; institutional legitimacy; democratic governance; Sierra Leone</i>	This study examines the relationship between judicial independence, public trust, and institutional legitimacy in Sierra Leone's democratic governance framework. Using a qualitative case study approach, the research analyzes constitutional provisions, governance reports, institutional assessments, and relevant scholarly literature to evaluate whether formal judicial independence is sufficient to generate institutional legitimacy. The findings indicate that judicial independence alone does not automatically translate into public confidence or institutional authority. While judicial reforms have strengthened constitutional safeguards and institutional autonomy, legitimacy remains contingent upon citizens' perceptions of judicial effectiveness, fairness, accessibility, and accountability. The study demonstrates that public trust functions as a critical mechanism linking judicial independence to democratic governance outcomes. Consequently, institutional legitimacy emerges not solely from legal protections but from the interaction between judicial autonomy and societal confidence. The article argues for a governance-centered understanding of judicial independence that incorporates public trust as a fundamental dimension of institutional legitimacy. How to Cite (APA Style): Marah, T.S. (2026). Judicial independence without public trust? Reassessing institutional legitimacy in Sierra Leone's democratic governance. <i>Jurnal Ilmu Sosial</i>, 25(1), 102-121. https://doi.org/10.14710/jis.25.1.2026.110-121

INTRODUCTION

Judicial independence is widely regarded as a foundational component of democratic governance, constitutionalism, and the rule of law (Awawda, 2024; Bárd & Krommendijk, 2025; Marah, 2026a). Across both established and emerging democracies, independent courts are expected to constrain arbitrary political power, protect constitutional rights, and provide institutional mechanisms through which governmental actions can be subjected to legal scrutiny (Castillo-Ortiz, 2020; Durbach et al., 2020). Consequently, judicial independence has become a central benchmark in international governance assessments, democracy indices, and rule-of-law reform initiatives. Within this literature, judicial autonomy is frequently treated as a prerequisite for effective

governance because it enhances judicial impartiality, protects courts from political interference, and strengthens institutional accountability (Bárd & Krommendijk, 2025; Paczolay, 2019).

Despite this consensus, the relationship between judicial independence and institutional legitimacy remains theoretically unsettled. Constitutional safeguards may protect courts from executive or legislative influence, yet formal autonomy does not necessarily ensure that judicial institutions are perceived as legitimate by the citizens they serve (Fernández-Molina & Grijalva-Eternod, 2026; Toader & Safta, 2025). Across many emerging democracies, judicial reforms have strengthened constitutional protections while public confidence in courts has remained fragile due to concerns regarding accessibility, procedural fairness, efficiency, corruption, and institutional effectiveness (Bošković & Kostić, 2025; Čuroš, 2024). This discrepancy raises an important governance question: under what conditions does judicial independence translate into institutional legitimacy?

Comparative evidence suggests that this challenge extends beyond a single national context. In several emerging democracies, judicial reforms have expanded formal guarantees of independence without generating corresponding improvements in public confidence. Studies from Kenya demonstrate that constitutional reforms strengthened judicial autonomy while concerns regarding judicial credibility persisted (Miyandazi & Okubasu, 2025). Similar patterns have been observed in Ghana, Nigeria, and other developing democracies where institutional reforms have not always translated into higher levels of public trust or perceived legitimacy (Asomah, 2023; Aydın, 2013). These experiences suggest that judicial independence alone may be insufficient to secure the societal recognition necessary for institutional authority. Consequently, the relationship between judicial autonomy and legitimacy appears more contingent than much of the existing literature assumes.

Existing scholarship provides only a partial explanation for this phenomenon. Research on judicial independence has largely concentrated on constitutional design, appointment procedures, tenure protections, and the relationship between courts and political actors (Agudo Zamora, 2026; Bühlmann & Kunz, 2011; Miyandazi & Okubasu, 2025). In contrast, legitimacy scholarship has emphasized societal acceptance, procedural justice, institutional trust, and normative justification as foundations of institutional authority (Beetham, 2013; Tyler, 2021; Weber et al., 1978). Although both traditions recognize the importance of public confidence, they have generally developed in parallel rather than in dialogue with one another. Judicial-independence scholarship frequently assumes legitimacy as a consequence of institutional autonomy, whereas legitimacy scholarship rarely examines courts as distinct governance institutions. As a result, limited attention has been devoted to explaining the mechanisms through which judicial independence acquires, sustains, or fails to acquire legitimacy.

This omission obscures a broader governance puzzle. Much of the existing literature implicitly assumes a relatively linear causal relationship in which judicial independence strengthens institutional legitimacy by insulating courts from political interference. However, growing evidence suggests that the relationship between autonomy and legitimacy is neither automatic nor uniform (Agudo Zamora, 2026; Bühlmann & Kunz, 2011). Courts may achieve substantial formal independence while continuing to experience legitimacy deficits arising from weak public confidence, limited accessibility, perceived inefficiency, or concerns regarding institutional integrity (Borba et al., 2025; Chen & Savage, 2024). This article conceptualizes this tension as the independence–legitimacy paradox. Unlike conventional approaches that treat legitimacy as a natural consequence of judicial autonomy, the paradox highlights situations in which reforms successfully strengthen judicial independence while legitimacy remains constrained because public trust fails to develop at a corresponding rate.

The paradox is particularly relevant in post-conflict and transitional democratic contexts where judicial reforms often prioritize institutional autonomy as a pathway toward democratic consolidation. Sierra Leone provides a critical case through which to examine this dynamic. Following the end of its civil conflict, Sierra Leone implemented extensive governance and judicial reforms intended to strengthen the rule of law, enhance institutional accountability, and consolidate democratic governance (Marah, 2025, 2026b, 2026c). These reforms significantly expanded the formal foundations of judicial independence and reinforced the judiciary's constitutional position within the state (Friedman, 2015). At the same time, governance assessments and scholarly analyses continue to identify challenges relating to access to justice, judicial effectiveness, corruption, institutional capacity, and public confidence (Jackson, 2015; Marah, 2026b; Sorie-Sengbe, 2024). Sierra Leone is therefore analytically significant because it combines relatively strong reform efforts with continuing legitimacy concerns. If legitimacy remains contested under such conditions, assumptions regarding the automatic legitimacy effects of judicial independence warrant closer examination.

This study argues that judicial independence constitutes a necessary but insufficient condition for institutional legitimacy. While constitutional safeguards establish the formal foundations of judicial authority, legitimacy ultimately depends on whether judicial institutions are capable of generating public confidence through effective performance, procedural fairness, accessibility, transparency, and accountability. Public trust therefore functions not merely as an outcome of judicial independence but as a conditional mechanism through which institutional autonomy becomes socially recognized and politically meaningful. Judicial authority emerges through the interaction between formal institutional arrangements and societal perceptions rather than from constitutional protections alone.

Accordingly, this study addresses the following research question: How does public trust influence the relationship between judicial independence and institutional legitimacy in Sierra Leone's democratic governance framework? Using a qualitative case study design based on documentary analysis of constitutional provisions, governance assessments, institutional reports, and scholarly literature, the study examines the mechanisms through which judicial independence acquires or fails to acquire legitimacy. The article contributes to governance scholarship in three ways. First, it reconceptualizes the independence–legitimacy paradox by demonstrating that judicial reforms may strengthen institutional autonomy without producing equivalent gains in societal legitimacy. Second, it identifies public trust as a conditional mechanism linking judicial independence to institutional legitimacy rather than merely treating trust as a secondary outcome of reform. Third, it advances a governance-centered framework that integrates institutional design and societal recognition, thereby providing a more comprehensive explanation of judicial authority in emerging democratic contexts.

METHODS

This study employs a qualitative single-case study design to investigate the relationship between judicial independence, public trust, and institutional legitimacy within Sierra Leone's democratic governance framework. A qualitative case study approach is appropriate because it facilitates an in-depth examination of institutional processes, governance dynamics, and contextual factors that cannot be adequately captured through quantitative indicators alone. Rather than treating judicial independence as a purely legal or constitutional variable, the study conceptualizes it as a governance institution whose legitimacy is shaped by the interaction between formal institutional arrangements and societal perceptions.

Sierra Leone was purposively selected as a critical case for examining the relationship between judicial independence and institutional legitimacy. Critical cases are particularly valuable in theory-building because they enable researchers to assess whether widely accepted assumptions hold under conditions where they would be expected to operate most strongly. Since the end of the civil war, Sierra Leone has implemented extensive judicial and governance reforms aimed at strengthening the rule of law, enhancing accountability, and consolidating democratic governance. These reforms have significantly expanded formal guarantees of judicial autonomy and institutional independence. At the same time, governance assessments and scholarly analyses continue to identify concerns relating to judicial effectiveness, access to justice, corruption, institutional capacity, and public confidence. The coexistence of substantial judicial reform and continuing legitimacy concerns makes Sierra Leone a theoretically valuable setting for examining whether formal judicial independence is sufficient to generate institutional legitimacy in an emerging democratic context.

The study relies on secondary qualitative data collected from four principal categories of documentary sources. The first category consists of constitutional and legal documents, including constitutional provisions, judicial legislation, and legal instruments governing judicial appointments, tenure security, institutional authority, and judicial autonomy. The second category comprises governance and rule-of-law assessments produced by international organizations and policy institutions, including the World Bank, Transparency International, Afrobarometer, the United Nations Development Programme, and the World Justice Project. These sources were used to evaluate broader governance conditions, institutional performance, and public perceptions of judicial institutions. The third category includes official reports, policy documents, and institutional publications produced by government agencies, judicial institutions, and governance bodies involved in judicial reform and public-sector accountability. The fourth category consists of peer-reviewed scholarly literature published between 2020 and 2026 addressing judicial independence, institutional legitimacy, public trust, democratic governance, and rule-of-law reform.

Document selection followed purposive inclusion criteria designed to ensure analytical relevance and source credibility. Documents were included if they met at least one of the following conditions: (1) provided evidence regarding judicial independence and institutional autonomy in Sierra Leone; (2) contained information relating to public perceptions, trust, or legitimacy of judicial institutions; (3) evaluated governance performance, rule-of-law conditions, or judicial reform initiatives; or (4) contributed to theoretical debates concerning judicial legitimacy and democratic governance. Documents lacking direct relevance to the research question, duplicate reports, and sources without identifiable institutional or scholarly authority were excluded from the analysis.

To enhance analytical rigor, the study adopted a triangulation strategy that compared evidence across legal, institutional, governance, and scholarly sources. Source triangulation was employed to reduce dependence on a single category of evidence and to identify areas of convergence and divergence regarding the relationship between judicial independence, public trust, and institutional legitimacy. Particular attention was given to recurring patterns identified across multiple sources. This approach strengthened the credibility of the findings by ensuring that key conclusions were supported by evidence drawn from different categories of documentation.

The analytical framework was structured around three interconnected dimensions: judicial independence, public trust, and institutional legitimacy. Judicial independence was operationalized through indicators relating to constitutional safeguards, institutional autonomy, appointment procedures, tenure protections, and protection from political interference. Public trust was examined through evidence concerning citizens' confidence in judicial institutions, perceptions of procedural fairness, accessibility, integrity, transparency, and institutional effectiveness. Institutional legitimacy was assessed through indicators reflecting societal acceptance, institutional credibility, perceived

authority, and confidence in the judiciary's role within Sierra Leone's democratic governance framework.

Data were analyzed using qualitative thematic analysis. The coding process was conducted in three stages. The first stage involved open coding, during which documents were systematically reviewed to identify recurring concepts and themes relevant to judicial independence, public trust, and institutional legitimacy. Initial codes included constitutional safeguards, judicial autonomy, political interference, institutional performance, procedural fairness, access to justice, accountability, transparency, and public confidence. The second stage involved axial coding, in which related codes were grouped into broader analytical categories reflecting the study's conceptual framework. Through this process, five principal analytical categories emerged: constitutional safeguards, judicial autonomy, institutional performance, public confidence, and governance legitimacy. The third stage involved thematic interpretation, during which relationships among these categories were examined to identify recurring patterns, causal linkages, and explanatory mechanisms. This analytical process enabled the study to assess how formal judicial independence interacts with public trust to shape broader perceptions of institutional legitimacy.

To strengthen the trustworthiness of the findings, the study employed source triangulation, analytical consistency, and continuous comparison across documentary categories. Interpretations were refined through repeated review of the evidence, and conclusions were drawn only where multiple sources demonstrated consistent patterns. This approach enhances the credibility, dependability, and analytical robustness of the findings while providing a more comprehensive understanding of the governance dynamics shaping judicial legitimacy in Sierra Leone.

RESULTS AND DISCUSSION

Judicial independence and the limits of institutional reform in Sierra Leone

The documentary evidence reveals a significant expansion of formal judicial independence in Sierra Leone during the post-conflict period. Constitutional safeguards protecting judicial autonomy have been reinforced through broader governance and rule-of-law reforms aimed at strengthening accountability, promoting democratic governance, and improving the administration of justice (Augustine Sorie-Sengbe, 2024). International governance assessments consistently identify improvements in institutional arrangements designed to insulate judicial decision-making from direct political interference. These developments suggest that Sierra Leone has made measurable progress in constructing the formal foundations of an independent judiciary (Graybill, 2011; Knowles, 2006; Mahony, 2015).

However, the evidence simultaneously indicates that institutional reform has not produced a corresponding consolidation of judicial legitimacy. Governance assessments, judicial sector reviews, and rule-of-law evaluations continue to identify persistent concerns relating to case backlogs, procedural delays, limited institutional capacity, unequal access to justice, and uneven service delivery (Kelsall, 2009; Mphepo, 2014). The coexistence of strengthened judicial autonomy and continuing institutional weaknesses raises an important analytical puzzle. If judicial independence is widely regarded as a cornerstone of democratic governance, why do improvements in institutional autonomy not automatically generate stronger institutional legitimacy?

The Sierra Leonean case suggests that existing institutional approaches may overstate the capacity of constitutional safeguards to produce legitimacy. Much of the judicial independence literature implicitly assumes a linear relationship in which stronger institutional protections lead to greater public confidence and, ultimately, stronger democratic governance outcomes (Friedman, 2015; Hayo & Voigt, 2019; Mahony, 2015; Rodman, 2015; Sesay, 2015). Yet the evidence reviewed in this study demonstrates that formal autonomy and institutional legitimacy are distinct dimensions of

governance (Hayo & Voigt, 2019; Mahony, 2015). Judicial institutions may achieve greater protection from political interference while continuing to face legitimacy challenges associated with performance, accessibility, and citizen confidence (Boston, Kassow, Masood, & Miller, 2023; Sulastri, Arifin, Susanto, Huda, & Md. Nor, 2025; Thompson & Batalla, 2018). Consequently, judicial independence should be understood not as a final governance outcome but as one component within a broader legitimacy-building process (Marah, 2026a).

This finding contributes to ongoing debates concerning institutional effectiveness in emerging democracies. Rather than treating judicial independence as a sufficient indicator of governance quality, the Sierra Leonean experience demonstrates the need to distinguish between institutional design and institutional authority (Asomah, 2023; Aydın, 2013; Marah, 2026c; Paczolay, 2019). While constitutional safeguards establish the formal conditions for judicial autonomy, they do not by themselves guarantee the societal recognition necessary for legitimate authority.

Public trust, access to justice, and the construction of institutional legitimacy

The evidence indicates that the principal challenge confronting judicial institutions in Sierra Leone concerns not merely the preservation of judicial independence but the construction of institutional legitimacy through public confidence. Survey evidence and governance assessments consistently reveal concerns regarding affordability, accessibility, efficiency, and confidence in judicial processes. Available data indicate that substantial proportions of citizens perceive formal justice mechanisms as financially inaccessible, while many express uncertainties regarding the capacity of courts to provide timely and effective remedies. These findings suggest that public evaluations of judicial institutions are shaped primarily by practical experiences with the justice system rather than by awareness of constitutional protections governing judicial independence (Fernández-Molina & Grijalva-Eternod, 2026; Sorie-Sengbe, 2024).

The significance of these findings extends beyond questions of administrative performance. Legitimacy scholarship has long emphasized that institutional authority depends not only on legal validity but also on societal acceptance and normative justification. Weber (1978) conceptualized legitimacy as the foundation of institutional authority, while Beetham (2013) argues that power becomes legitimate when it is perceived as justified according to shared social norms and values. Similarly, Tyler (2021) demonstrates that citizens are more likely to accept institutional authority when decision-making processes are perceived as fair, transparent, and procedurally just. Within judicial contexts, empirical studies have shown that public confidence is closely associated with perceptions of judicial effectiveness, impartiality, and accessibility rather than solely with formal constitutional arrangements (Bühlmann & Kunz, 2011; Chen & Savage, 2024). The evidence examined in this study supports these theoretical propositions by demonstrating that public confidence in judicial institutions is strongly connected to perceptions of institutional performance. Consequently, legitimacy emerges as a governance outcome produced through the interaction between institutional structures and citizen experiences.

Importantly, the findings challenge the assumption that judicial independence automatically generates public trust. Although institutional autonomy creates conditions conducive to impartial adjudication and protection from political interference (Agudo Zamora, 2026; Paczolay, 2019), public confidence appears to depend on whether judicial institutions successfully translate autonomy into tangible governance outcomes. Existing scholarship has increasingly distinguished between formal guarantees of independence and citizens' perceptions of judicial legitimacy, demonstrating that the relationship between the two is neither automatic nor linear (Aydın, 2013; Hayo & Voigt, 2019). Citizens evaluate courts not according to constitutional design alone but according to their capacity to deliver accessible, timely, and equitable justice. As a result, legitimacy cannot be reduced to the

existence of formal safeguards but must be understood as a socially constructed form of authority grounded in public evaluation and institutional performance (Beetham, 2013; Tyler, 2021).

This interpretation extends existing judicial-independence scholarship by identifying a legitimacy deficit that persists despite institutional reform. The Sierra Leonean experience demonstrates that formal judicial independence and public trust should not be treated as interchangeable concepts. Rather, public confidence constitutes an autonomous dimension of governance that significantly influences the authority, effectiveness, and societal acceptance of judicial institutions (Bühlmann & Kunz, 2011; Boston, Kassow, Masood, & Miller, 2023). The findings therefore suggest that efforts to strengthen judicial governance must move beyond constitutional guarantees of independence and address the broader institutional conditions through which legitimacy is produced, maintained, and reinforced in the eyes of citizens. The findings reveal a systematic divergence between formal indicators of judicial independence and societal perceptions of judicial legitimacy. Table 1 synthesizes the principal dimensions identified through the documentary analysis and demonstrates how institutional reforms have strengthened judicial autonomy while persistent challenges relating to public confidence continue to constrain judicial legitimacy. This divergence forms the empirical foundation of the independence–legitimacy paradox developed in the subsequent section.

Explaining the independence–legitimacy paradox: an expectation–performance framework of judicial governance

The principal theoretical contribution of this study is the development of an expectation–performance framework for understanding the independence–legitimacy paradox within judicial governance. Existing scholarship on judicial independence generally assumes a positive and relatively linear relationship between institutional autonomy and legitimacy. Within this perspective, constitutional safeguards protect courts from political interference, strengthened judicial autonomy enhances public confidence, and greater confidence contributes to institutional legitimacy and democratic governance (Agudo Zamora, 2026; Bárd & Krommendijk, 2025). This logic has informed both judicial reform initiatives and governance assessments across numerous democratic and transitional contexts. However, the findings from Sierra Leone suggest that the relationship between judicial independence and legitimacy is considerably more contingent, dynamic, and socially mediated than such models imply.

Table 1. Empirical Foundations of the Independence–Legitimacy Paradox in Sierra Leone

Analytical Dimension	Evidence from Sierra Leone	Governance Implication
Constitutional Safeguards	Strengthened constitutional protections for judicial independence and institutional autonomy	Enhances formal judicial independence
Protection from Political Interference	Expanded legal guarantees intended to insulate courts from executive influence	Supports judicial autonomy and impartiality
Access to Justice	Persistent concerns regarding affordability and accessibility of formal justice mechanisms	Limits public engagement with judicial institutions
Judicial Performance	Case backlogs, procedural delays, and capacity constraints remain evident	Weakens perceptions of effectiveness
Public Confidence	Continued uncertainty regarding judicial fairness, integrity, and responsiveness	Reduces societal trust in courts
Institutional Legitimacy	Public evaluations depend more on lived experiences than constitutional guarantees	Legitimacy remains contingent rather than automatic
Governance Outcome	Judicial independence exists but does not consistently generate public trust	Creates the Independence–Legitimacy Paradox

Source: Author's synthesis based on governance assessments, institutional reports, and documentary evidence analyzed in this study (2026).

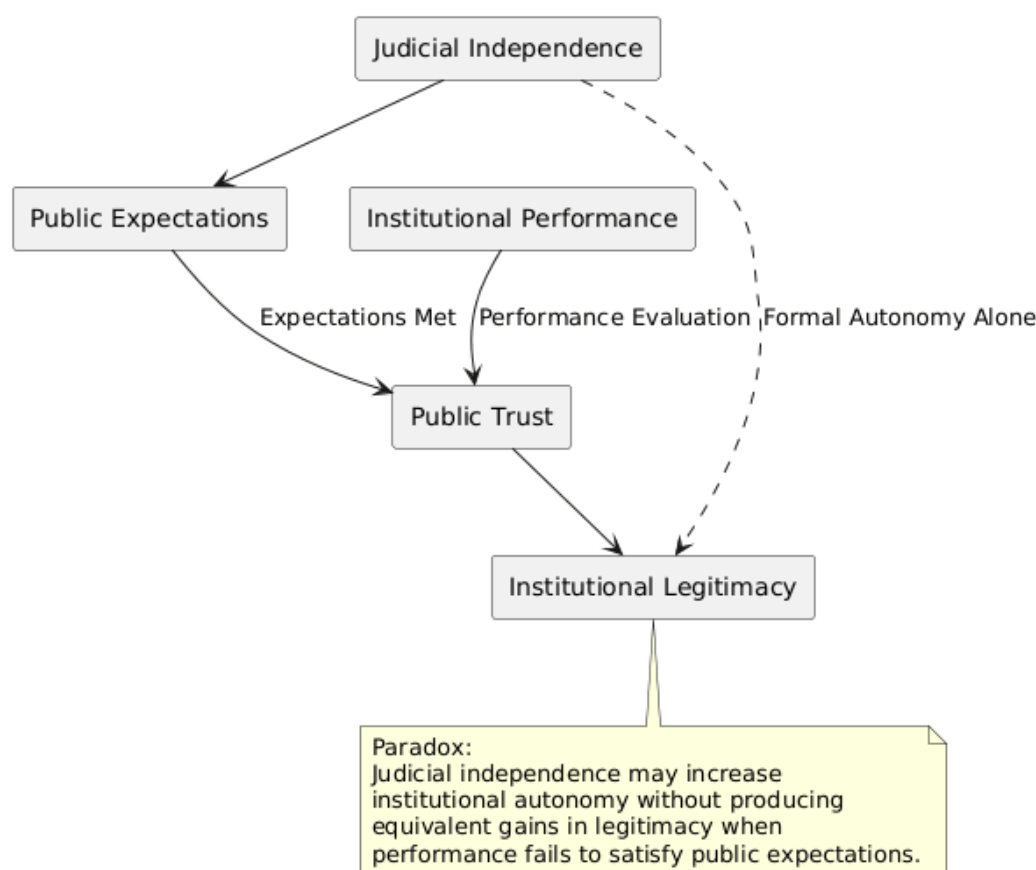
The evidence demonstrates that judicial reforms in Sierra Leone have strengthened formal guarantees of judicial independence without generating equivalent improvements in public confidence. Existing legitimacy scholarship explains why institutional authority depends upon public trust, procedural fairness, and perceived effectiveness (Beetham, 2013; Tyler, 2021; Weber et al., 1978), yet these perspectives provide only a partial explanation for why legitimacy deficits may persist despite significant improvements in institutional autonomy. The Sierra Leonean case indicates that judicial independence and institutional legitimacy should not be conceptualized as sequential outcomes within a single causal process. Rather, they constitute analytically distinct dimensions of governance that evolve through different mechanisms and may develop at different rates.

This study therefore reconceptualizes the independence–legitimacy paradox as an expectation–performance gap within judicial governance. Judicial reforms frequently generate heightened public expectations regarding fairness, accessibility, transparency, accountability, efficiency, and institutional responsiveness. Citizens often interpret reform initiatives as indicators that judicial institutions will become more effective and more capable of delivering equitable justice. However, where courts lack sufficient institutional capacity, administrative efficiency, resources, or performance improvements to satisfy these expectations, legitimacy gains may fail to materialize despite substantial progress in formal judicial independence. Under such conditions, institutional autonomy expands while societal confidence remains constrained. The paradox therefore lies not simply in the coexistence of judicial independence and weak legitimacy but in the inability of institutional reforms to convert constitutional autonomy into socially recognized authority.

This interpretation advances existing scholarship in two important respects. First, it challenges institutionalist approaches that implicitly treat judicial independence as a sufficient proxy for institutional legitimacy. The findings suggest that constitutional safeguards establish the structural conditions under which legitimacy may emerge, but they do not themselves generate legitimacy. Second, the analysis reconceptualizes public trust not merely as an outcome of judicial reform but as a conditional governance mechanism through which institutional autonomy becomes politically meaningful and socially recognized. Legitimacy is therefore produced through the interaction of institutional design, institutional performance, citizen experience, and public evaluation rather than through constitutional protections alone.

The findings also reinforce and extend insights from procedural justice and legitimacy theory. Weber (1978) conceptualized legitimacy as the foundation of institutional authority, while Beetham (2013) emphasized the importance of normative justification and societal acceptance. Similarly, Tyler (2021) demonstrated that institutional compliance and acceptance are strongly influenced by perceptions of fairness, procedural justice, and trustworthiness. The Sierra Leonean case supports these theoretical perspectives while identifying an additional governance dynamic: judicial independence may create the conditions necessary for legitimacy, but legitimacy remains dependent upon whether citizens perceive judicial institutions as capable of delivering fair, accessible, efficient, and effective justice. Institutional autonomy therefore provides a necessary foundation for legitimacy without guaranteeing its realization.

Importantly, these findings should not be interpreted as diminishing the value of judicial independence. Rather, the evidence suggests that independence and legitimacy are mutually reinforcing yet analytically distinct dimensions of democratic governance. Judicial independence protects courts from political interference and establishes the institutional foundations of judicial authority. Legitimacy, however, depends upon whether citizens recognize, accept, and trust that authority through their experiences of institutional performance. Public trust therefore functions as the critical mechanism linking formal autonomy to socially recognized legitimacy.



Source: Author's conceptualization based on the study findings (2026)

Figure 1. The Independence–Legitimacy Paradox: An Expectation–Performance Framework

The broader implication is that judicial reform strategies should be evaluated not solely according to their success in strengthening constitutional safeguards but also according to their capacity to reduce the expectation–performance gap that undermines public confidence. Reforms aimed at improving transparency, procedural efficiency, accessibility, accountability, and service delivery should therefore be regarded as integral components of judicial legitimacy rather than secondary governance objectives (Agudo Zamora, 2026; Toader & Safta, 2025). From a policy perspective, reducing the expectation–performance gap requires reforms that extend beyond constitutional safeguards. Judicial reform actors should prioritize case-management systems that reduce delays, expand legal aid and access-to-justice programs, strengthen judicial transparency through the publication of judicial decisions and performance indicators, and establish mechanisms for public engagement and complaint resolution. Such measures may help convert formal judicial independence into observable governance outcomes capable of strengthening public confidence. By improving the everyday experience of justice delivery, these reforms can facilitate the translation of institutional autonomy into socially recognized legitimacy.

While these findings derive from the Sierra Leonean context, they suggest a potentially broader governance dynamic observable in other emerging democracies where judicial reforms have strengthened formal autonomy without producing corresponding gains in societal trust. Consequently, the contribution of this study is not the claim that public trust matters for legitimacy a proposition already well established within legitimacy scholarship but the identification of the expectation performance gap as a mechanism through which legitimacy deficits persist despite successful institutional reform. Future comparative research should examine whether similar dynamics operate across different political and institutional contexts and assess the conditions under

which judicial independence can be effectively translated into sustainable institutional legitimacy. Figure 1 illustrates the expectation performance framework developed from the findings. The framework demonstrates that judicial independence contributes to institutional legitimacy indirectly through its interaction with public expectations, institutional performance, and public trust. Legitimacy emerges when institutional autonomy is translated into governance outcomes that citizens recognize as fair, effective, accessible, and trustworthy. Where this translation fails, the expectation–performance gap produces the independence–legitimacy paradox.

CONCLUSION

This study examined how public trust shapes the relationship between judicial independence and institutional legitimacy within Sierra Leone’s democratic governance framework. The findings demonstrate that judicial independence, although essential for protecting courts from political interference and safeguarding the rule of law, does not automatically generate institutional legitimacy. While post-conflict judicial reforms in Sierra Leone have strengthened constitutional protections and expanded formal guarantees of judicial autonomy, public confidence in judicial institutions remains influenced by citizens’ experiences of accessibility, efficiency, accountability, fairness, and institutional performance. Consequently, judicial independence should be understood as a necessary but insufficient condition for the construction of legitimate judicial authority.

The analysis reveals that judicial independence and institutional legitimacy are analytically distinct dimensions of governance that may evolve at different rates. The Sierra Leonean case shows that reforms can successfully strengthen institutional autonomy without producing equivalent gains in societal legitimacy. This finding led to the development of the independence–legitimacy paradox, which this study conceptualizes as an expectation–performance gap within judicial governance. Judicial reforms frequently create heightened public expectations regarding fairness, transparency, accessibility, and effectiveness. However, where judicial institutions are unable to satisfy these expectations through observable improvements in performance, legitimacy gains may fail to materialize despite significant advances in formal judicial independence. The paradox therefore lies not merely in the coexistence of judicial independence and weak legitimacy but in the inability of institutional reforms to translate constitutional autonomy into socially recognized authority.

The study contributes to governance scholarship in three ways. First, it reconceptualizes the relationship between judicial independence and legitimacy by demonstrating that institutional autonomy does not produce legitimacy through a simple linear process. Second, it identifies public trust as a conditional mechanism through which judicial independence becomes politically meaningful and socially recognized. Third, it advances a governance-centered framework that integrates institutional design, institutional performance, public evaluation, and societal recognition into a more comprehensive explanation of judicial authority. In doing so, the study extends existing debates on judicial legitimacy, procedural justice, and democratic governance by highlighting the importance of the expectation–performance gap as an overlooked source of legitimacy deficits.

From a policy perspective, the findings suggest that judicial reform strategies should extend beyond strengthening constitutional safeguards and institutional autonomy. Reform efforts should also prioritize measures capable of reducing the expectation–performance gap, including improvements in case-management systems, access-to-justice initiatives, judicial transparency, public communication, procedural efficiency, and institutional accountability. Such measures are necessary to transform formal judicial independence into governance outcomes that citizens perceive as fair, effective, and trustworthy.

While the findings derive from the Sierra Leonean context and should not be generalized uncritically, they suggest a potentially broader governance dynamic observable in other emerging

democracies where judicial reforms have strengthened formal autonomy without producing corresponding gains in public confidence. Future comparative research should examine whether similar expectation–performance gaps shape judicial legitimacy across different political and institutional settings. Such research would contribute to a more nuanced understanding of how judicial institutions convert formal independence into sustainable democratic authority.

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The authors declare no conflict of interest.

Data Availability Statement

The data supporting the findings of this study are available from the corresponding author upon reasonable request.

REFERENCES

- Agudo Zamora, M. (2026). Judicial independence in the Rule of Law: institutional guarantees, transparency, and public trust. *Revista Española de La Transparencia*, (23), 215–253. <https://doi.org/10.51915/ret.440>
- Asomah, J. Y. (2023). Does democracy fuel corruption in developing countries? Understanding Ghanaians' perspectives. *Democratization*, 30(4), 654–672. <https://doi.org/10.1080/13510347.2023.2173178>
- Awawda, O. (2024). Assessment of De Jure Judicial Independence of Constitutional Courts According to International Guidelines. *Constitutional Review*, 10(1), 202. <https://doi.org/10.31078/consrev1017>
- Aydin, A. (2013). Judicial Independence across Democratic Regimes: Understanding the Varying Impact of Political Competition. *Law & Society Review*, 47(1), 105–134. <https://doi.org/10.1111/lasr.12003>
- Bárd, P., & Krommendijk, J. (2025). Introduction: sustaining judicial independence. In *Sustaining the Rule of Law* (pp. 1–35). Edward Elgar Publishing. <https://doi.org/10.4337/9781035345472.00005>
- Beetham, David. (2013). *The Legitimation of Power*. Bloomsbury Academic.
- Borba, L. L. O., Castagna Lunardi, F., & de Aquino Guimaraes, T. (2025). The Influence of Judges' Managerial Competences on Judicial Performance: A Statistical Analysis. *International Journal for Court Administration*, 16(2). <https://doi.org/10.36745/ijca.609>
- Bošković, M. M., & Kostić, J. (2025). Challenges of disciplinary liability of judges and public prosecutors. In *Accountability of Judicial Power* (pp. 86–100). London: Routledge. <https://doi.org/10.4324/9781003557852-7>
- Boston, J., Kassow, B. J., Masood, A. S., & Miller, D. R. (2023). Your Honor's Misdeeds: The Consequences of Judicial Scandal on Specific and Diffuse Support. *PS: Political Science & Politics*, 56(2), 195–200. <https://doi.org/10.1017/S104909652200138X>
- Bühlmann, M., & Kunz, R. (2011). Confidence in the Judiciary: Comparing the Independence and Legitimacy of Judicial Systems. *West European Politics*, 34(2), 317–345. <https://doi.org/10.1080/01402382.2011.546576>
- Castillo-Ortiz, P. (2020). The Dilemmas of Constitutional Courts and the Case for a New Design of Kelsenian Institutions. *Law and Philosophy*, 39(6), 617–655. <https://doi.org/10.1007/s10982-020-09378-3>
- Chen, P., & Savage, A. (2024). Amy Coney Barrett is Not Enough: How Descriptive and Substantive Representation Shape Trust and Legitimacy of the Federal Courts. *Political Research Quarterly*, 77(4), 1110–1129. <https://doi.org/10.1177/10659129241262340>
- Čuroš, P. (2024). Independence and Autonomy—Means Toward Ends. In *Judicial Independence in Transitional Democracies* (pp. 111–129). London: Routledge. <https://doi.org/10.4324/9781003458296-7>
- Durbach, A., Reinecke, I., & Dargan, L. (2020). Enabling democracy: the role of public interest litigation in sustaining and preserving the separation of powers. *Australian Journal of Human Rights*, 26(2), 195–208. <https://doi.org/10.1080/1323238X.2021.1875594>
- Fernández-Molina, E., & Grijalva-Eternod, Á. E. (2026). Expectations versus experience: What do citizens demand when dealing with criminal courts? *Criminology & Criminal Justice*, 26(1), 66–84. <https://doi.org/10.1177/17488958241257854>

- Friedman, R. (2015). Restorative Justice in Sierra Leone: Promises and Limitations. In *Evaluating Transitional Justice* (pp. 55–76). London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137468222_4
- Graybill, L. S. (2011). *Partial Justice and Reconciliation for Sierra Leone Women but Reparations and Reform Remain Elusive*. [https://doi.org/10.1108/S0163-786X\(2011\)0000032008](https://doi.org/10.1108/S0163-786X(2011)0000032008)
- Hayo, B., & Voigt, S. (2019). The long-term relationship between de jure and de facto judicial independence. *Economics Letters*, 183, 108603. <https://doi.org/10.1016/j.econlet.2019.108603>
- Jackson, P. (2015). Whose Justice in Sierra Leone? Power, Security and Justice in Post-Conflict Reconstruction. In *Evaluating Transitional Justice* (pp. 197–215). London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137468222_10
- Jalloh, M. J. (2008). Sierra Leone: Beyond Change & Continuity. *Review of African Political Economy*, 35(116). <https://doi.org/10.1080/03056240802196955>
- Kelsall, T. (2009). *Culture under Cross-Examination*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511642173>
- Knowles, P. (2006). The Power to Prosecute: The Special Court for Sierra Leone from a Defence Perspective. *International Criminal Law Review*, 6(3), 387–417. <https://doi.org/10.1163/157181206778553860>
- Mahony, C. (2015). A Political Tool? The Politics of Case Selection at the Special Court for Sierra Leone. In *Evaluating Transitional Justice* (pp. 77–100). London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137468222_5
- Marah. (2026a). Judicial independence and the effectiveness of constitutional complaint systems. *Constitutional Review*, 12(1), 36–69. <https://doi.org/10.31078/consrev1212>
- Marah. (2026b). Sierra Leone's Constitutional Framework for Resource Governance and Economic Inequality: A Socio-Legal Study. *Constitutional Law Review*, 5(1). Retrieved from <https://ejournal.iain-bone.ac.id/index.php/colrev/article/view/5996>
- Marah, T. S. (2025). The international criminal justice mechanisms. *Journal of Governance and Public Administration*, 2(2), 530–541. <https://doi.org/10.70248/jogapa.v2i2.1723>
- Marah, T. S. (2026c). Judicial Reform and Human Security in West Africa: Comparative Lessons from Ghana and Sierra Leone. *Gloria Justitia*, 6(1), 331–340. <https://doi.org/10.25170/GLORIAJUSTITIA.V6I1.7907>
- Augustine Sorie-Sengbe. (2024). The Protector Becomes the Predator: The Perception of Judicial Corruption and Demand for Judicial Accountability in Sierra Leone. In *The Diverse Facets of Corruption in Sierra Leone* (pp. 161–178). Cham: Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-52958-0_9
- Miyandazi, V., & Okubasu, D. M. (2025). Judiciary chiefs in hybrid regimes: Kenya. *International Journal of Constitutional Law*, 23(1), 240–262. <https://doi.org/10.1093/icon/moaf016>
- Mphepo, T. (2014). The Residual Special Court for Sierra Leone. Rationale and Challenges. *International Criminal Law Review*, 14(1), 177–199. <https://doi.org/10.1163/15718123-01402006>
- Paczolay, P. (2019). The Notion of Judicial Independence: Impartiality and Effectiveness of Judges. In *Judicial Power in a Globalized World* (pp. 331–343). Cham: Springer International Publishing. https://doi.org/10.1007/978-3-030-20744-1_22
- Rodman, K. A. (2015). Intervention and the 'Justice Cascade': Lessons from the Special Court for Sierra Leone on Prosecution and Civil War. *Human Rights Review*, 16(1), 39–58. <https://doi.org/10.1007/s12142-014-0324-4>
- Sesay, M. (2015). Harmonizing Customary Justice with the International Rule of Law? Lessons from Post-Conflict Sierra Leone. In *Evaluating Transitional Justice* (pp. 173–195). London: Palgrave Macmillan UK. https://doi.org/10.1057/9781137468222_9
- Sulastri, D., Arifin, F., Susanto, A. F., Huda, U. N., & Md. Nor, M. Z. (2025). Institutional Integrity and Challenges in the Indonesian Constitutional Court Institution. *Jurnal Media Hukum*, 32(1), 40–58. <https://doi.org/10.18196/jmh.v32i1.24100>
- Thompson, M. R., & Batalla, E. V. C. (Eds.). (2018). *Routledge handbook of the contemporary Philippines*. New York: Routledge, 2018.: Routledge. <https://doi.org/10.4324/9781315709215>
- Toader, T., & Safta, M. (2025). Enhancing Transparency of the Constitutional Courts—The Role of the New Technologies. In *Rule of Law, Technology and Environment* (pp. 61–72). Cham: Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-76349-6_5
- Tyler, T. R. (2021). *Why People Obey the Law*. Princeton University Press.
- Weber, M., Roth, G., Wittich, C., & Fischhoff, E. (1978). *Economy and society: an outline of interpretive sociology*. University of California Press.