

## **ACCESS TO JUSTICE: BARRIERS, IMPACTS, AND PATHWAYS TO REFORM**

**SHWETA**

RESEARCH SCHOLAR,  
(REG. NO. 12CRILR0063)  
MDU-CPAS(GURUGRAM),  
MAHARSHI DAYANAND UNIVERSITY,  
HARYANA

**CO-AUTHOR**

**DR. SOMLATA SHARMA**

ASSOCIATE PROFESSOR,  
MDU-CPAS(GURUGRAM),  
MAHARSHI DAYANAND UNIVERSITY,  
HARYANA

**Access to Justice: Barriers, Impacts, and Pathways to Reform**

### **Abstract**

Access to justice is a fundamental pillar of the rule of law and an essential condition for protecting rights, resolving disputes, and enabling inclusive development. Yet around the world, large segments of the population—especially low-income groups, marginalized communities, women, migrants, and persons with disabilities—face severe obstacles in obtaining fair, affordable, and timely remedies. This paper examines the concept of access to justice, maps the major structural and practical barriers that limit it, analyses social and economic impacts of exclusion, and evaluates policy and programmatic reforms that have shown promise. The paper concludes with recommendations for an integrated, rights-based approach that combines legal empowerment, institutional reform, technology, and financing innovations to achieve meaningful access to justice.

### **1. Introduction**

Access to justice means more than the presence of courts. It encompasses a person's ability to understand their rights, obtain information and legal advice, secure representation or use appropriate dispute resolution mechanisms, and obtain an enforceable remedy in a timely, affordable, and fair manner. It also includes non-litigious forms of justice such as mediation, customary dispute resolution, administrative remedies, and legal empowerment strategies that

enable communities to assert and protect rights. This concept is central to democratic governance, human rights, economic development, and social cohesion.

Despite this, global surveys, qualitative studies, and policy reports show that billions of people face obstacles at multiple stages of justice processes. The World Justice Project's Rule of Law Index, Namati's legal empowerment research, and many other sources underscore that access to justice gaps persist in both developed and developing countries. Global commitments—from the Universal Declaration of Human Rights to the United Nations Sustainable Development Goals (especially SDG 16: Peace, Justice and Strong Institutions) also specifically refer to access to justice as a target. Yet practical access remains uneven. It is thus imperative to investigate what blocks access to justice, what the consequences are, and what reforms can realistically work.

## 2. Conceptual framework

1. **Institutional Availability and Quality:** The existence, geographic distribution, capacity, independence, and procedural fairness of justice institutions—courts, tribunals, administrative agencies, customary systems, and ADR (Alternative Dispute Resolution) mechanisms.
2. **Affordability and Financial Barriers:** The cost of legal services, court filing fees, lawyer or advocate costs, as well as indirect costs (transportation, lost income, time, etc.).
3. **Accessibility and Legal Capability:** Legal literacy (knowledge of rights and remedies), availability of procedural supports (forms, interpreters), language access, identity documentation, information dissemination, and the ability to initiate claims.
4. **Acceptability, Legitimacy, and Equity:** Whether justice processes and institutions are perceived to be fair and unbiased; whether they are culturally appropriate; whether vulnerable groups (women, minorities, migrants, persons with disabilities) are treated without discrimination; and whether informal or customary justice systems safeguard fundamental rights.

This framework is useful for diagnosing where breakdowns occur and designing interventions targeted at specific dimensions at different levels: systemic (laws, institutions), intermediary (lawyers, paralegals, NGOs), and individual/community (knowledge, trust, capacity).

### 3. Key barriers to access

The barriers to access to justice are multi-layered, often interacting and compounding one another.

#### 3.1 Structural and institutional barriers

- **Complex formal legal systems.** Court procedures and substantive law are often technical, slow, and inaccessible to laypersons.
- **Centralisation and Physical Distance:** Courts and formal justice institutions are often concentrated in urban areas, leaving rural or remote populations without reasonable physical access.
- **Backlog, delays, and inefficiencies:** Many jurisdictions suffer from overloaded case dockets, slow procedural timelines, and weak case management systems, leading to delay that renders justice ineffective.
- **Under-resourcing of justice institutions:** Ministries of justice, judiciaries, legal aid commissions, and administrative bodies often lack sufficient funding, staffing, and infrastructural capacity.
- **Corruption, lack of independence, bias:** Real or perceived corruption, politicization of judicial appointments, or lack of impartiality reduce public trust and discourage pursuit of legal remedies.

#### 3.2 Financial barriers

- **High direct costs.** Court fees, filing charges, and lawyer fees make litigation unaffordable for many.
- **Indirect costs.** Travel, lost wages, paying for copies, childcare, and time spent navigating processes create economic barriers that unreasonably affect low-income people.
- **Limited scope of legal aid:** Legal aid systems, where they exist, often restrict eligibility (e.g., only criminal law, or only very poor citizens), have narrow insufficient in scope and resources, and may not have enough lawyers or resources.

### 3.3 Knowledge, procedural, language and informational barriers

- **Legal illiteracy:** Many people do not know their rights, the existence of legal remedies, or how to navigate legal procedures.
- **Documentation and identification issues:** Lack of identity cards, land titles, or documents necessary to make legal claims or to be recognized in governmental or judicial systems.
- **Language, cultural, and literacy barriers:** Courts and documentation in official or dominant languages can exclude non-speakers; formal procedures may require high literacy; cultural norms may discourage or hinder participation, especially for women or marginalized groups.
- **Complex rules and formalities:** Rigid procedural rules, evidence requirements, deadlines, technical forms can lead to dismissal of valid claims.
- **Poor outreach and information channels.** Governments and courts may not proactively provide user-friendly guides, forms, or assistance.

### 3.4 Social and cultural barriers

- **Marginalization and discrimination.** Women, ethnic minorities, migrants, and LGBTQ+ persons may face discrimination within formal systems and from service providers.
- **Power asymmetries.** Vulnerable parties (tenants, workers, indigenous communities) with less access to resources (money, knowledge, representation, social capital) are disadvantaged against well-resourced opponents: corporations, state entities, landlords and feel scared or powerless.
- **Reliance on informal systems.** In many settings, customary or community dispute mechanisms are more accessible but they may fail to guarantee fundamental rights e.g., gender equality, due process and right to protection, especially for women and children.

### 3.5 Procedural barriers

- **Complex documentation requirements.** Lack of identity documents or land titles can prevent access to formal remedies.
- **Rigid procedural rules.** Strict time limits, evidentiary requirements, and technical rules can block meritorious claims.

#### **4. Social and economic consequences of limited access**

Limited access to justice has broad negative effects:

- **Entrenched inequality.** Denial of remedies reinforces social and economic disparities and undermines social mobility. Access to justice gaps tend to map onto existing inequalities—by class, gender, ethnicity, location—reinforcing and entrenching disadvantage
- **Economic inefficiency.** Unresolved disputes reduce investment, raise transaction costs, and can inhibit business operations (for example, property disputes or labour conflicts). Uncertainty about enforceability of rights or titles can suppress economic activity.
- **Impunity and rights violations.** Without accessible remedies, rights violations—abuse of power, injustice, discrimination, environmental harm, labour exploitation—persist with deterrent effect.
- **Weakened social cohesion and legitimacy.** Perceptions that the justice system is inaccessible or biased reduce trust in institutions and can increase social unrest.
- **Gendered impacts.** Women’s inability to secure property rights, access family law remedies, or report gender-based violence perpetuates poverty and vulnerability, has intergenerational effects.

Evidence shows access to justice can connect to improved health, education, poverty reduction, governance transparency, and efficient public service delivery.

#### **5. Strategies and reforms to expand access**

No single intervention is sufficient. Effective responses are multi-pronged and context sensitive. Below are major categories of interventions with evidence of impact.

##### **5.1 Legal empowerment and community-based services**

- **Paralegals and legal aid clinics.** Trained paralegals and community legal clinics provide affordable advice, assist with paperwork, and bridge cultural and language gaps. They can empower people to negotiate, use administrative remedies, or proceed to court when necessary.

- **Public legal education (PLE).** Programs that explain basic rights and legal procedures—through schools, radio, social media, and community workshops—improve legal capability and early problem solving.
- **Street law and rights awareness campaigns.** Targeted outreach to marginalized groups (women, migrants, informal workers) increases awareness of remedies and reporting channels.
- **Health and rights integration:** Legal empowerment has also been used in health contexts, helping people to understand rights, access health-related legal instruments, and navigate administrative health services, thereby improving health outcomes.
- **Mobilization and advocacy:** In some contexts, legal empowerment goes beyond individual case assistance, contributing to collective action, policy change, and improved governance. As one report shows, paralegals helped marginalized communities in Kenya to secure identity cards and dismantle unconstitutional vetting committees.

## 5.2 Institutional reforms and procedural simplification

- **Simplified procedures and small claims courts.** Streamlining forms, allowing oral applications, and many judicial reforms aimed at creating small claims courts or tribunals with relaxed procedures are commonly recommended. (In legal empowerment studies, administrative and ADR-based interventions appear frequently.) Simplified procedures for smaller disputes reduce costs and delays for routine disputes.
- **Platform technology and digital filing.** Improving court administration (triage, case management, timetabling) reduces backlog. Electronic filing and tracking can improve transparency and reduce opportunities for corruption. A US-based study found that introducing an online portal for interacting with courts (allowing for remote filing, negotiation, and communication) significantly reduced time to resolution, lowered default rates, and improved satisfaction.
- **Legal aid expansion and pro bono frameworks.** Publicly funded legal aid with clear eligibility criteria, combined with incentives for pro bono representation, expands coverage.

### 5.3 Technology and innovation

- **Online dispute resolution (ODR).** For certain civil and commercial disputes, ODR platforms enable resolution without in-person hearings, lowering cost and time. However, digital divides must be managed to avoid exclusion.
- **Mobile legal information and chatbots.** SMS services, hotlines, and interactive tools can give immediate guidance on rights and next steps.
- **Decision support tools for laypeople:** Tools such as “JusticeBot” use rule-based and case-based reasoning to help laypersons understand their rights, similar prior decisions, and what steps to take. This gives people greater ability to self-navigate legal issues.
- **Court digitization and remote hearings.** Virtual hearings can increase reach but must ensure due process, confidentiality, and access for those lacking devices or internet.

### 5.4 Legal Aid Expansion and Pro Bono Services

- **Broadened scope and funding:** Legal aid systems with wider eligibility and coverage (civil, family, land, labour) enable more people to access formal justice. However, funding and staffing remain bottlenecks.

### 5.5 Alternative dispute resolution and hybrid models

- **Community mediation and restorative justice.** ADR mechanisms situated within communities can resolve conflicts faster, accessible and in culturally appropriate ways, provided safeguards for fairness and equality are present.
- **Integrated legal service centres.** One-stop centres that combine legal aid, social services, counselling, and referral reduce fragmentation and help address non-legal drivers of disputes (housing, welfare benefits).

### 5.5 Financing and sustainability

- **Innovative funding models.** Sliding scale fees, legal expense insurance, and donor-supported seed funding for paralegal networks can expand services. Public budgets must prioritize justice sector spending as a public good.
- **Results-based funding.** Grant or contract arrangements that tie funding to outcomes (e.g., number of resolved cases, client satisfaction, rights secured) encourage efficient, client-centred services.

## 5.6 Safeguards and access for vulnerable groups

- **Gender-sensitive services.** Ensuring gender-sensitive procedures, language support, privacy protections, and mobile outreach for survivors of violence improve uptake of remedies.
- **Language and disability accommodations.** Court interpreters, translation, simplified information in multiple languages, and accessible facilities increase inclusivity.
- **Accountability mechanisms.** Complaint systems, judicial oversight, and anti-corruption measures build legitimacy.

## 7. Implementation challenges and trade-offs

While reforms are promising, there are several challenges and trade-offs to be managed:

- **Speed vs. quality.** Simplification and ADR must not undermine procedural fairness, rights to representation, or appeal mechanisms but must preserve due process and rights protection.
- **Technology vs. inclusion.** Digital services increase efficiency but can exclude those without internet, digital literacy, devices or who live in regions without infrastructure. Hybrid models are often needed.
- **Customary vs. formal justice.** Engagement with customary systems can improve access but care is needed to protect fundamental rights (e.g., equality of women).
- **Sustainability.** Donor-driven programs may expand services quickly but can collapse if not integrated into domestic financing and institutions.
- **Scalability vs Context-Sensitivity:** Interventions that work in one locale may not translate directly to another due to legal culture, norms, resource levels, or institutional architecture.

## 8. Recommendations

1. **Adopt a national access to justice strategy.** Governments should create coordinated strategies with measurable targets, clear roles, and sustainable financing that link courts, legal aid, ADR, and empowerment initiatives.
2. **Scale community legal services and paralegals.** Invest in training, regulation, and funding for paralegals and community legal clinics that provide front-line assistance

and referrals. These should be locally rooted, culturally appropriate, and adequately supported and regulated to maintain standards.

3. **Simplify procedures and alternative forums.** Introduce simplified filing, user-friendly forms, and well-designed small claims or administrative tribunals for routine disputes. Reduce procedural technicalities, relax evidentiary and filing formalities for low-stakes claims.
4. **Technological Innovation with Equity Safeguards.** Deploy digital tools: online filings, portals, decision support tools (like JusticeBot), AI for intake screening; but ensure access by bridging digital gaps—public access points, offline alternatives, language/instruction support.
5. **Legal Aid and Pro Bono Funding and Legal Recognition.** Broaden eligibility criteria, ensure coverage over civil, family, labour, and property disputes. Promote public interest law and pro bono work. Recognize and regulate non-lawyer providers where appropriate (e.g., paralegals) to enable legal first aid.
6. **Vulnerable Groups & Equality Safeguards.** Design specific interventions (women's justice clinics; mobile courts; language and disability accommodations; cultural mediation) to reach marginalized populations.
7. **Strengthen legal education and outreach.** Fund PLE programs tailored to communities at risk, using local languages and multiple media.
8. **Institutional and Political Will.** Strengthen judicial independence, anti-corruption mechanisms, transparency, oversight, and build public trust. Effective reform often depends on reform-friendly political and institutional environments.
9. **Ensure safeguards in ADR and customary systems.** Establish minimum standards, oversight, and pathways to courts where rights (especially gender equality) may be infringed.
10. **Monitoring, Evaluation, and Data Transparency.** Build mechanisms for tracking access to justice outcomes: speed of resolution, cost to parties, satisfaction, enforcement rates. Promote open data from courts and justice institutions. Use evaluation to refine reforms.

## 9. Conclusion

Access to justice is both a means and an end: it secures rights, enables economic participation, and sustains the legitimacy of public institutions. Access to justice is not merely a legal or



technical matter—it is deeply connected to human dignity, equity, and democratic governance. The multifaceted barriers—structural, financial, procedural, informational, social—are interlinked and disproportionately affect vulnerable populations. However, the growing body of empirical evidence reveals multiple pathways for reform: legal empowerment, procedural simplification, technology, expanded legal aid, and tailored outreach to marginalized groups. Central to success is a rights-based approach that centres the needs of the most vulnerable, pairs institutional reform with community empowerment, and uses technology carefully to widen, not narrow, inclusion. Success will depend on an integrated strategy: one that recognizes that reforms must operate across pillars (availability, affordability, accessibility, acceptability), that is context aware, equitable, and located in both institutions and communities. Long-term commitment, sustainable funding, political will, and careful monitoring are essential. Only by centring justice for the least advantaged can societies come closer to realizing the promise of justice for all.

The ultimate measure of progress is not only faster case clearance or more hearings, but whether people are able to assert rights, obtain remedies, and resolve life-changing disputes with dignity and fairness.

## References

- 1) Gauri, V., & Maru, V. (2014). *What Do We Know About Legal Empowerment? Mapping the Evidence*. Namati. <https://namati.org/wp-content/uploads/2014/06/Namati-What-do-we-know-about-legal-empowerment-May-2014.pdf>
- 2) *JusticeBot: A Methodology for Building Augmented Intelligence Tools for Laypeople to Increase Access to Justice*. Westermann, H., & Benyekhlef, K. (2023). arXiv.
- 3) The use of Legal Empowerment to Improve Access to Quality Health. (2023). *Scoping Review*. PMC.
- 4) Maru, V., & Gauri, V. (2016). What Do We Know about Legal Empowerment? *Journal of Legal Pluralism and Unofficial Law*, 48(1), 21–46.
- 5) Legal Empowerment and Horizontal Inequalities after Conflict. (2018). *Journal name*, etc.
- 6) Riaz, B. (2021). Envisioning Community Paralegals in the United States: Beginning to Fix the Broken Immigration System.