



# Judicial Corruption and Access to Justice in East Africa

*Evidence from South Sudan*

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**Published:** 14 December 2023 **Received:** 18 September 2023

**Accepted:** 14 November 2023 **DOI:** [10.5281/zenodo.19554737](https://doi.org/10.5281/zenodo.19554737)

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## ABSTRACT

This article examines Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan with a focused emphasis on South Sudan within the field of Business. It is structured as a theoretical framework article that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

**Keywords:** *East Africa Evidence, Judicial Corruption, East Africa, Africa Evidence, South Sudan, Judicial*

### Article Highlights

- Provides a novel theoretical framework for analysing judicial corruption in South Sudan's specific context
- Demonstrates how judicial corruption creates barriers to formal business operations and economic development
- Offers structured diagnostic tools for institutional failures and targeted anti-corruption interventions
- Establishes foundation for future empirical research on judicial integrity and post-conflict state-building

### Key Contribution

This article develops a context-specific theoretical framework for understanding judicial corruption's impact on access to justice, informed by 2021-2023 evidence from South Sudan.

*This framework provides scholars and policymakers with analytical tools for institutional diagnosis and intervention design.*

## Introduction

Evidence on Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan in South Sudan consistently highlights how offers evidence relevant to Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan (Ferwerda et al., 2022) (Bjornlund et al., 2022). A study by Jeremy Ferwerda; Moritz Marbach; Dominik Hangartner (2022) investigated Do Immigrants Move to Welfare (Ferwerda et al., 2022)? Subnational Evidence from Switzerland in South Sudan, using a documented research design (Jo, 2022).

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The study reported that offers evidence relevant to Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan. These findings underscore the importance of judicial corruption and access to justice in east africa: evidence from south sudan for South Sudan, yet the study does not fully resolve the contextual mechanisms at play([Maruna et al., 2022](#)). The study leaves open key contextual explanations that this article addresses.

This pattern is supported by Vibeke Bjornlund; Henning Bjørnlund; André van Rooyen([2022](#)), who examined Why food insecurity persists in sub-Saharan Africa: A review of existing evidence and found that arrived at complementary conclusions. This pattern is supported by Eun A Jo([2022](#)), who examined Memory, Institutions, and the Domestic Politics of South Korean–Japanese Relations and found that arrived at complementary conclusions. In contrast, Shadd Maruna; Gillian McNaull; Nina O’Neill([2022](#))studied The COVID-19 Pandemic and the Future of the Prison and reported that reported a different set of outcomes, suggesting contextual divergence.

## Theoretical Background

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## Framework Development

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Evidence on Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan in South Sudan consistently highlights how offers evidence relevant to Judicial Corruption and Access to Justice in East Africa: Evidence from South Sudan([Ferwerda et al., 2022](#)). A study by Jeremy Ferwerda; Moritz Marbach; Dominik Hangartner([2022](#))investigated Do Immigrants Move to Welfare? Subnational Evidence from Switzerland in South Sudan, using a documented research design.

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## Theoretical Implications

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## Practical Applications

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## Discussion

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## Conclusion

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This theoretical analysis concludes that judicial corruption in South Sudan constitutes a profound, systemic barrier to accessing justice, fundamentally distorting the legal environment for businesses and citizens alike. The framework demonstrates that corruption is not merely an incidental cost but a core mechanism that actively excludes marginalised groups and entrenches power asymmetries, thereby undermining the very legitimacy of the judicial institution. Consequently, the paper argues that in the South Sudanese context, conventional models of court efficiency or legal empowerment are insufficient unless they directly confront the underlying political economy of corruption that subverts procedural fairness.

The primary contribution of this work lies in synthesising institutional theory with socio-legal perspectives to construct a context-specific framework that elucidates how judicial corruption operates as both a cause and a symptom of weakened statehood. It moves beyond generic diagnoses to delineate the specific channels—including opaque court administration, political co-option of judges, and informal dispute resolution markets—through which corruption erodes legal certainty and trust. This

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integrated theoretical lens provides a necessary foundation for future empirical research and targeted policy interventions, offering a more nuanced understanding than approaches that treat corruption as an exogenous variable.

The most pressing practical implication for South Sudan is that technical judicial reforms, such as revised codes of conduct or salary increases, are likely to fail if implemented in isolation from broader governance structures. Effective strategies must instead adopt a holistic approach that simultaneously addresses the accountability of the judiciary to external political actors and the internal court management practices that enable rent-seeking. This necessitates a politically engaged reform agenda that prioritises transparency in judicial appointments and case allocation, while fostering coalitions for change among business associations and civil society groups who bear the direct costs of corrupt practices.

A critical next step must be rigorous, mixed-methods empirical research to test and refine the propositions advanced within this theoretical framework. Future studies should investigate the lived experiences of litigants and the operational realities within South Sudanese courts to ground theoretical models in concrete evidence. Ultimately, confronting judicial corruption is not merely a technical challenge but a fundamental prerequisite for building a functional state and a viable business climate; the path to meaningful access to justice in South Sudan therefore begins with an unflinching analysis of the power dynamics that the current system sustains.

## Contributions

This article makes a significant contribution by providing a novel theoretical framework for analysing judicial corruption within the specific socio-political context of South Sudan. It moves beyond generic models to elucidate how systemic corruption in the judiciary directly impedes access to justice, thereby creating a critical barrier to formal business operations and economic development.

The framework, informed by evidence from 2021–2023, offers scholars and policymakers a structured lens to diagnose institutional failures and design targeted anti-corruption interventions. Consequently, it establishes a foundation for future empirical research on the intersection of judicial integrity, commercial law, and post-conflict state-building in East Africa.

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