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# The Paradox to Freedom: Looking into Gang Members Through the Salvadoran Perspective on Justice

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## **Abstract**

The purpose of this study is to conduct one-on-one qualitative interviews with Salvadorans to learn about their perspectives on how the present administration is managing gang member arrests and prisoner treatment. Throughout the study, we provided a comprehensive background on past and current events to help the reader understand the subsequent sections. In the analysis section, we examined direct quotes from the interviews conducted for this research. The data is analyzed and interpreted through the theoretical lenses of penal populism and legal consciousness along with themes found from the interviews. My findings revealed that Salvadorans support the present regime's tough-on-crime methods, seeing them as important measures for restoring order and safety in their neighborhoods. This approval emphasizes the complicated relationship between public feeling, political action, and legal frameworks in combating gang violence in El Salvador.

*Keywords: El Salvador, Interviews, Penal Populism, Legal Consciousness, Security, Safety, Corruption, Justice, Community Safety, Social Exclusion, Effectiveness*

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# 1. Introduction

As of this year, there have been more than 75,000 arrests in relation to gang affiliations since the rise to power of El Salvador's current president, Nayib Bukele (Diario La Huella, 2024). Many people, including human rights organizations, have criticized his methods to bring peace to El Salvador as they believe that Bukele has committed many violations throughout the process (Amnesty International, 2022). According to Amnesty International (2022), El Salvador is facing one of their worst human rights crises since the country's civil war that was from 1979-1992. Thousands of individuals are detained without meeting legal requirements, lacking administrative or judicial warrants (ibid.). Amnesty International has reported instances of torture and mistreatment in detention centers, highlighting gang control, severe overcrowding, and resultant violations of detainees' rights to life and physical integrity. These conditions lead to insanitary environments, food shortages, and inadequate hygiene, significantly impacting detainee's health (ibid.). Such circumstances emphasize the importance of understanding the perspective of Salvadorans view on these arrests, as many of them have been affected by gang violence within the country and understand at first hand the effect that these gang members have had on their society. As someone from the outside who has not lived through what the citizens of El Salvador have lived through, it is important to listen to these individuals and their stories to understand why and how they view the swift crackdown on gang members. Although my study will not be as comprehensive, it is still crucial to academia and will hopefully bring more discourse and research to this topic. Thereby I wish to explore public opinion through interviews with Salvadorans. Public opinion represents how people react to social issues, current events, attitudes, and emotions (Shang et al., 2015). It mirrors the societal concerns of the present moment (ibid.). By studying public opinion, we can predict future trends and provide governments with improved decision-making support (ibid.). Thereby consulting public opinion ensures that decisions have the support and consent of the people affected, enhancing the legitimacy of government actions.

## 1.1 What Is to Come

In the Introduction chapter of my thesis, I discuss the current situation with imprisoned gang members in El Salvador and provide the context for my research questions and aims. Following this, I present my research questions and aim. I then include an in-depth Background chapter to offer context on the events leading up to the current crisis in El Salvador, helping the reader understand the severity of the situation. The Literature Review chapter follows, identifying potential research gaps and discussing similar previous studies. Next, I will explain the theories used throughout my research, which helped conduct and answer my research questions. In the Methods section, I detail how and why I conducted my research in the chosen manner. The Analysis section discusses the themes uncovered during my research, including direct quotes from participants and my analysis of these themes. The Discussion section interprets the research findings and demonstrates their relevance. The Conclusion chapter wraps up my research and answers the research questions. Finally, in the Further Considerations section, I propose alternative solutions and additional discussion points for the reader to consider beyond my research.

## 1.2 Research questions, and aim

This research **aims** to explore Salvadoran's opinions through one-on-one qualitative interviews on their thoughts on how the current regime is handling the arrests of gang members and the treatment of these prisoners. To do that I propose the following **research questions**: How do Salvadorans view justice? How do they view the current system of the effectiveness of imprisoned gang members? What factors might influence their perspective? To what extent do Salvadorans believe that the current prison system has contributed to community safety.

Understanding Salvadorans' perspectives on justice allows us to better appreciate their attitudes regarding the tough-on-crime strategy of imprisoning gang members. Investigating the factors influencing these views provides a nuanced understanding of the diverse perspectives within the Salvadoran community. Finally, assessing the perceived impact on community safety allows for a practical evaluation of the justice system's effectiveness, grounded in the lived

experiences and beliefs of Salvadorans. This integrated approach ensures a holistic view, bridging theoretical concepts of justice with real-world outcomes and perceptions.

## **2. Background**

For many years, the people of El Salvador have suffered through corruption within the government that has had secret negotiations with gang leaders, while simultaneously being affected by gang violence (Cruz & Speck, 2022). Many of El Salvador's struggles stem back to their 12-year civil war which brought upon these dangerous gangs (Martínez, n.d.). It is important to be aware of the background of where El Salvador's troubles began to understand the current situation in relation to gang members and the effect they had on El Salvador's politics and society. This information is also crucial as it relates to historical events that my participants have personally experienced. El Salvador has grappled with systemic corruption that has deeply permeated its political institutions, along with hindering progress for the country (Martínez, 2017). Simultaneously, the nation has been plagued by the pervasive influence of violent gangs, which have instilled fear, perpetuated instability, and exacted a heavy toll on the lives of ordinary citizens (ibid.). Therefore, I will elaborate on the background of El Salvador's history to understand how things have become what they are, along with understanding the context of the qualitative interviews with Salvadoran citizens and how they perceive justice towards gang members.

### **2.1 Introduction to Background**

This Background section is composed of information that pertains to understanding the context of El Salvador and its gang problem. It provides an in-depth background to the current president and the controversy regarding his crackdown on crime against gang members in prison. The following background section aims to provide an insight into the Salvadoran civil war, shedding light on the adversities preceding the rise of gang violence in El Salvador. I delve into how these gangs had so much impact on Salvadoran society. Furthermore, I explore the detrimental impact of corruption on the country, particularly the collusion among leaders that fostered leniency towards gang members. Lastly, I provide a concise overview of justice, highlighting the diverse



interpretations of the concept. This chapter is crucial as it serves to provide readers with a deeper understanding of the Salvadoran populace and their perspectives on tough-on-crime policies.

## 2.1 El Salvador's 12-year Civil War

Between 1930 and the 1970s, El Salvador experienced a succession of dictatorships, characterized by intermittent elections that were widely perceived as fraudulent by the populace (American Archive, 2021). This pushed for the creation of The Farabundo Martí National Liberation Front (FMLN) which is a Salvadoran political party and former guerrilla rebel group that was formed during 1980's (ibid.). Tensions escalated in El Salvador in 1977 following a fraudulent election that propelled General Carlos Romero into power (ibid.). In February of that year, protests erupted in the capital, San Salvador, denouncing President Romero's dubious electoral win (ibid.). These demonstrations were met with brutal force as the military indiscriminately fired upon the crowds, resulting in the deaths of protesters and bystanders alike (ibid.). Upon assuming office, President Romero tightened his grip on dissent by imposing a state of siege and suspending civil liberties (ibid.). Under his regime, state-backed death squads, coordinated by the Salvadoran Intelligence Agency, executed individuals suspected of left-wing sympathies (ibid.). As unrest grew in El Salvador, a military coup ousted President Romero in 1979, ushering in the Revolutionary Government Junta (JRG) (ibid.). The United States, motivated by economic interests and apprehensive of a potential leftist government aligned with Cuba and Nicaragua, supported the JRG (ibid.). Despite documented human rights violations by the Salvadoran military, the Carter administration backed the JRG regime to thwart the spread of communism in the region (ibid.). This war continued with the US giving aid to El Salvador's government with money, military training, and weapons (ibid.). As a consequence of this, it gave the Salvadoran military an upper hand against the left-wing guerilla (ibid.). Many events transpired during the 12 years of war between the left-wing guerilla and the Salvadoran government, but the war eventually ended after a peace accord (ibid.). The peace accord marked the formal conclusion of the civil war and stipulated significant reductions in the nation's military forces, the dismantling and disarmament of guerrilla factions, the formation of a new civilian police force known as the National Civil Police (Policía Nacional Civil; PNC), and the

establishment of a commission tasked with probing human rights violations committed by both the Salvadoran Armed Forces and the FMLN throughout the conflict (Britannica, 2024).

## 2.2 Gang Violence

During the war, over a million Salvadoran individuals were forced to leave their homes, with a significant number seeking refuge in the United States where they were granted temporary protected status (American Archive, 2021). Faced with discrimination and economic hardship, some of these immigrants turned to joining gangs in the United States as a means of protection and sustenance (ibid.). Consequently, some of these individuals were convicted of criminal activities and subsequently incarcerated (ibid.). On September 30, 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act, this reform led to one of the harshest measures taken against illegal immigration at the time (National Library of Medicine, n.d.). This led to the deportation of numerous Salvadoran immigrants back to El Salvador (ibid.). Nevertheless, the Salvadoran government asserts that the United States failed to communicate the criminal backgrounds of the deportees (ibid.). Upon their return to El Salvador, these gang members recruited new members into their gangs, often using coercion or the allure of financial gain (ibid.). Subsequently, violence surged in El Salvador after 1996, gangs such as MS-13 and Barrio-18 were formed (American Archive, 2021). The driving force behind contemporary gangs in El Salvador is predominantly economic rather than solely based on solidarity, with their main revenue stream stemming from extorting businesses (Kalsi, 2018). Extortion in El Salvador meant that businesses, the transportation industry and sometimes civilians were threatened to pay money when entering their turfs (Martínez, n.d.; Ponce, 2021). Extortion affects most of El Salvador, as it fuels the economic structure of the most dangerous criminal organizations. Instead of lifting members out of poverty, it sustains a survival-based economy (Martínez, n.d.). The expectation is that extortion would generate significant profits for gangs (ibid.). In El Salvador, it is estimated that MS-13 earns around thirty-one million dollars annually from extortion (Martínez, n.d.). People who are extorted encounter significant challenges (ibid.). They risk losing their businesses and often have no choice but to leave the country (ibid.). Extortion is an unforgiving crime because failure to pay often results in death (ibid.). In 2016, El Salvador

recorded the highest homicide rate globally: eighty-one murders per 100,000 individuals, totaling 5,278 homicides (Martínez, 2017). To provide context, the World Health Organization considers a murder rate surpassing ten homicides per 100,000 inhabitants as an "epidemic" (ibid.)<sup>[3]</sup>. El Salvador's death epidemic surpasses this threshold by eightfold (ibid.). This led many Salvadorans civilians fearing everyday life as gang members made it harder for them to exist peacefully.

## 2.3 Corruption

In recent decades, El Salvador has grappled with a turbulent political landscape marked by instances of presidential corruption that have left a profound impact on the nation's governance and societal fabric. The tenure of four former Salvadoran presidents Francisco Flores Pérez, Mauricio Funes, Antonio Saca, and Salvador Sánchez Cerén are all characterized by allegations and scandals involving corruption and has emphasized the challenges facing the country's democratic institutions and governance mechanisms. President Salvador Sánchez Cerén and nine other former officials face charges related to illicit enrichment and money laundering (Ex-president formally charged in El Salvador corruption case, 2021). This is to say that for at least over two decades El Salvador has had presidents that have been found guilty and or accused of some type of corruption scandal (ibid.). In 2003, the president-initiated El Salvador's first "*mano dura*" (iron fists) plan (Martínez, 2017). However, it was more of a public relations tactic than an actual plan. The main idea was to arrest and imprison any young person who was a gang member (ibid.). Since judges could not convict people solely based on appearance, most of the detained young men were released within 72 hours (ibid.). This resulted in injustice for those who had no affiliation with gangs (ibid.). Moving ahead to 2012, the government, through the Ministry of Security, started negotiations with major gang leaders, who were all in prison (ibid.). The government proposed transferring them to lower security prisons, where they could have contact with family and continue leading their gangs (ibid.). In exchange, the government asked for a reduction in murders (ibid.). The gangs showcased their influence, and murder rates declined (ibid.). This did not appear to be a lasting solution. El Salvador reverted to the violent conditions of the pre-Mano Dura years (ibid.). The truce had temporarily mitigated the effects of

a decade of poor decisions (ibid.). By negotiating with gang leaders and dealing with internal corruption, the government of El Salvador demonstrated that it was failing its law-abiding citizens. Up to that point, many Salvadorans were seeking justice as they could no longer trust the two parties that have been involved in leading the country the past two decades. This became the perfect time for a new political party to form and a new leader that had promised to fight against a corrupt government.

## 2.4 Nayib Bukele

Nayib Bukele's victory in the 2019 presidential election in El Salvador marked a significant turning point in the country's political landscape. As a relative outsider to traditional political circles, Bukele's ascent to the presidency represented a departure from the two-party system (The Guardian, 2019). His win not only ended decades of dominance by the two major political parties but also reflected the electorate's desire for fresh leadership and innovative approaches to addressing the nation's pressing challenges, including issues such as crime, corruption, and economic inequality (ibid.). Bukele's presidency gave Salvadorans hope for a better future for El Salvador. As we move ahead to the present year of 2024, it appears that Nayib Bukele's popularity has endured. It is to be noted that in February 2024, Bukele, secured a second term in El Salvador presidential elections, despite the constitution's prohibition against re-election (Alemán, 2024). His party also secured a super majority in Congress, granting Bukele significant authority (ibid.). The proposed constitutional reform would further empower the leader to enact his policies, potentially including additional reforms to extend his tenure (ibid.). Nayib Bukele's remarkable popularity is rooted in a pivotal factor: Following his election to the presidency in 2019, Bukele orchestrated a comprehensive crackdown on gangs and cartels that had long plagued El Salvador and extended their influence throughout the region (Tharoor, 2024). His stringent measures have significantly reduced the nation's previously alarming homicide rates and enhanced safety in Salvadoran communities (ibid.). Moreover, Bukele's approach has served as a source of inspiration for politicians, particularly those leaning towards the right, across Latin America, prompting attempts to emulate the Bukele model (ibid.). However, the controversy lies with the manner he is making these arrests.

## 2.5 Crackdown Controversy

Amnesty International (2022) discovered that numerous individuals are being detained without meeting legal prerequisites. These detentions occur without an administrative or judicial arrest warrant and without the individual being caught in the act of a crime (ibid.). Instead, individuals are detained based on the perception by authorities that they fit certain criteria: being labeled as criminals in the stigmatizing rhetoric of President Bukele's administration, having tattoos, being accused by a third party of having alleged gang affiliations, being related to a gang member, having a prior criminal record, or merely residing in an area controlled by gangs (ibid.). These areas, often characterized by elevated levels of marginalization and historical neglect by the state, are precisely where such individuals reside (ibid.). Following arrest, individuals are stripped of their freedom, and upon their court appearances, many are accused of belonging to "illegal groups," a charge carrying a penalty of 20 to 30 years' incarceration (ibid.). While detained, and prior to appearing in court, detainees often lack contact with their legal counsel, or if they do, it is brief (ibid.). Furthermore, only a minority have access to private defense attorneys and are denied access to their case files or knowledge of the evidence presented by the Prosecutor's Office (ibid.). These hearings, which can involve up to five hundred defendants simultaneously, are swiftly resolved, with all defendants prosecuted by the judiciary, even in the absence of substantial evidence (ibid.).

## 2.6 Justice

The idea of justice is complex, as the definition and meaning can vary depending on who, where, or when it is being discussed (Carlen & Franca, 2019). Justice is not solely determined by judges or the state; it is achieved when societal justice, as perceived by the people, is realized (ibid.). This aligns with the idea that while some may attempt to distinguish law from justice conceptually, justice remains closely tied to people's perceptions and expectations of the legal system (ibid.). This is important to look at when examining El Salvador and their tough-on-crime policies in order to establish justice against the gang members that are currently imprisoned. As the concept of being 'tough on crime' has resulted in a surge in incarceration rates, injustice, and

oppression (ibid.). Media and politicians frequently advocate for stricter and lengthier sentences for crimes, arguing that this will enhance public safety (ibid.). By engaging with the Salvadoran people and examining their perspectives on justice, we can use public opinion to explore paths for achieving a more socially just implementation of the law (Hydén et al., 2023).

### **3. Literature Review**

In this chapter, I will examine the importance and relevance of similar research that has been done in the past. The significance of prior literature lies in its evaluation of current approaches to tough-on-crime policies, while also reinforcing the significance of my research questions.

Additionally, I will also highlight the insufficient research conducted on this topic, emphasizing the heightened importance of further investigation. I understand that the tougher policies that have been put in place by Buekele are only a few years old which explains why there has not been enough research on Salvadoran perceptions. However, this is what makes it even more crucial to have research that looks into my chosen theories such as penal populism and legal consciousness and how these theories might influence how civilians perceive law and justice.

#### **3.1 Understanding the Literature Review**

My literature review aims to guide the understanding of my study. Understanding the concept of a literature review is also important. A literature review is a systematic examination of scholarly literature on a given topic (Efron & Ravid, 2019). It critically analyzes, evaluates, and synthesizes research findings, theories, and practices relevant to the area of focus (ibid.). The review should provide a comprehensive, critical, and accurate understanding of the current state of knowledge, compare different research studies and theories, identify gaps in the existing literature, and suggest what needs to be done to advance understanding of the topic (ibid.). A literature review combines texts related to specific themes and guiding concepts (ibid.). To understand the different themes, I had to review literature in English as well as in Spanish, the official language of El Salvador. Therefore, the following section outlines how I conducted my literature review, as well as previous research and gaps surrounding the topic of my research.

## 3.2 Database and Keywords

For my literature review I used the EBSCO database, provided by LUBSearch, which is the Lund University Library's search engine. I also used Web of Science as my principal search engine. Web of Science gave me articles that were more specific to what I was looking for and included peer review articles. Web of Science made it easier for me to read the abstracts of the findings I made that pertained to my topic. I also hold more trust in the publications that are located in Web of Science to be high quality academic work. The searches I used for the search engines include: "El Salvador" AND "justice" AND "gangs", "El Salvador" AND "gangs" AND "nayib bukele", "El Salvador" AND "gangs" AND "mano dura", "nayib bukele" AND "justice", "authoritarianism" AND "El Salvador", "extortion" AND "El Salvador", "El Salvador" AND "corruption", "penal populism" AND "El Salvador", "legal consciousness" AND "El Salvador", "law AND gang violence" AND "El Salvador", "mano dura AND penal populism". As previously noted, I utilized Web of Science for my literature review, resulting in 193 hits using specific keywords. I assessed the relevance of each article based on its title, subsequently reviewing the abstract and conclusion to use information that was relevant to my research. This data was then organized in a *Microsoft Excel* file to facilitate the potential selection of past research for inclusion in my literature review. I categorized the selected articles for my literature review using color-coding: green indicating high relevance, yellow indicating potential relevance, and red signifying articles to exclude. For the background information section of my research, I used online news articles and journals to give context to the readers about El Salvador's past with the civil war, the creation of the gangs and presidential corruption. When reviewing articles, I would often look at the references of a particular topic if I wanted to find studies that could be helpful to my topic.

## 3.3 Previous Research & Gaps

The gap in understanding how Salvadorans view justice lies in the lack of comprehensive research and analysis regarding their perceptions of the current legal system and its effectiveness,

particularly concerning imprisoned gang members. While there may be anecdotal evidence and some studies on related topics that come close to covering the issue, there remains a significant void in understanding the nuanced perspectives of Salvadorans on these issues along with to what extent do they believe that the current prison system has contributed to community safety. Examining previous studies, such as the situation in El Salvador, is critical because it allows us to see how other countries have employed tough-on-crime policies to combat gang violence and/or crime, allowing for a comparative analysis with the situation in El Salvador.

## Mano Dura & Penal Populism

Before going into detail about the previous literature that has been done, it is important to understand the definition of *mano dura* (iron fists) regarding my study and other studies. According to Ronsen and Cutrona (2023), *mano dura* is an umbrella concept that refers to hardline policies specifically but not exclusively when looking into Latin American countries. A similar study done regarding the support and strategies surrounding the *mano dura* initiative done on Brazil and Colombia found that a sizable number of Brazilians and Colombians feel extremely unsafe and believe it's necessary to put in place exceptional security measures (Ronsen & Cutrona, 2021). Both Brazil and Colombia have been afflicted by drug trafficking, organized crime, and bloodshed (ibid.). The pervasive impression of insecurity, along with the influence of organized crime groups, has produced favorable conditions for the victory of right-wing candidates that support *mano dura* policies (ibid.). The military, a highly valued institution in both countries, attracts support from individuals who prefer enacting hardline policies and voting for candidates who support such agendas (ibid.). This article also discusses key notions regarding democracy and variables influencing opinions of the rule of law (ibid.). In Brazil, combating crime appears to take precedence over the political system (ibid.). The concept of democracy and how individuals define the execution of the rule of law require greater investigation in future research. Although Brazil and Colombia have distinct difficulties than El Salvador, they also recognize the need of studying *mano dura* techniques and public perceptions of justice in crime prevention. Another similar study done by Adam Golob (2022), titled *The Resurgence of Mano Dura in Guatemala*, examines how *mano dura* approaches are looming over Guatemala once



more, as political rhetoric and the interaction of congressional, judicial, and executive powers respond to the demand to take action with the previously ineffective heavy-handed policies, reminiscent of those pursued by Guatemala's neighboring countries in the past (ibid.). The study found that the ramifications of such an approach will significantly impact policymakers, social workers, human rights activists, law enforcement officials, legal advocates, and other relevant stakeholders (ibid.). Another study surveyed five countries—the U.K., USA, Canada, Australia, and New Zealand—regarding public opinion and penal populism, analyzing its notable influence on sentencing policy and reforms (Roberts et al., 2003). It revealed that calls for stricter sentencing might arise from public perceptions of sentencing leniency or escalating crime concerns (ibid.). This particular research was conducted through focusing on Western countries regarding public opinion and penal populism, however I believe it is important for there to be more research for non-Western countries. Countries like El Salvador who have been using punitive measures throughout the past couple of decades to fight crime. This leads me to believe that El Salvador has fallen into the similar position of the desire to have *mano dura* strategies to achieve peace as the country knows of no other type of strategies besides what has been presented to them. There is much discourse around the negative implications of the *mano dura* initiative in Latin America (Rosen, 2021). This research shows that the ‘*mano dura*’ initiative brings fear to the driving force. As per Rosen's analysis, the “*mano dura*” approach comprises three components: (1) the existence of influential criminal actors; (2) elevated rates of criminal activity; and (3) widespread fear among the population. El Salvador has all three of these components, this means that there must be high support for the ‘*mano dura*’ tactic that Bukele is using on the imprisoned gang members. Therefore, this leads me to believe that because Salvadorans are so fearful of the violence that gang members bring, they are more inclined to these types of policies for the country. In places like El Salvador, they often respond to crime and fear with non-democratic methods (Rosen et al., 2022). I believe that the voice of the people of El Salvador are powerful and important, thereby interviewing Salvadorans citizens, one can gain insight to what the future of the laws in El Salvador will hope to look like along with what justice means to them.

## Penal Populism and Legal Consciousness Studies

One of the most significant studies that closely aligns with my research topic and theories is the study conducted by Johansen (2022), titled *Between Remand and Verdict: Ethnic Minority Prisoners' Legal and Penal Consciousness*. In her research, she employs the analytical viewpoints of 'legal' and 'penal' consciousness to examine how ethnic minority prisoners in pretrial detention anticipate their impending court hearings and subsequently interpret the legal proceedings and their sentencing (ibid.). She found that prisoners engage in critical reflection on prevailing societal views regarding immigration and social deprivation, while also navigating these cultural stereotypes by avoiding behaviors and language associated with being labeled as 'immigrants' or 'gang members' during court proceedings (ibid.). It enhances our comprehension of how remand prisoners interact with the legal system, merging concepts of legal impartiality with internalized perceptions of 'significant differences' (ibid.). Her findings demonstrate that the theories of legal consciousness and penal populism can be effectively combined, particularly in the examination of prisoners (ibid.). Although her focus is primarily on prisoners and their perception of themselves, this research remains pertinent and valuable for broader contexts.

Another interesting study regarding legal consciousness and penal populism that should be noted is Lori Sexton (2015), *Penal subjectivities: Developing a theoretical framework for penal consciousness*. She integrates penal populism and legal consciousness to formulate her concept, known as penal consciousness. A concept focused on punishment rather than legality (ibid.). According to her, penal consciousness elucidates the mechanisms through which punishment arises, by giving importance to the subjective awareness of individual prisoners while situating this awareness within the framework of the broader carceral system (ibid.). By doing so, the penal consciousness framework transcends the narrow, objective perception of punishment as a legal sanction, embracing a more comprehensive understanding of penalty that emphasizes subjectivity and significance (ibid.). She asserts that the expansive definition of penalty utilized in this context enables punishment to manifest independently of legal enforcement, with prisons serving merely as one among various potential locations for punishment (ibid.). Therefore, it is imperative that our comprehension of punishment extends beyond the confines of the prison population (ibid.). Her research findings indicate that the severity of punishment depends on the

degree of abstraction at which it is perceived, while the significance of punishment is influenced by the "punishment gap," which refers to the variance between an individual's anticipated and actual experiences of punishment (ibid.). By scrutinizing punishment as the intersection of the objective and the subjective, the penal consciousness framework allows for a notable distinction between prisoners' perceptions of punishment and lawmakers' conceptualizations, while also acknowledging their interdependence (ibid.). This is relevant in regard to my research, as it gives us a better understanding of how prisoners and lawmakers view punishment differently. This study is crucial for lawmakers to understand prisoners better and to potentially promote alternative forms of justice for those in prison. This is also relevant to my research as I am seeking to understand Salvadorans perspective and effectiveness on justice and the harsh imprisonment on gang members.

## Lack of Research

According to my findings, there is not enough research done that focuses primarily on getting personal discourses with Salvadorans on the current regime and how they perceive justice and what factors may contribute to it. Although much research has been conducted on El Salvador's tough-on-crime policies and similar studies have been done in other Latin American countries addressing gang violence, there remains a lack of exploration into penal populism and legal consciousness. In my research, I chose to focus primarily on the perspectives of the Salvadoran people and their feelings about the current policies and tactics used to combat gang violence in El Salvador. My aim through this research is to explore Salvadoran's opinions through one-on-one qualitative interviews on their thoughts on how the current regime is managing the arrests of gang members and the treatment of these prisoners. It is crucial to include their viewpoints, as they are the ones directly affected by gang violence. Through my research, I aim to broaden the conversation on this complex issue. My research primarily focuses on the perspective of justice, gang violence, penal populism, legal consciousness, and democracy. There is also not enough research done on the correlation of penal populism and legal consciousness, specifically with El Salvador and the current justice system. My research aims to initiate a broader discussion about the crackdown on gang members. This dialogue is intended to

encourage future research to ask questions that will further support El Salvador's democracy and its efforts to combat gang violence.

## **4. Theoretical Framework**

In this chapter I will present the purpose of the Theoretical Framework and its importance in research. I will also give a definition of populism, penal populism, and legal consciousness. The following chapter will address the ideas I am employing in my research, as well as how they have helped me conduct and answer my research questions. As a result, I will define the theories I aim to apply in my research and conclude by explaining how I plan to connect the two theoretical perspectives. By combining these frameworks, I will have explored how penal populism can shape people's legal consciousness.

A theoretical framework involves using a theory (or theories) in a study to convey the researcher's core values while providing a clear guide or lens for processing new knowledge (Collins & Stockton, 2018). It exists at the intersection of existing knowledge and previously formed ideas about complex phenomena, the researcher's epistemological dispositions, and a methodically analytic approach (ibid.). Integrating these components makes theory a valuable tool for ensuring the coherence and depth of a study (ibid.). Thus, the theories I have chosen are penal populism and legal consciousness. To understand penal populism, we must first comprehend the concept of populism. In the context of El Salvador's ongoing struggle with gang violence and governmental responses, examining penal populism becomes imperative, particularly concerning the treatment of imprisoned gang members under the presidency of Nayib Bukele. When politicians push for tough-on-crime policies such as the 'mano dura' approach, it can influence how people view the law and justice. This can impact their attitudes towards legal authorities and their perceptions of the effectiveness of the legal system. I believe that penal populism can affect how people think about the law and justice, influencing their legal consciousness.

## 4.1 Populism

The concept of populism emerged in the late 1800s within the United States, initially denoting an agrarian movement aimed at addressing what was perceived as the exploitation of economic power (Holcombe, 2021). Advocates of agrarian interests contended that with the nation's industrialization, individuals wielding significant economic influence had the capacity to sway governmental decisions in their favor, prioritizing their interests above those of the general populace (ibid.). Given the broad application of the term "populist" to describe a wide array of governments, public policies, and political figures, it prompts a consideration of whether the term lacks specificity to be truly meaningful (ibid.). Different individuals may employ the term to characterize vastly different political systems—there are typically two (or perhaps three) recurring components inherent in all populist movements (ibid.). Firstly, there is the populist assertion that political elites exploit their authority for personal gain at the expense of the general populace. Secondly, populist movements often cultivate an adversarial dynamic, framing it as "us against them," with ordinary citizens comprising the "us" faction. A potential third common feature is the presence of a charismatic leader capable of galvanizing support around the forementioned principles (ibid.). This term is essential to grasp as it will introduce us to the theory that forms the basis of my research. Understanding the term "populism" will then pave the way for exploring penal populism and its relevance to my study.

## 4.2 Penal Populism

Penal populism reflects the perception that criminals and prisoners receive preferential treatment over crime victims and law-abiding citizens (Pratt, 2006). It thrives on expressions of anger, disenchantment, and disillusionment with the criminal justice system, blaming it for prioritizing the well-being and security of law-abiding individuals while neglecting to adequately punish those who threaten it (ibid.). Like broader populist movements, penal populism often relies on subjective feelings and intuitions rather than measurable metrics, such as everyday conversations expressing concerns about crime and disorder (Sparks in Pratt, 2006). Penal populism is closely linked to the politicization of policy making, a decrease in expert input in policy creation, and

diminished managerial oversight of the penal system (Garland, 2021). Moreover, it thrives on creating division and dissent rather than fostering consensus. Consequently, a significant disconnect exists between the public's expectations regarding punishment and the actual policies and practices of the criminal justice authorities. Studies have found that in Latin America, when people are scared of crime, they tend to prefer non-democratic policies (Rosen et al., 2023). When crime rates go up and people get more afraid, they are less likely to support political institutions and democracy (ibid.). This also makes it harder for democracy to function properly and makes people more likely to support authoritarian solutions (ibid.). Therefore, in my research I will be using penal populism to understand the narrative behind my participants' perspectives from my interviews.

### 4.3 Legal Consciousness

Research on legal consciousness investigates the expansive influence of law and its impact on shaping perceptions, behaviors, and societal dynamics. It delves into individuals' interactions with legal frameworks, their choices regarding legal compliance, and meticulously explores how law subtly molds everyday experiences. Thus, it shapes diverse interpretations of legality that inform individuals' comprehension of their surroundings (Nielson, 2000). Legal consciousness encompasses the absence of consideration for the law, encapsulating the unspoken assumptions individuals hold about legal principles, which are often ingrained in their worldview and challenging to articulate (ibid.). As a result, legal consciousness can manifest even in situations where law seems peripheral to individuals' understanding or construction of life events (ibid.). Legal consciousness explores how law is perceived and understood by individuals as they interact with, evade, or challenge legal norms and interpretations (Cane et al., 2008). Legal consciousness is not just a collection of beliefs about the law; it's a dynamic process (Ewick & Silbey, 1998). It involves actively shaping legal meanings, actions, practices, and institutions through our words and actions (ibid.). When we express ourselves or act based on our awareness of the law, we both rely on and add to the existing legal framework (ibid.). We draw from common legal ideas and resources, but we are also limited by what has already been established by others (ibid.). So, while everyone does not come up with their own completely unique idea of

legality, the ways we understand the law aren't endlessly different (ibid.). According to researchers Marc Hertogh and Marina Kurkchian (2016), people hold specific perceptions about the law, particularly in relation to legal consciousness. They identified three main points: People's views of the law are heavily influenced by their views of the political system. Each country has its own unique way of collectively thinking about the law. Legal consciousness involves various aspects of how individuals perceive the law both internally and externally. Given its focus on the perspectives of ordinary people and their perceptions of law and its effectiveness, research in this area carries significant implications for notions of justice, legitimacy, and ultimately, societal transformation (Nielson, 2000).

#### 4.4 Concluding Theoretical Framework

Lastly, legal consciousness research emphasizes the ways in which legal frameworks shape individuals' perceptions and experiences (Cowan, 2004). I believe that these punitive measures against gang members can reflect a form of penal populism, where the public and political leaders favor harsh penalties and tough-on-crime rhetoric. This normalization can extend to the treatment of gang members within the prison system, where harsh conditions and punitive approaches are often accepted as necessary to combat gang influence and violence. I have made use of the theories of penal populism and legal consciousness to assess how it may have influenced the narrative behind people who are impacted by gang violence. Therefore, looking at this moral dilemma that El Salvador is facing through penal populism and legal consciousness will help me to better understand their perspective on justice and law. I can gain insight into the efficacy, ethical implications, and broader societal repercussions of these types of policies, as well as their potential impacts on the country's long-term stability and human rights landscape. Penal populism sheds light on the political reasons behind punitive measures, whereas legal consciousness demonstrates their influence on people's lived experiences. Together, I use these two theories to support my research by examining how they can illuminate people's perceptions of justice based on their personal narratives. Understanding these theories helps me explore the relevance of individual experiences and viewpoints in the context of justice.

## 5. Methods

Throughout this chapter, I will begin to explain my methods of conducting my research through interviews along with an explanation to why I chose to conduct Qualitative interviews, and why Semi-Structured Interviews was the best method for data generation. I also delve into explaining the Participant Selection and Sampling, along with information regarding how I created my Interview Guide, Challenges and Ethical Implications, and an examination of Reflexivity, Validity, Reliability, and Generalizability. This section of my research is important because it shows my transparency in how the research was conducted and demonstrates the thoroughness of my approach.

Qualitative interviews seem like the most effective way to gauge civilian opinion, according to Kathleen Gerson (2021). As an interviewer I have provided individuals with the opportunity to share their stories using their own words, fostering deeper reflection on their experiences compared to other research methods (ibid.). Through careful analysis, each aspect of the interview is examined in relation to the participant's broader context, including their social and historical background, as well as the insights from other interviews. It is through interviews that I have gained the answers to my research question and better understand the feelings of Salvadoran civilians.

### 5.1 The Semi-Structured Interviews

My study is based on ten interviews conducted during March 2024, in the manner of one-on-one, semi-structured interviews. Each interview lasted around 30-50 minutes of conversation on *Whatsapp*. It was the easiest way for me to get into contact with these participants and it was the application that all my participants were familiar with. Eight of my interviews were conducted in Spanish, while two were conducted in English. All of them, however, were transcribed in the original language by me and with the aid of *Microsoft Word*. There were of course challenges that came with cross-language research, but I will address this in a later section of my research. The interview was followed according to an interview guide (see Appendices A & B), and the questions were presented to each interviewee in the language corresponding to the interview.



Prior to commencing the interviews, I initiated conversations not directly related to the interview, engaging in topics such as their day, and expressing gratitude for their time, aiming to establish a welcoming and relaxed atmosphere. During my interviews, various questions arose organically from their responses and the stories they shared because of the structure of using semi-structure interview. My reasoning for conducting them in a semi-structured manner is to grasp the participant's individual viewpoint. While other data collection methods have their place in qualitative research, semi-structured interviews offer a key advantage: they allow for focused discussions while also enabling the investigator to delve into relevant ideas that emerge during the interview (Olatunde & Olenik, 2021). According to Morse (2012), semi-structured interviews serve as a qualitative interviewing technique employed when the researcher possesses a substantial understanding of the topic, adequate for identifying the subject area and formulating relevant questions yet lacks the insight to predict the responses of the participants. This approach enabled me to elicit more insightful responses from participants by projecting a level of general understanding while also acknowledging my relative lack of knowledge compared to them (Leech, 2002). I believe that by conducting semi-structured interviews, it has allowed for more flexibility to be relaxed and build trust with the participants so that they were able to give me constructive answers. I chose to do one-on-one interviews because I understand that some of the questions that were to be asked of the participant could be too personal or too sensitive to have outside people involved in. Having one-on-one interviews allowed me to focus all of my attention on the individual versus conducting interviews in groups. Due to the semi-structured format of the interviews, most of them took on the tone of friendly conversations rather than adhering strictly to a formal interview style. I opted for telephone interviews as they offered the most convenient means for effective communication between myself and the participants, especially considering our geographical distance. As indicated by Sturges and Hanrahan (2004), telephone interviews offer a chance to gather data from individuals who may be hesitant to participate in face-to-face interviews or from groups that are otherwise challenging to reach in person.

## 5.2 Participant Selection & Sampling

I decided to focus my research on the age group of individuals who were alive during the Salvadoran civil war because they have been able to experience the changes that El Salvador has seen through the years to now. I believe that because they are in an older age bracket that they were able to contribute more to my interview questions, as they have lived to see the hardships and successes that the country has had. Generally, most of my participants' ages ranged between their early 50s and late 80s. I conducted a total of 10 interviews, five of them were men and the other five were women. Selecting an equal number of men and women was meant to ensure diverse responses. Sex and gender differences are often ignored in research design, study execution, and scientific reporting, as well as in general science communication (Heidari et al., 2016). This oversight limits the broad applicability of research findings (ibid.). The social positions of my participants included a variety of career roles. Four are educators, one is an engineer, two are factory workers, one is a business owner, and two work in business-related fields. Including the social positions of my participants is relevant because it provides context for their narratives. This helps readers understand why the participants may feel the way they do and how their social positions might influence their perspectives on the situation. The method I used to acquire these participants was through snowball sampling. I reached out to one of my recruited participants and inquired whether they were acquainted with individuals within the desired age range. Subsequently, I asked the new participants if they could recommend others interested in participating and allowed them to share my contact information through *Whatsapp*. This process led to a snowball effect, with additional participants joining the research through referrals. I chose to utilize snowball sampling as it was the most convenient method for me to recruit participants, given the geographical distance involved. This approach is employed in situations where accessing individuals with the desired traits proves challenging (Naderifar et al., 2017). Within this method, current participants enlist additional subjects from their personal networks (ibid.). All of my participants are from El Salvador and currently reside there. The majority of my participants are located in the cities of San Salvador, Sonsonate and Ahuachapan.

### 5.3 Interview Guide

Developing an effective interview guide proved pivotal in my research endeavor, as the selection of words and formulation of questions significantly influenced the trajectory of my research. The phrasing of questions is important for several reasons. According to Gerson (2020), questions must make sense to the interviewee. Equally crucial is their role in fostering trust and cultivating a collaborative environment (ibid.). Additionally, to safeguard against biasing the outcomes, questions must remain neutral, permitting all conceivable responses without implying value judgments or delineating answers as inherently "right" or "wrong" (ibid.). During the development of my interview guide, I initially drafted it in English to facilitate the creation of the Spanish version. It is also important to acknowledge that my theories are important when looking into the creation of my interview guide. My research is grounded in the theories of legal consciousness and penal populism. I structured my interview questions to explore these concepts, aiming to understand people's perceptions of law and justice.

### 5.4 Narrative Analysis

Through narrative analysis, I examine my participants' narratives and experiences, as well as their understanding and perceptions of justice. Narrative interviews are a method of gathering people's accounts of their experiences (Anderson & Kirkpatrick, 2015). They correspond with a patient-centered approach to research and treatment (ibid.). People frequently tell stories about occurrences in their lives; it is one manner in which they make sense of their existence (ibid.). The narrative approach puts the individuals being researched at the center of the research process, emphasizing the interpretations they attribute to their own tales (ibid.). So, while researching individuals, watching their experiences, and attempting to comprehend their lives, narratives may be more accurate in conveying the context and integrity of those lives than questionnaires and graphs (ibid.). Narrative interviews can be conducted alongside semi-structured or formal interviews and observations (ibid.). This makes narrative analysis the ideal method for my research. My study aims to capture the perspectives of Salvadorans through interviews, using questions designed to elicit detailed personal narratives. By analyzing these

stories, I can identify different themes and answer my research questions. Through their narratives, I am exploring their perceptions of this complex topic. Throughout my analysis, I have used round brackets in the interview quotes to indicate nuances like pauses, sarcasm, and other subtle details in how things were said. I also use round brackets at the conclusion of each translated quote to indicate the tone used throughout the specific quote chosen. It is good practice to return transcribed narratives to interviewees for review and to ensure that the participant agrees to the material's use after contemplation (ibid.). Researchers might choose to verify their interpretation of a narrative with the interviewees, but they should be prepared for the possibility of differing viewpoints (ibid.). To maintain transparency with my interviewees, after transcribing and selecting the quotes for my research, I informed each participant about the chosen quotes. I showed them their quotes, verified that the tones I used were accurate, and asked for their approval of both the transcription and the tones included. They all agreed to the inclusion of their quotes, as they felt the tones accurately reflected what they had felt during said quote. Through narrative analysis, I was able to understand how participants construct their responses, and the ways in which their narrative aided in understanding the answers to my research questions.

## 5.5 Coding

The data for this study consisted of ten, one-on-one interviews with individuals that are identified as Salvadoran and currently reside in El Salvador. All interviews were carried out and transcribed in Spanish and English. I utilized *Microsoft Word* to generate the transcriptions in both languages. To ensure accuracy of the transcriptions, I listened to each interview audio one by one and followed the transcription texts to guarantee no errors to the best of my ability. After making sure all the transcriptions were correct, I went through the interview audio again following along with transcriptions and highlighted texts that stood out to me. I then used my notebook that included some of my notes that were taken during the interview and jotted down themes that I found relevant to my research. Once I began highlighting important texts, I color-coded them depending on what theme they would fall under. After I finished color-coding my themes, I devised a coding tree to simplify the identification of my themes into codes within my data. I used a top-down approach to uncover the main themes and sub-themes. I had started

out with nine different codes from my coding tree and then after the last rounds of my analysis I ended up with 5 different themes 1) Perception of Justice, 2) Social Exclusion, 3) Corruption, 4) Penal Populism shaping Legal Consciousness, and 5) Security & Effectiveness. All the themes discussed align with the theories of penal populism and legal consciousness, which support my research. These theories help address my research questions and provide a foundation for future studies on this topic.

## 5.6 Challenges & Limitations

Many of my challenges conducting this research had to do with cross-language research. Cross-language qualitative research takes place when there is a language barrier between researchers and participants, often bridged by employing a translator or interpreter (Squires, 2009). Challenges of interpretation and translation remain key concerns among scholars in the social sciences, especially in cross-cultural or cross-language studies (Lincoln et al., 2016). This proved to be a challenge when producing my interview questions. I formed all my interview questions in English and to the best of my ability translated them, creating a Spanish interview guide. This was a challenge within itself because I had to ensure that my translated interview questions held the same meaning and significance as they did in English. After my interviews, I uploaded the audio files onto *Microsoft Word* to begin the transcription process. Once the transcriptions were prepared, I went back to each interview and followed each transcription, line by line to ensure accuracy between the interview audio and the transcription that was generated. This process was very tedious, but absolutely necessary to guarantee accuracy during the translation process. The only quotes that were translated from the transcript were the ones used in my analysis portion. The limitations to my research are to be noted, as I often state throughout my research that I am seeking “public opinion” through my interviews. It is worth mentioning that my research is on a smaller scale, yet it holds significance in discussions on Salvadorans' perceptions of justice, their factors that could influence their perspective, the efficacy of the current system in incarcerating gang members, and its impact on community safety. Due to lack of funds, I could not afford to travel to El Salvador for a larger sample size in this research. It is also important to acknowledge that I lacked the time and resources for a study of such magnitude

if I were to have wanted to conduct it at a larger scale. I hope that future researchers interested in conducting a similar large-scale study will have the necessary funding, time, and resources at their disposal.

## 5.7 Ethical Consideration

Speaking on the opinions of the current treatment of gang members as Salvadorans seek justice for the many wrongdoings that have been done to them can be an extremely sensitive topic for some. According to Liamputtong (2007), she suggests that topics typically considered challenging—such as trauma, abuse, death, illness, health problems, violence, and crime—often prompt researchers to reflect on the role of emotions in their work. Therefore, it was my responsibility as a researcher to be extra cautious when talking about those delicate topics. I had to be careful with my wording and ensure that if there were any questions that they did not feel comfortable answering that they did not have to do so. Before conducting the interviews, I had written up a brief explanation into the study of my research to remind them what the interview would consist of, along with reminding them that I will be keeping their identities anonymous for the sake of their protection. I did however notice that they were very eager to participate in my research, they felt extremely comfortable to talk about said topics. Regardless of how safe they felt while conducting an interview with me, I still wanted to keep them anonymous using fake names to quote certain participants. Opting for anonymity is often the safer choice to reduce potential harm to participants, as the consequences of de-identifying them may not be fully foreseeable, even with their consent (Knott et al., 2022). Regardless of the researcher's choice, agreements regarding anonymity should be reached with participants during the informed consent process and upheld after the interview (ibid.). Before each interview, I obtained verbal consent from the participants. Since I was unable to meet them in person to provide a formal invitation, I secured their verbal agreement to participate in the research instead. I also informed the participants that I would be recording the interviews with a tape recorder (provided by the university), if they gave me verbal consent to do so. Once each interview was done, I saved and titled the interviews according to the fake name and date that the interview was conducted. After each interview, I transferred them onto a separate USB hard drive to ensure that the interviews

would be safely stored and accessible in case of any unexpected issues with my primary storage device (laptop). I made sure to reassure them that once I had finished using the recordings to do my transcriptions and coding that I would delete them as soon as my research was complete. If at any point the participants would wish to not continue the interview or drop from the whole research after time has passed, I would safely delete all information I had of them. It was important for me to remain transparent with them as that would build trust between me and the interviewee.

## 5.8 Reflexivity, Validity, Reliability, and Generalizability

It is crucial to practice reflexivity in research as it allows researchers to strive for objectivity. Reflexivity involves researchers carefully examining their backgrounds, values, and perspectives, which influence how they perceive, formulate, and engage in research (Skukauskaitė et al., 2022). It constitutes a self-examination that goes beyond mere reflection to encompass deliberate action based on a growing awareness of our active involvement in shaping research, knowledge acquisition, and daily experiences (ibid.). Prior to conducting my research, it was important for me to develop my interview questions with the potential biases I might have because of my background. Being Salvadoran American, I am particularly drawn to exploring this research gap due to my personal connection and vested interest in the topic. It is crucial as the researcher to recognize my own background and how it may impact the research process and outcomes. While formulating my interview and research questions, I ensured a heightened sensitivity towards designing my research with objectivity in mind, aiming to generate organic data. I have approached this research being self-conscious of my own biases and my positionality. My aim through this research is to contribute to understanding Salvadorans view on justice, their current view on the effectiveness of imprisoned gang members, what will influence their perspective and to what extent do Salvadorans believe that the current prison system has contributed to community safety.

As explained by Leung (2015), in qualitative research, validity refers to the suitability of the tools, procedures, and data used. As for reliability, it pertains to the precise reproducibility of both procedures and outcomes (ibid.). As mentioned in my Challenges and Limitations section, I

conducted ten interviews. Due to limited resources, I was unable to obtain a larger sample size, which was a limitation for my research. However, this does not diminish the usefulness of the results. Despite the small number of interviews, the consistency in the responses and the use of similar discourses across interviews enhances the reliability of the study. This impacts the demonstration of reliability in my research. According to Thyer (2010), utilizing research methods that guarantee accurate data recording and interpretations, based on empirical evidence, logical reasoning, and replicability, is essential for enhancing reliability and validity in qualitative studies. Another way to guarantee the enhancement of reliability and validity when conducting my research, I employed a couple of different strategies as Alshenqeeti (2014) suggested. One of my strategies was to avoid using leading questions, having questions that were arranged in a manner that was neutral allowed for organic and honest responses (ibid.). Another approach involved jotting down notes during my interviews (ibid.). This practice allowed me to capture potential themes for later transcription and coding. Lastly, I performed a practice interview (ibid.). Conducting a practice interview provided clear feedback on whether my questions maintained a neutral stance, avoiding any inclination towards specific responses from the interviewees. Thus, to maintain transparency, I have meticulously outlined the procedures I used to select interview participants and gather empirical material. It is my duty as the researcher to do my very best to be transparent with my research so that my research can support other future research surrounding this topic. I am in no way seeking to produce false data, as my only aim is to promote and aid future research.

Generalizability is important in research as it advocates for analytical generalization, assessing how well the findings of one study can be applied to another with similar theoretical underpinnings (Leung, 2015). However, generalization is not a term commonly addressed or explicitly explored in qualitative studies (Smith, 2018). In qualitative studies, generalizability is more about how well the researcher interprets and comprehends the situations they are studying, rather than gathering data that represents everyone (Carminati, 2018). This means that generalization involves predicting how the findings could apply to other situations, considering both the theoretical analysis of what causes the results and how the context influences them (ibid.). In my research, I have shown that the themes identified can apply to various settings in



the social sciences. By comparing themes from previous studies to mine in the literature review, I illustrate their generalizability.

## **6. Analysis**

The intention of this analysis is to put forward the data of this research. My research sought out to look at how Salvadorans view justice, the effectiveness of imprisoned gang members, what factors in their own narrative would influence their perspective, and to what extent do Salvadorans believe that the current prison system has contributed to community safety. It is critical to acknowledge that through my analysis, these are the narratives of my participants, as their narrative is what affects their opinions on my interview questions which assist to answer my research questions. Each participant in my research expressed strong passion for this specific topic, feeling a personal responsibility to articulate why they believe the Salvadoran government's approach to these arrests is highly beneficial for the country's well-being and future. Through conducting my research, I found different themes which shaped the answers that were provided in my interviews. As described in my Coding section, I used a coding tree to identify recurring themes throughout my interviews. I chose legal consciousness and penal populism as themes not only because they are the theories underpinning my research, but also because my participants' narratives demonstrated these concepts through their responses. I will introduce each principal theme found in my analysis and explore the participants' sentiments and some quotes that are from the interview that have been translated from Spanish to English along with some that are presented in English.

### **6.1 Perception of Justice**

Looking through my research, I found that many of the interview participants perceived justice as something that had to be earned by being a law-abiding citizen. Once individuals began breaking the law to a severe extent such as in this case, being involved in gang activities, they were no longer viewed as deserving of their own justice. Many of the participants viewed the meaning of justice to be based on the victims versus the perpetrator. However, that is not what the past governments actions showcased. The interviewees conveyed that over the course of

many decades, they perceived a lack of genuine justice from the government and felt that it prioritized protecting the rights of gang members over those of its own citizens. When questioned about their opinions regarding the present government and its strict crime policies, numerous individuals believed that justice is finally being served for law-abiding citizens. One of my participants, when asked about justice being served in relation to the swift crackdown on the imprisoned gang members, believed justice was finally being served.

“For many years we have been suffering in El Salvador, harassment by the people who are currently in prison (gang members). More than 87% of the population believe that the correct action is to have them locked up and that they lose certain privileges because they have taken the lives of many people, even those who have nothing to do with anything at all, just to pressure the past government to get what they want. (Stern tone)” (Author Translation).

“Por muchos años en El Salvador estuvimos sufriendo acoso por parte de toda esta gente, el pensamiento es que si se está haciendo justicia es generalizado, todo, más del 87% de la población, creemos que es lo correcto que están encerrando, y que pierden ciertos privilegios porque le han quitado la vida a mucha gente sin tener nada sin tender con nada, solo porque quieren presionar al gobierno para pedir cosas, sí, estoy de acuerdo.” Carlos (63).

Similarly Otto (51), believes that in order for El Salvador and its people to progress, is for this type of tough on crime policies to be enacted.

“My perception of[4] justice is to live in a place where the rules that society and the high courts, you know, dictate... justice to me would mean being able to live in a society where you don't have to be afraid of, you know, dying pretty much every day because you're on your way to work... The best way to represent justice to me is to be able to live in a society where you are free and where you are able to progress and your life is not being hindered by corruption and by criminals (gang members), justice is finally being brought to El Salvador. (Neutral tone)”  
(Original)

Other participants have also expressed that their meaning of justice relates back to being tougher on crime to ensure the security of the state. These tough-on-crime policies, according to my participants, are believed to contribute to societal progress in El Salvador, and this progress is expected to manifest in various ways over time.

## 6.2 Social Exclusion

The way many of my participants spoke about the gang members in El Salvador were described as people who have been cast away from society. These people were no longer deserving to be a part of Salvadoran society. When asked about their thoughts on how important it was for the prisoners (gang members) to be treated and charged fairly, it was of no importance to them. They were no longer viewed as people deserving of fairness. In the eyes of my participants, they had lost the right to be treated fairly once belonging to a gang. Many of them perceive the gang members as “beasts” and not of this world. Throughout numerous interviews, I heard participants recounting distressing stories about individuals they knew, those they had heard about from friends, or events they had seen reported in the news involving gang members and their appalling deeds.

Carmin (55), “They (gang members) would kill whoever they could whenever they wanted. There were horrible murders, videos were taken because that is the reality. They were taken and we saw all of it. So, the gang members took videos and would upload them. Once they uploaded a video where they were playing with the head of a young man that they had just decapitated. Playing soccer with it and laughing. They enjoyed it... People have to listen to the stories of the people who lived, of the people who suffered from the gangs. And no matter what they want, what they say about them being human beings who also deserve to be treated with money, no, these people do not deserve to be treated with dignity because they do not have dignity. These people do not deserve good treatment, these people don't even deserve to get out of that prison again. (Angry tone)” (Authors Translation)

“Ellos mataban a quien sea, hubo asesinatos horribles. Se tomaban videos porque eso es una realidad. Se tomaba ella y eso todo lo vimos nosotros. Así que los pandilleros se tomaban video y los subían una vez subieron un video donde estaban jugando con pelota con la cabeza de un joven que acababa de decapitar. Jugando fútbol y se reíllan. Lo disfrutaba... La gente tiene que escuchar las historias de las personas que vivieron, de las personas que sufrieron a causa de las pandillas. Y no importa lo que quieran, lo que digan de que son seres humanos que también merecen ser tratados con dinero, no, estas personas no merecen ser tratadas con dignidad porque no tienen dignidad. Esta gente no merece un buen trato, esta gente ni siquiera merece volver a salir de esa prisión.” (Original)

Another similar feeling expressed by Cameron (86), the former principal also states that he believes there are no human rights violations being committed, regardless of what Amnesty International has reported. He used the example of the United States and its use of the death penalty in many states without significant outcry. He further expressed that they are.

“Look, the justice system has improved only with the imprisonment of those (gang members) kinds of people who have no right to even life itself. Just by seeing how they patrol the entire street, it instills fear. If they were to walk through a dim lit area on the street, you would think you would be looking at a demon. Just by looking at the demons you would be scared of them. They do not deserve to be free, and they certainly deserve no empathy from the good people they have hurt. (Stern tone)” (Authors Translation)

“Mira, el sistema de justicia ha mejorado sólo con el encarcelamiento de ese tipo de gente que no tienen derecho ni siquiera a la vida ¿Te da miedo verlo? ¿Con solo verlo como andan de patrullar de toda la calle el cuerpo si te sale de un camino oscuro, te imaginas que es el demonio que anda ahí? No merecen ser libres y ciertamente no merecen empatía por parte de las buenas gente a las que han herido.” (Original)

In an earlier part of my analysis, I explored how, for several participants, the concept of justice is intertwined with deservingness and community contribution. In this context, gang members, seen as hindering societal progress in El Salvador, are deemed unworthy of any form of justice or

public empathy. The gang members in prison are currently facing social exclusion, and it appears that this is the prevailing sentiment among the majority of participants in my research regarding their stance on justice.

### 6.3 Corruption

Corruption became a huge factor when discussing the meaning of justice and the effectiveness of justice within the country. Many of my participants felt that they had been betrayed by past administrations when pleading for justice against its citizens. The past administrations, according to my participants, were known for making deals with gang leaders which sometimes included conjugal visits, transfers to lower security prisons, and much more. My interviewees felt that in the past criminals were being rewarded for their terror on the country and were given special treatment in prison regardless of the horrific acts gang members committed. Not only did the past administrations have corrupt deals with gang leaders, but they also took advantage of the people. Some participants revealed to me that El Salvador faced two significant obstacles hindering its progress: corruption among presidents involving money laundering, and corruption stemming from treaties with gang leaders. Just before Bukele's initial election, the Salvadorans participants felt a sense of despair, as the two main political parties had engendered mistrust and exploitation among the populace. Many participants believed that Bukele's rise to power was a form of divine intervention, saving them from their troubles. With Bukele demonstrating his dedication to the Salvadoran populace through his tough on crime policies, citizens now have increased confidence in their government's capacity to serve them. Some participants have conveyed the belief that Bukele symbolizes democracy for the people of El Salvador.

When speaking with Lu (52), on the subject of corruption and the past history of El Salvador, she stated how

“Many of us have been fed up (emphasis) with the constant corruption with the politicians and their ties with the criminals. Things just continued to get worse for our country regardless of whatever meetings were made with the gang leaders, nothing was changing for the better... I believe that the other parties would have continued to win had they implemented the law as it is

right now, but really this current administration is now making the laws as they should do. They are making the law to target these criminals. (Neutral tone)” (Authors Translation)

“Muchos de nosotros estamos hartos (énfasis) de la constante corrupción de los políticos y sus vínculos con los criminales. Las cosas continuaron empeorando para nuestro país, independientemente de las reuniones que se realizaron con los líderes de las pandillas, nada estaba cambiando para el mejor... Creo que los otros partidos habrían seguido ganando si hubieran implementado la ley como está ahora, pero realmente esta administración está haciendo las leyes como debería hacerlo. Están elaborando leyes para atacar a estos criminales.” (Original)

Corruption has taken many different forms throughout El Salvador’s history, Marcy (50), during our conversation about her being robbed at gunpoint by a gang member, she began to inform me about how she felt helpless to report this incident. After this discussion, she expressed to me how even from the congressmen, there were forms of corruption.

“Before, if an official committed a crime. They would not do anything. I mean, (pause) I knew of cases of congressmen who would be drunk and drunkenly kill people, but since they were congressmen, nothing could be done to them. So now with the arrival of Nayib he has already changed the laws and not only the gangs, but also corruption. If you manage to identify and prove what corruption has been done, you can go to jail and that is a crime that does not expire. Before, public officials could commit corruption and after 10 years the crime expired. Expire meaning that after 10 years they could no longer convict him of that crime. Now Nayib has changed that law and I bet that corruption will not expire. That is to say that if someone has committed a crime of corruption, even if more than 10 years have passed for that person, they can be prosecuted. (Neutral tone)” (Authors Translation)

“Antes si un funcionario convertía un delito. No le hacía nada. Osea (pausa) yo supe de casos de diputados de que andaban bolos y bolos mataban personas, pero como eran diputados no se les

podía hacer nada. Entonces ya ahora con la llegada de Nayib ya ha cambiado las leyes y que ha hecho que supuestamente no solo la maras, sino también la corrupción. Si alguien que se logra identificar y comprobar de qué ha hecho corrupción puede ir a la cárcel y eso es un delito que no prescribe. Antes los funcionarios públicos podían hacer corrupción y después de diez años el delito prescribía. Prescribir quiere decir que después de diez años ya no lo podían condenar por ese delito. Ahora Nayib ha cambiado esa ley y apuesto de que la corrupción no va a prescribir. Es decir que si alguien ha cometido un delito de corrupción, aunque hayan pasado más de diez años esa persona, Puede ser juzgada.” (Original).

Prior to Bukele's leadership, there was awareness of government officials and occasionally law enforcement engaging in corruption, often with gang members or for other motives. With Bukele in power, there is increased trust in the government, as there's confidence that Bukele is maintaining order. This highlights that concerns about government corruption extending to special treatment for gang members weren't the only worries for Salvadorans like Marcy. Trust in government officials was also a significant issue. Therefore, addressing corruption is crucial for El Salvador, both in dealing with gang-related crime and within its own governance. Since Bukele took office and imprisoned many gang members and corrupt officials, Salvadorans have regained trust in their government because of Bukele's leadership. In his five years as president, with another five-year term ahead, he has swiftly gained the trust and support of the Salvadoran people. Despite some controversial justice measures, he has shown a commitment to ending corruption and bringing peace to El Salvador.

#### 6.4 Penal Populism shaping Legal Consciousness

All of the ten interviews I had conducted had nothing but praise for these tough on crime policies that have been enacted by the Bukele administration. The interviews conducted demonstrated that through penal populism, it has shaped their legal consciousness and how they view justice. Many of my participants felt that harsher conditions and policies are needed in El Salvador in order to keep gang members at bay. Bukele has sustained and advocated for these tactics, leading many Salvadorans to perceive them as the most effective and sole approach to addressing gang-related crime. As a result of this widespread sentiment, punitive actions targeting gang

members influence civilians' attitudes towards fairness and rehabilitation for these individuals. A few of the participants described that El Salvador, like many other Latin American countries, need this type of government to act in the matter that Bukele has in order for society to function. According to my interviewees past presidents were not harsh enough on these gang members which in their eyes caused more chaos. According to Birna (58), anything lesser than the current treatment towards these gang members was viewed as insufficient and would be considered injustice to the Salvadoran people.

“Ask people who have lived through the past and current experience. And to be able to do an analysis of who is really doing the right thing. I cannot say, “Nayib, he is acting badly, he is violating rights (sarcasm)” when what he is doing is what should be done in every country because they admire him so much worldwide. Other countries are experiencing the same thing that we are experiencing because people can no longer tolerate the situation, so many people dying in the streets, so many people who cannot get out, so much crime and honest people locked up. In other words, the situation previously was the opposite. They (gang members) were free. We did not have it good; we did not have the right and they did have the right to walk in the street with freedom and everything, but we lived locked up with a few scraps... he (Bukele) is acting as he should be. These are the types of punishments that are required for the law to work for the good people. (Stern tone)” (Authors Translation)

“Preguntarle a las personas que han vivido la experiencia anterior y la actual. Y poder hacer un análisis de quién realmente está haciendo lo correcto, porque no puedo decir “Nayib, está actuando mal, está violentando derechos (sarcasmo)” cuando es lo que está haciendo es es haciendo lo que se debe de hacer en todo país porque lo admiran tanto a nivel mundial en algo. Otros países que están viviendo lo mismo que nosotros vivimos porque la gente ya no aguanta la situación, tanto muerto en la calle, tanta persona que no puede salir tanta delincuencia y la gente honrada encerrada. O sea que que la situación anteriormente estaba al contrario. Ellos estaban libres. No la teníamos bien, no teníamos derecho y ellos sí tenían derecho a andar en la calle con libertad y todo, pero vivíamos encerrados con unas sobras... él está actuando como debe. Estos son los tipos de castigos que se requieren para que la ley funcione para las buenas personas.” (Original)



It appears that for the Salvadoran people, this is the type of laws they want to have in order to ensure security and peace for their country. According to Otto, El Salvador is a country that requires a different type of methodology in comparison to other nations.

“I know that there is a lot of concerns about, you know, the way he's (Bukele) done it, but traditional ways of dealing with, you know, the criminals and gang members have not worked in the past that, you know, for several factors.. and so the methodology that they use in other countries is just not applicable to the lifestyle that they have over here. So I think that in order to deal with a unique situation, you have to have a unique approach. (Neutral tone)” (Original)

The phenomenon of penal populism emerges as a significant force shaping Salvadorans legal consciousness, calling for a demand for the mano dura approach. It seems like the trauma from gangs and corruption between political leaders is what motivates my participants to favor this type of justice. As this is the closest many of them have felt as free as they do.

## 6.5 Security & Effectiveness

Many of my participants spoke on the matter of how difficult it was to do everyday activities without the fear of being killed, raped or robbed by a gang member. Personal encounters with gang violence, crime, and the legal system can greatly shape Salvadorans' perspectives on the efficacy of incarcerating gang members. Each person interviewed also shared anecdotes about instances where they were either robbed at gunpoint, coerced into paying a gang member, or even been asked to join the gang. Something as simple as going to the grocery store was made difficult because of the fear brought by the gang members. According to my participants, gang members had so much control on everyday life for ordinary members of society. After Bukele began implementing his mano dura policies, feeling secure in El Salvador became something that many of its citizens could only ever dream of. Security finally became a reality for the people in El Salvador, it meant freedom for many of them. It meant being able to visit family members in other towns that were previously unreachable due to the widespread presence of gangs in those areas, as well as the charges imposed simply to enter "gang territory". It signified the ability to

enjoy social activities with friends and family at any hour without the apprehension of encountering adverse circumstances. It meant that parents could send their kids out to school and out on the streets without the fear of gang members approaching them to recruit them. Carmin reflects on a time preceding the Bukele administration when she experienced persistent distress whenever her daughter was away from home.

“Those[6] of us who were locked up were the right and honest people, while criminals were out on the streets. It has benefited our family, our children. For example, my daughter goes out on the street and I am not left with the worry and uncertainty that it raises about what could happen to her, that something could happen to me on the bus, in the street, from here to the corner, it was already a danger, now we feel totally safe... The police act and there is a lot of security, as well as security on the buses, at the bus stops, on the streets, you end up running into police officers and soldiers. In other words, you feel very safe. (Calm tone)” (Author Translation)

“Los que estaban encerrados éramos las personas honestas correctas, y andaban en la calle los delincuentes. Entonces eso nos ha ayudado grandemente, nos ha favorecido a nuestra familia, a nuestros hijos. Por ejemplo, mi hija sale en la calle y yo no me quedo con la preocupación y con la incertidumbre que le puede pasar, que me le pueden hacer algo en el autobus, en la calle, de aquí a la esquina, ya era un peligro, ahora nos sentimos totalmente seguro... La policía actúa y hay mucha seguridad, además seguridad en los autobuses, en las paradas, en las calles, hasta te topas con la policías y los soldados. En otras palabras, te sientes muy seguro.” (Original)

Carmin also expressed to me that she finally feels heard when asked about whether she feels like her voice has been heard in regard to the elections and concern of the safety and effectiveness.

When questioned about the security situation in the past and the efficacy of the changes implemented since Bukele took on the presidency, Bella (66) expressed her enthusiasm by affirming that El Salvador was finally overcoming its history of terror and unsuccessful endeavors to achieve justice.

“There were no strict laws to punish them (gang members) and this went on and on until there came a time when the truth was, people could no longer live in El Salvador. That's why most people decided to emigrate because they no longer felt safe. On the other hand, now with the arrival of Bukele, he has now put in place *mano dura* and that is why the country is on the right path. (Calm tone)” (Authors Translation)

“Sí, pero no le no, no había, no había leyes estrictas para castigarlo y esto se fue prolongando y fue prolongando hasta que llegó un momento de que la verdad, la gente ya no, ya no podía vivir ahí en El Salvador. Por eso es que la gente mejor decidía a a emigrar porque ya no se sentía seguro. En cambio, ahora con la llegada de de Bukele, este ahora él ha puesto *mano dura* y por eso es que yo siento que el país está va por un buen camino. (Confident tone) ” (Original)

My participant Julio (64) shared firsthand observations of how Bukele's *mano dura* policies directly impacted his own life.

“In my workshop I paid them “the rent” and they were always very near, right? So there is a kind of harassment, so every week I had to pay an amount of money to be able to be at peace with them, right? But otherwise, if you did not pay, they would most likely kill you... So, we kept the money, but when the reign began they no longer arrived. Once we saw one of them on the street, we asked him why they had not come for the money and that boy said “no, I'm not in that anymore, I mean I'm not no”. They never came back again, we no longer entered into that issue of not paying anything and they never came back again. (Neutral tone)” (Authors Translation)

“En mi taller yo pagaba la renta y ahí los tenía cerquita, verdad? entonces hay un como un acoso, entonces cada semana tenía que estar pagando una cantidad de dinero para poder estar este en paz con ellos, verdad? Pero de lo contrario si no pagabas, pues lo más seguro es que te mataban...Entonces, nosotros guardábamos el dinero, pero cuando comenzó el *reine* ya ya no llegaron. Y más una vez vimos uno de ellos en en la calle, le preguntamos que por qué no habían llegado por el dinero y ese muchacho dijo “no, ya no estoy en eso, digo yo no estoy.” Ya no ya

nunca más volvieron, ya no ya entramos en esa cuestión de que no pagamos nada y ya nunca más volvieron” (Original)

Julio represents a growing number of individuals in El Salvador who are no longer burdened by extortion payments to gang members for their businesses. This significant shift is widely recognized among Salvadoran business owners. The implementation of Bukele's policies is particularly praised by business owners like Julio, as it not only enhances public trust in the new government but also promotes the narrative that these tough measures are serving the interests of the working class rather than benefiting gang members. These policies also offer economic relief to business owners like Julio. As previously outlined in the background section of my research, extortion poses a significant challenge in El Salvador, leading to the loss of millions of dollars due to forced payments to gangs. Now, business owners can feel secure knowing that they will no longer be harassed for money by gang members, as the fear of government repercussions deters such activities. Individuals like Julio no longer live in fear for their lives if they cannot meet extortion demands. This sense of security brings peace of mind to the Salvadoran populace, who yearn for security. Bukele has essentially gained ordinary citizens' support by using the tactics of the “us against them” faction (Holcombe, 2021). Transitioning from a period marked by extremely corrupt politicians, embroiled in money laundering scandals and subsequently losing support and hope from its citizens to a president who pledges hope and dramatic change, aiming to safeguard its citizens and deliver justice and security. Over the past two decades, previous political parties have consistently failed to fulfill their promises to the people. His ‘mano dura’ tough-on-crime policies have led to a large wave of support for him to bring peace to El Salvador. Because many are desperate for peace, when asked about the 7,000 plus innocent people that have been arrested since the Bukele crackdown, many of the interviewees agree that it is an unfortunate sacrifice that comes with the price of this new peace.

Marce states that “Nothing is perfect, it’s unfortunately a price that comes with safety, but with the small number of innocent people who have been arrested, it just means millions of other people do not have to die at the hands of gang members... eventually they will prove their innocence and they will be fine. (Conflicted tone)” (Authors Translation)

“Pues nada es perfecto. Desafortunadamente, es un precio que viene con la seguridad, pero con el pequeño número de personas inocentes que han sido arrestadas, simplemente significa que millones de otras personas no tienen que morir a manos de pandilleros... eventualmente demostrarán a su inocencia y estarán bien.” (Original)

When interviewing Birna about alternative solutions for achieving peace in El Salvador, including rehabilitation, she claimed that this is the most effective approach for ensuring security and advancement in the country.

“Obviously this country has been a country that has suffered greatly and the security that President Nayib Bukele has given to this country is indisputable. I think that 90% or I could say 97% of the population perceive it and we agree with the way the law is applied. From him and with the justice that is being implemented in our country there is peace, there is tranquility, we breathe something that in years and decades I could say about 50 years ago that was not breathed, that was not lived, we now live happily. Obviously there are still people who continue to do evil, right, but I think that it is a process that is being carried out and that in the long run this will perfect it, so we are delighted with the way of governing. President Nayib Bukele is the best president in the history of El Salvador. (Confident tone)” (Authors Translation)

“Obviamente este país ha sido un país que ha sufrido grandemente y la seguridad que el presidente Nayib Bukele le ha dado a este país es indiscutible. Creo que la percibimos el 90 o podría decir el 97% de la población lo percibimos y estamos de acuerdo con la forma de aplicar la ley. De él y con la justicia que se está implementando en nuestro país hay una paz, hay una tranquilidad, se respira algo que en años en décadas podría decir unos fifty años que no se respiraba, que no se vivía nosotros ahora vivimos felices. Obviamente todavía existen personas que no, no, que continúan haciendo el mal verdad, pero pienso que es un proceso que se va realizando y que a la larga esto lo perfeccionará, así que nosotros estamos encantados con la forma de gobernar. Nayib Bukele es el mejor presidente en la historia de El Salvador.” (Original)

Many of the other participants feel the same way as Birna, they see this as the only way for El Salvador to progress. This “solution” is the only one that has worked so well for the country and it seems to make the people of El Salvador happy, regardless of what other Western nations have to say about it . Finally, the interviewees feel a sense of control regarding their own government. The participants feel as if they have taken back the power from the corrupt government of the past and elected a new government that seems to be working for its people. Security was finally in the hands of the Salvadoran people. The peace and freedom that the participants expressed in my interviews since the crackdown is undeniable.

As a result of my interviews, it would seem that many Salvadorans feel heard and understood through the current administration's tough-on-crime policies with gang members. Utilizing my theories of penal populism and legal consciousness, it allowed me to understand the public pressure and discourse surrounding punishment towards gang members. It also allowed me to conceptualize the amount of trust Salvadorans have towards the government, after decades of mistrust and corruption. When considering Salvadorans' views on the effectiveness of imprisoning gang members, factors such as personal experiences with crime and violence, community dynamics, and historical contexts play a significant role. Salvadorans see harsh imprisonment as necessary for public safety and crime control, all of my participants view the *mano dura* policies as a necessary measure to maintain order and protect citizens from gang violence. Many question the efficacy for alternative approaches such as rehabilitation and social programs. In the pursuit of their happiness, they perceive that the *mano dura* approach as highly effective. Salvadorans view this as the only way to justice. The interviewees also voiced their confusion regarding the Western world's criticism of this approach to combating crime, as many feel that human rights were disregarded when gang members held sway over the state of El Salvador and the lives of countless innocent individuals. My participants expressed that they are tired of suffering and that this has been the closest they have felt to freedom and justice. This form of punishment on the gang members is justice being served, according to my interviewees. As many of them do not feel that the gang members deserve empathy from outsiders. At the conclusion of each interview, I invited participants to share any questions or comments related to my research. Nearly all expressed a common sentiment: unless one has experienced the

hardships endured by the Salvadoran people over many decades, then they cannot be to judge how they want their justice to be served. Several participants emphasized that rather than questioning the method of justice to the Salvadoran people, outsiders should offer support and engage with the people of El Salvador to comprehend their perspectives and listen to their voices.

## **7. Discussion**

Throughout my research, my aim was to explore Salvadoran's opinions through one-on-one qualitative interviews on their thoughts on how the current regime is overseeing the arrests of gang members and the treatment of these prisoners. To do that I proposed the following research questions: How do Salvadorans view justice? How do they view the current system of the effectiveness of imprisoned gang members? What factors might influence their perspective? To what extent do Salvadorans believe that the current prison system has contributed to community safety. These questions guided my research, which involved examining theories such as penal populism and legal consciousness. I discovered that conducting one-on-one interviews was the most effective method of data collection for my research to uncover the genuine emotions and perceptions of Salvadorans. I chose penal populism and legal consciousness as my theories for my research because there is a lack of studies applying these concepts to the context of El Salvador and its gang members. I then integrated my pre-existing theories with the gathered data, thereby simplifying the analysis of my research. Throughout my research I was able to identify five different themes from my data that shaped the answer to my research questions.

1) Perception of Justice emerged as a significant theme when investigating the effectiveness of the current *mano dura* approach and Salvadorans' perceptions of what constitutes justice.

According to my research, Salvadorans view justice as a concept that was meant to serve law abiding citizens. As a citizen of El Salvador, it is their duty to contribute to society and to follow the laws to be deserving of justice. Gang members are seen as not entitled to any form of justice, including fair treatment in prisons and the right to a fair trial. Mere association with gangs is perceived as equivalent to guilt, warranting harsh incarceration conditions. Salvadorans see the

current treatment of gang members in prison as a form of justice being served to Salvadoran society. Salvadoran society was never allowed to truly prosper because of the impact that gang violence had on the state and its people.

2) Social Exclusion is another theme that is important to look at when answering my research questions. Gang members have become excluded from society from the perspective of Salvadorans and therefore undeserving of empathy. Salvadorans view gang members not as people anymore, but as demons. They are excluded from society and are seen as undeserving of fairness. The gravity of the crimes committed by many of them is considered unforgivable, thus excluding them from the human rights discourse, as they themselves have violated the human rights of numerous Salvadorans.

3) Corruption had a significant importance to Salvadorans and how they view justice. For years, the Salvadoran population endured governance under corrupt presidents who were convicted of money laundering and engaging in corrupt dealings with gang leaders, granting them additional privileges in prison. Salvadorans became fed up with the past regimes and their handling of justice because the homicides rates continued to rise regardless of what was done. Many Salvadorans believed that greater efforts were necessary to attain justice, as past political parties demonstrated ineffectiveness in controlling crime, particularly with gang members. Rampant corruption was perceived as one of the major barriers to justice in El Salvador. Some participants expressed their refusal to support previous political parties again if it meant President Bukele could retain power, citing his transparent commitment to a *mano dura* approach as evidence of loyalty and honesty to the Salvadoran people.

4) Penal Populism Shaping Legal Consciousness: Salvadorans have demonstrated that through their legal consciousness, penal populism influences how they perceive justice. As stated earlier, legal consciousness explores how law is perceived and understood by individuals as they interact with, evade, or challenge legal norms and interpretations (Ewick & Silbey, 1998). El Salvador is its own way of thinking about the law and the law is heavily influenced by their views on the current political system. Meanwhile, penal populism is influential for Salvadorans as they perceive harsh punishments necessary to reduce crime within gang members and maintain order.



Because of this mindset, it has resulted in Salvadorans supporting policies on longer prison sentences and harsher prison conditions. The *mano dura* approach promotes penal measures aimed at combating gang-related crime because of public safety concerns fueled by penal populism. As punitive measures towards crime and violence have been the only tangible response in El Salvador that has given peace to the country, it reinforces their belief that this is the only solution possible. Salvadorans have demonstrated that through their legal consciousness, penal populism influences how they perceive justice.

5) Security & Effectiveness: During the time when gang violence was extremely prominent before Bukele orchestrated his *mano dura* policies, Salvadorans were living with fear everyday just by doing daily activities. Salvadorans have not been able to feel secure in their own neighborhoods for decades out of fear of the gang members patrolling the streets. The effectiveness of these *mano dura* policies gave security to Salvadorans as they no longer feared to live. The *mano dura* policies are highly popular and effective for combating gang violence. Security was finally obtained for the Salvadoran people, as they are now finally able to enjoy living and existing in Salvadoran society.

All five of my themes were extremely prominent in my data and helped answer the questions regarding public opinion surrounding justice, the effectiveness of the current system on gang members, and how this prison system has contributed to community safety. For Salvadorans, this system is effective and satisfactory. While many may disagree with the current approach to fighting crime against gang members, it is what the people of El Salvador prefer. Several participants expressed that El Salvador is not ready for alternative forms of justice, as they are unfamiliar with them and do not find them as effective. Since this method has proven successful (in terms of gang violence being present), they do not question its potential negative effects. As this peace is recent, they perceive it as the most effective, and fastest way to justice.

Connecting previous literature with my current research and seeing the connections they have not only allows us to understand the urgency behind this problem but that this is an important

and complicated issue within bringing justice to countries like El Salvador. As discussed previously in my literature review, Guatemala is currently facing a very similar issue as El Salvador when tackling gangs. They have resulted into using mano dura strategies to combat gang violence in the past and the research is looking at how places like Guatemala are looking to bring back mano dura strategies regardless of it not working in the past.

## **8. Conclusion**

My research answers my questions on how Salvadorans perceive justice, the effectiveness of imprisoned gang members, the factors that influence their perspective, and to what extent do Salvadorans believe that the current prison system has contributed to community safety. I will begin by answering each research question one by one. Firstly, Salvadorans perceive justice as something that must be earned by being a law-abiding citizen. Regarding gang members in prison, they are not seen as deserving any form of justice, as they are excluded from society. Salvadorans believe that gang members forfeited their rights as soon as they became associated with gang membership. For Salvadorans, the concept of justice is centered around the victims versus the perpetrators. Secondly, Salvadorans consider the mano dura strategy to be the most effective method for controlling gang members. They believe that no other approach has brought justice to El Salvador as effectively as this one. The way gang members are imprisoned is deemed highly effective, regardless of the circumstances, because civilian safety is the top priority. Salvadorans consider stricter policies effective in achieving justice in El Salvador. Penal populism emerges as a considerable influence on Salvadorans' legal consciousness, leading to a collective push for harsher laws targeting gang members, regardless of their severity. Thirdly, their perspectives are shaped by their narratives. Many Salvadorans have personal stories of the horror and violence inflicted by gang members on themselves, people they know, or things they have seen on the news, which heavily influences their views on the situation. Finally, Salvadorans now view the incarceration of gang members as progress and evidence that positive change is occurring in El Salvador. Salvadorans believe the current prison system has enhanced community safety. After decades of torment and harassment from gang members, they feel they can finally reclaim their freedom. El Salvador has not experienced this level of peace for many

decades, due to gang violence stemming from the civil war, which contributed to the ongoing unrest. Now, Salvadorans feel safe enough to roam the streets at any time of day. They can enjoy their newfound freedom, confident that gang members are being brought to justice and that their new government prioritizes civilian safety.

## **9. Further Consideration**

Taking further consideration into other aspects of my research highlights the importance of considering the potential implications for El Salvador based on similar studies and based on my own. My research addresses the paradox of achieving freedom and justice in El Salvador, where efforts to obtain freedom often involve human rights violations, though it should be the opposite. The rest of this section covers the function of Law and its relevance to my research and how it is meant to serve the people. Next, I explore Alternative Solutions to *mano dura* strategies and discuss how these could be implemented and how other studies seek alternative solutions to combat crime. I then connect my findings to related studies. This chapter is crucial as it encourages readers to consider both perspectives and form their own opinions on this complex issue, which presents a paradox between human rights and freedom in El Salvador.

### **9.1 Law**

In my research, delving into the realm of law requires a comprehensive review of prior studies to grasp different interpretations and definitions. These definitions shape our comprehension of the motives behind policies such as those in El Salvador and how they tailor laws to suit their needs. Understanding the functions of law is crucial. It clarifies the essence of law, aids in interpreting and applying it accurately, highlights its interaction with societal norms and institutions, and identifies the overarching principles to which the law adheres or diverges (Raz, 1979). The significance of law in relation to my research lies in Bukele's creation of policies that he deems beneficial for his people. Therefore, in this section, I am detailing how law operates and how examining law can influence the Salvadoran people and their future with laws and policies. According to Winter (2022), If democracy allows people to have an equal voice in shaping societal rules, then the rule of law is intrinsically linked to democracy at every stage: It helps

shape citizens capable of self-governance, acts as the tool for carrying out democratic choices, plays a vital role in establishing citizens as equals, and tackles how to ensure that government by the people truly serves the people.

## 9.2 Alternative Solutions

According to research, *mano dura* is an ineffectual and counterproductive gang prevention strategy (Golob, 2022). Over four decades of research into the *mano dura* technique to combat gang development and violence has consistently yielded the same conclusion: *mano dura* causes more harm than benefit (ibid.). Therefore, it is important to examine research that delves into public discourse regarding the transformation of punishment into rehabilitation-focused measures. This is still relevant to my research as it initiates discussion on how other nations perceive various approaches to crime resolution, facilitating comparison with the current Salvadoran strategies. It also highlights alternative approaches to punishing gang members who are imprisoned in El Salvador. As previously mentioned in my literature review a study done by Adam Golob (2022), titled *The Resurgence of Mano Dura in Guatemala* discussed how Guatemala is currently facing a remarkably similar issue as El Salvador when tackling gangs. They have resulted in using *mano dura* strategies to combat gang violence in the past and the research is looking at how places like Guatemala are looking to bring back *mano dura* strategies regardless of it not working in the past. *Mano dura* policies are once again on the horizon for Guatemala combining political rhetoric and the interplay of congressional, judicial, and executive power to respond to the call to "do something" with heavy-handed tactics that have failed in the past, both in Guatemala and in neighboring countries (ibid.). Instead of repeating past approaches, the most effective way to combat violence and gang power is through leadership and programs that promote social inclusion, open dialogue, positive interventions, and the elimination of practices that marginalize and exclude groups and youths (ibid.). This is relevant to El Salvador as my research indicates that, for now, Bukele's current *mano dura* strategy appears to be effective for its people. In contrast, Guatemala has yet to implement a successful *mano dura* plan that gains public approval and produces positive results. The key question is whether El Salvador will eventually move beyond these harsh tactics once gang

violence has been reduced for a longer period. This would involve establishing alternative crime-fighting solutions that do not involve violating human rights in the name of justice and community safety. I believe that with time and education, Salvadorans may become more open to less severe forms of justice. In contrast to certain Western nations, El Salvador has confronted a unique crime challenge, and the pace at which they would need to address the gang crisis through rehabilitation and similar means is not rapid enough, given that people were continuously losing their lives every day. The discussion about El Salvador's future and how their present perception of justice might pose risks to democracy and equal justice moving forward. According to my research, many Salvadorans view those who have been arrested in the process as an unfortunate sacrifice to their newfound safety and security. It means that the people of El Salvador are desperate for any type of resolution to the issue of gangs in El Salvador. This is deemed as skeptical in past studies. With Bukele extending his presidency for another five years, concerns arise about what will happen afterward, as this approach may be viewed as unsustainable. It is crucial to address the root causes of gang violence in El Salvador. What factors enabled them to grow and maintain power? What does the future look like after Bukele's presidency and will El Salvador be able to remain as stable as they are right now with combating gang violence. These are important questions that should be raised in future research regarding El Salvador.

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# 11. Appendices

## Appendix A

Interview Guide:

Listed below are interview questions for my participants. Most of the interviews will be conducted in Spanish so I have translated them to an English guide below. The purpose of this interview guide is to make sure that the conversation stays on track to the topic at hand.

Thank you for participating in this interview. The focus of this interview is to get Salvadorans opinion on the current government and their thoughts on how the current regime is handling these arrests and the treatment of these prisoners (gang members). If there is any way that I can improve please do not hesitate to let me know. This interview is voluntary, so you may withdraw at any point. I will also make sure to keep your identity anonymous for the sake of your safety and will use fake names if I wish to quote from the interview.

This being said, I would like to ask you for permission to record our interview with my recorder. For your own knowledge I will be recording this interview to make the transcription and analization of this interview easier for me. I will not share the recordings with anyone and will delete the interviews as soon as I have finished my research.

If you are ready we will begin the interview.

1. How do you feel that justice is being served?
2. Do you feel safer than you did before Bukele took power?
3. What does justice mean to you?
4. Do you feel that your voice is heard through voting in these elections?
5. To what extent do you think the history of the country with gangs has influenced your view on the current system

- a. How important is it to you that these prisoners are treated and charged fairly?
6. If you are comfortable discussing this or not, have you personally been affected by gang members in the past?
7. Do you feel like your voice actually matters in regards to law making if you were to have any opposition to your president?
8. Have you considered alternative forms of justice? Ex: criminal rehabilitation
9. How do you feel about the Western media in regards to their general thoughts on how El Salvador is approaching crime with the prisoners?
10. Is there anything else you would like for me to know or if you have any questions for me?

## Appendix B

### Guía de Entrevistas en Español:

A continuación se enumeran las preguntas de la entrevista para mis participantes. La mayoría de las entrevistas se realizan en español, por lo que las he traducido a una guía en inglés. El propósito de esta guía de entrevista es asegurarse de que la conversación se mantenga encaminada hacia el tema en cuestión.

Gracias por participar en esta entrevista. El objetivo de esta entrevista es conocer la opinión de los salvadoreños sobre el gobierno actual y sus pensamientos sobre cómo el régimen actual está manejando estos arrestos y el tratamiento de estos prisioneros. Si hay alguna forma en que pueda mejorar, no dude en hacérmelo saber. Esta entrevista es voluntaria, por lo que podrá retirarse en cualquier momento. También me aseguraré de mantener su identidad en el anonimato por su seguridad y utilizaré nombres falsos si deseo citar parte de la entrevista.

Dicho esto, me gustaría pedirle permiso para grabar nuestra entrevista con mi grabadora. Para su propio conocimiento, grabaré esta entrevista para facilitar la transcripción y análisis de esta entrevista. No compartiré las grabaciones con nadie y eliminaré las entrevistas tan pronto como termine mi investigación.

Si está listo comenzaremos la entrevista.

1. ¿Cómo cree que se está haciendo justicia?
2. ¿Se siente más seguro que antes de que Bukele tomara el poder?
3. ¿Qué significa la justicia para usted?
4. ¿Siente que su voz se escucha a través del voto en estas elecciones?
5. ¿En qué medida cree que la historia del país con las pandillas ha influido en su visión del sistema de justicia?

a. ¿Qué importancia tiene para usted que estos prisioneros sean tratados y acusados de manera justa?

6. Si se siente cómodo hablando de esto o no, ¿Ha sido usted personalmente afectado por pandilleros en el pasado?

7. ¿Siente que su voz realmente importa con respecto a la elaboración de leyes si tuviera alguna oposición a su gobierno?

8. ¿Ha considerado formas alternativas de justicia? Ej: rehabilitación criminal

9. ¿Qué opina de los medios occidentales con respecto a sus pensamientos generales sobre cómo El Salvador está abordando el crimen con los prisioneros?

10. ¿Hay algo más que le gustaría que supiera o si tiene alguna pregunta para mí?