



Research article

Access to Justice through District Legal Aid Office (DLAO): Addressing Barriers of the Informal Justice System in Bangladesh

Shahriaz Ahmmed

Development Studies Discipline, Khulna University, Khulna-9208, Bangladesh

ABSTRACT

Access to justice enables individuals, to challenge discrimination, protect their rights, resolve disputes, and demand accountability from authorities. The formidable barriers within the formal legal system in Bangladesh often restrict access for the marginalized and disadvantaged groups, prompting them to turn to informal systems for dispute resolution. However, different institutional, socio-economic, and socio-cultural barriers impede their pursuit of justice within the informal system as well. In 2014, government of Bangladesh issued a gazette notification allowing the District Legal Aid Office (DLAO) to resolve disputes through ADR mediation. With a qualitative approach, this study explores whether DLAO has been able to address the barriers of the informal justice systems and improve access to justice for all. This study found that DLAO has been most successful in overcoming the institutional barriers within informal justice systems by effectively addressing marginalization of women's voices, corruption, and lack of accountability through equitable, collaborative mediation. The persistent fear of reprisal and limited legal awareness among the public indicates DLAO's effectiveness in overcoming socio-cultural barriers remains comparatively low. Additionally, this study suggests that DLAO has moderate effectiveness in tackling socio-economic barriers. If existing challenges of DLAO can be addressed, this model of justice delivery could significantly enhance access to justice, especially for women and the underprivileged in developing countries like Bangladesh.

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Introduction

Access to justice is a fundamental human right that is essential for fostering social harmony and improving overall quality of life (Selita, 2019). It is the ability of the people to resolve disputes and address their grievances that involves laws, processes, institutional arrangements either through formal legal system or informal mechanism (Islam & Alam, 2018; Jayasundere, 2012). In the absence of proper access to justice, people—particularly the underprivileged and marginalized—will be unable to address discrimination, assert their rights, or hold authorities accountable (Vapnek, et al., 2016). Globally, approximately 5 billion people face unmet justice needs including those who struggle to resolve everyday problems, are barred from accessing the legal system, and those living in severe injustice (World Justice Project, 2019).

One of the most pressing challenges for legal systems worldwide continues to be the inadequate access to formal

legal system (Ramos Maqueda & Chen, 2021). The presence of various formidable obstacles limits the ability of people to access justice. Financial cost, delays, corruption, lack of trust, language problem, procedural complexities, outdated laws, lack of institutional skill and legal knowledge, existence of gatekeepers, social stigma and cultural norms, physical limitations, politicization, living in illegality in the urban areas, inadequate legal representation impede people from getting justice from the formal legal system (Akram, 2017; Panday & Rabbani, 2017; Langen & Barendrecht, 2008; Decker, Sage & Stefanova, 2006; Ameen, 2004; Anderson, 2003). In Bangladesh, widespread obstacles undermine public trust in the formal justice system. The extensive time, financial burden, and effort required to obtain justice through formal courts in Bangladesh drive many individuals—especially the underprivileged and marginalized—to rely on traditional, customary, or informal justice systems (Kolisetty, 2014; Hasle, 2003; Siddiqi, 2003).

*Corresponding author: shahriaz@ds.ku.ac.bd

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Informal justice systems in Bangladesh

During the Mughal period, the panchayat, composed of laymen, resolved disputes and made decisions based on norms and customs. It primarily handled petty matters, local administration, and tax affairs at the grassroots level. Colonial rulers in the subcontinent used the panchayat system to allow feudal lords and tribal chiefs to manage local conflicts and administer justice, placing judicial authority in their hands (Shah & Tariq, 2013). Serving as a longstanding source of justice since the medieval era, the panchayat system has evolved into the informal justice system like 'Shalish' that continues to function in present-day Bangladesh.

The informal justice system in Bangladesh primarily manifests in three main forms which are traditional 'Shalish', 'NGO reformed 'Shalish' and 'Village court' (Wojkowska, 2006). The traditional 'Shalish' is entirely informal and community driven where disputes are resolved by local elders or the local influential elites (Golub, 2003). The traditional 'Shalish' system is criticized for political bias, limited representation, and the exclusion of women, and is often viewed as a mechanism of social control (Ahmed & Islam, 2013; Hasle, 2003). NGO-reformed shalish, an alternative dispute resolution (ADR) process, is employed by NGOs to provide legal services and resolve disputes through mediation. Individuals often opt for local 'Shalish' over NGO-led Shalish due to various limitations, including accessibility challenges, bureaucratic complexities of legal aid clinics, pressure from family and community leaders, and differences in the type of justice provided (Alim & Ali, 2007). Village courts are state-sponsored local justice institutions regulated by Union Parishad that blend traditional and formal approaches within a restorative justice framework to address petty civil and criminal issues in rural areas. In the village court, insufficient legal knowledge and awareness, inadequate training of members, limited resources, malpractices, nepotism, corruption, and politicization impede people from accessing justice (Islam & Alam, 2018; Mollah, 2016).

In Bangladesh, the Ministry of Law, Justice and Parliamentary Affairs initiated legal aid for poor litigants by passing a resolution in 1994 with financial support from the Canadian International Development Agency (CIDA) (Jahan, 2015). This initiative was formalized with the 'Legal Aid Services Act' – 2000 (Act VI of 2000), which aimed to assist those unable to access justice due to socio-economic barriers. The National Legal Aid Services Organization (NLASO) was established the same year and District Legal Aid Offices (DLAOs) were created in each district to provide legal assistance. In 2014, a gazette notification (no. 08-10.00.0000.128.022.03.13) introduced section 21A to the Legal Aid Services Act-2000, authorizing DLAOs to resolve disputes through ADR. A similar ADR mediation model integrated with state institutions exists in India, known as 'Lok Adalat' under the National Legal Services Authority (NALSA), which resolves disputes cost-effectively and promptly through mediation for cases pending in court or at the pre-litigation stage (Patil, 2015). Again, in USA, the Community Dispute Resolution Centers Program (CDRCP), an initiative of New York State's Unified Court System, provides ADR services through neutral mediators who, unlike judges or arbitrators, do not make decisions but

empower individuals to resolve conflicts on their own. (New York State Unified Court System, 2014).

Ensuring unrestricted access to judicial institutions and mediation services is essential for safeguarding vulnerable groups from injustice and enabling them to obtain their rights (Ramos Maqueda & Chen, 2021). Röder (2012) stressed that, in large parts of the world, indigenous courts and community councils through mediation play a key role in dispute resolution, but their full potential to improve access to justice can only be effectively harnessed if they are reformed and integrated with state institutions. The provision of ADR by the District Legal Aid Office (DLAO) represents an initiative that offers a culturally relevant and informal approach to dispute resolution, while operating under formal legal authority. Although there are a few studies on informal justice systems such as 'Shalish' and 'Village Courts' in Bangladesh, research on ADR mediation conducted by DLAO remains extremely limited. This gap extends beyond DLAO in Bangladesh to a broader deficiency in examining ADR mediation models integrated with state institutions globally, constituting a major literature gap. Addressing this gap is essential, as such models could hold the potential to improve access to justice for disadvantaged populations by overcoming the limitations of informal justice systems, providing an effective means of dispute resolution for underprivileged populations worldwide, who often resort to informal justice systems yet fail to receive adequate justice. Therefore, this study aims to explore whether DLAO has been able to improve access to justice for the people by addressing the challenges of the informal justice system. This study's findings could significantly influence the access to justice landscape in Bangladesh as well as contribute to a broader understanding of ADR mediation models integrated with state institutions, offering insights particularly relevant to developing countries globally.

Theoretical Framework

In developing countries like Bangladesh, the poor and vulnerable particularly, in rural areas, confronted with the prohibitive costs, complexity, and inaccessibility of formal justice systems, are often compelled to rely on informal systems (Haq et al., 2021). Nevertheless, different challenges and impediments continue to obstruct individuals from obtaining justice through informal justice systems. Figure 1 illustrates the institutional, socio-economic, and socio-cultural barriers that prevent people from obtaining justice through informal justice systems.

Institutional barriers within informal justice systems significantly impede access to justice for underprivileged and marginalized groups. Informal justice systems are controlled by local power structures, where decisions are often imposed, exploitative, biased, undemocratic, and exclusionary toward women. The undemocratic nature of the dispute resolution process, driven by the local power structure, often disregards the perspectives of disputants and excludes women and marginalized voices, leading to unfair verdicts and perpetuating injustice for underprivileged groups. Additionally, key barriers to accessing justice include absence of transparency and accountability, a lack of legal knowledge and training for decision-makers, and susceptibility to corruption and politicization. In informal justice systems like 'Shalish', adjudicators frequently issue biased decisions by taking

money. Moreover, the elites who make these decisions typically lack legal knowledge, skill, or training, resulting in potentially detrimental judgments. (Islam & Alam,

2018; Panday & Rabbani, 2017; Ahmed & Islam, 2013; Van De Meene & Van Rooij, 2008).

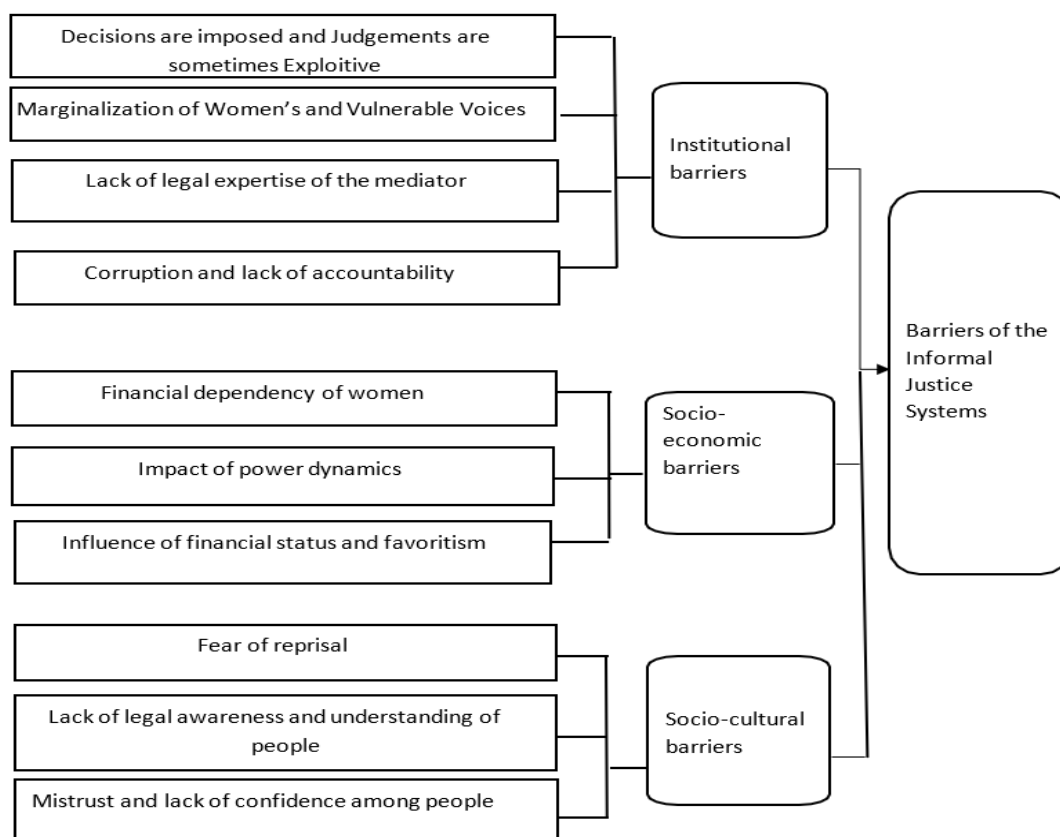


Figure 1. Barriers of the informal justice systems (developed by researcher based on literature)

In Bangladesh, women face difficulties pursuing justice due to financial dependency and limited resources (Kolisetty, 2014). In addition, money and muscle significantly influence decisions in informal justice systems. Political influence and personal relationships, such as nepotism, further undermine fair play. Individuals with financial resources, muscle power, or political influence—whether due to their elite status or connections with decision-makers—often receive favorable decisions in dispute resolutions within informal justice systems. Thus, it poses significant challenges for women and disadvantaged groups seeking justice in informal justice systems (Ahmed & Islam, 2013; Siddiqi, 2004).

Illiteracy and a lack of knowledge and awareness about one's rights obstruct individuals from accessing justice. Individuals lacking legal knowledge and awareness are vulnerable in informal systems like 'Shalish', where imposed decisions may violate their legal rights. Additionally, poor perception and lack of trust in informal justice systems further diminish their effectiveness. Fear of reprisal and systematic violence based on gender, ethnicity, religion, or class also hinder access to justice. This may discourage individuals from seeking justice, participating in the process, or challenging any decisions that are made within informal justice systems (Mollah, 2016; Sepúlveda Carmona & Donald, 2015).

Addressing the challenges of informal justice systems could greatly enhance their effectiveness, enabling them to

serve as valuable complements to formal justice systems and improve access to justice, especially in low- and middle-income countries. (Ahmad & Von Wangenheim, 2021). Furthermore, Golub (2010) stressed that it is possible to provide cost-effective, fast and easily accessible justice to the disadvantaged and marginalized people if the barriers of the informal systems could be tackled.

ADR modalities are informal, confidential, and participatory approaches that promote amicable settlements, significantly reducing costs, delays, and emotional strain. Promoting ADR practices can also effectively reduce case backlogs, enhance social justice, and foster peace and social harmony (Hassan & Malek, 2019; Islam, 2011). The introduction of Alternative Dispute Resolution (ADR) by the District Legal Aid Office (DLAO) aims to overcome obstacles in informal justice systems and provide less time-consuming, fair and easily accessible justice for all. Fig 2 indicates that if DLAO is functional, it will address the institutional barriers, individual barriers, and socio-cultural barriers, which will have a very high positive impact on access to justice. This study will qualitatively assess the significance and depth of each barrier, based on the interview data, to evaluate DLAO's effectiveness in addressing obstacles of the informal justice systems. This study assumes that DLAO's effectiveness will be considered high if it addresses more than five barriers, low if it addresses fewer than five, and medium if it addresses five barriers of the informal justice systems.

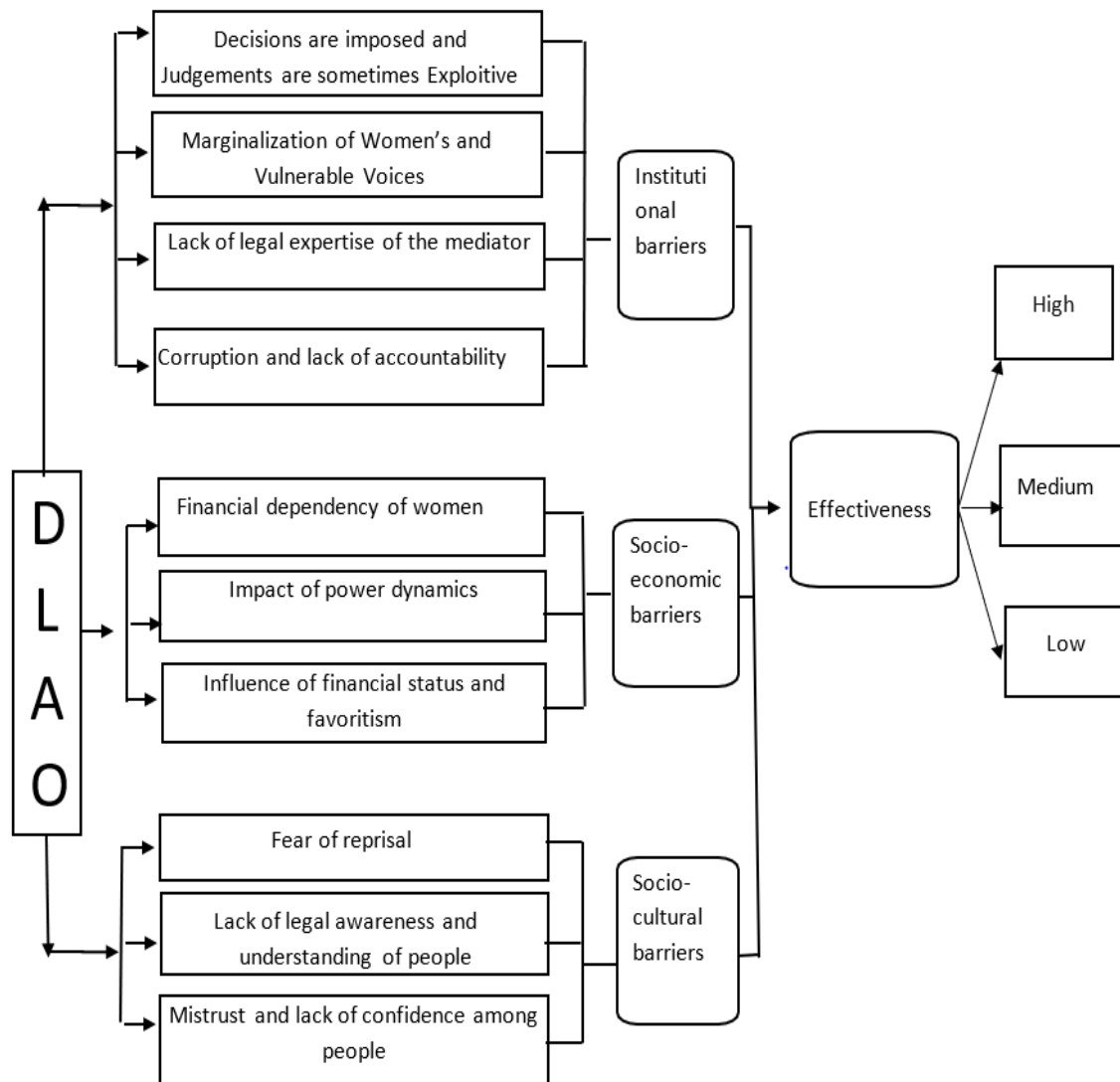


Figure 2. Conceptual foundations (developed by the researcher based on literature)

Methodology

This study uses an interpretivist approach. The interpretive research understands the world from the participant's perspective, focusing on their subjective experiences rather than looking at it from an objective standpoint (Ponelis, 2015). An exploratory qualitative inquiry was employed to find out if the dispute resolution mechanisms offered by DLAO effectively address barriers within informal justice systems and improve access to justice situation. Qualitative research approach enables the researcher to acquire a rich understanding through direct engagement with the actual experiences of the study subjects (Creswell, 2009). Primary data was collected through qualitative In-depth Interviews (IDI) and Key Informant interviews (KII). The purpose of in-depth interviewing is to gather detailed insights into an individual's perspective, experiences, feelings, and the significance they attribute to an issue (Rutledge & Hogg, 2020). Seventeen in-depth interviews (IDI) were conducted with beneficiaries (12 females and 5 males) who sought justice through DLAO, to gather their experiences and perspectives on the ADR mediation process used to resolve disputes. Six key informant interviews (KII) were conducted with DLAO officials and District Legal Aid Committee members (2 females and 4

males) involved in providing mediation services at DLAO. Key informant interviews focus on individuals with firsthand knowledge and insights on a specific subject, chosen for their expertise, willingness to participate, and ability to articulate their experiences (Palinkas et al., 2015). The study area was Manikganj district of Bangladesh. A non-probability purposive sampling was used to select the participants. In qualitative research, participants are purposefully selected based on their ability to address the research questions and provide insights into the phenomenon under study, guided by the study's theoretical framework and evidence (Sargeant, 2012). The study area and participants were purposively selected due to the difficulty of accessing relevant information randomly and the difficulty in reaching DLAO officials. In-depth interview (IDI) participants included individuals seeking justice through DLAO, while key informant interview (KII) participants included those involved in providing mediation services at DLAO. In this study, open-ended questionnaires were used to collect data. The researcher conducted face-to-face interviews with participants to collect detailed information and the duration of each interview was 30–40 minutes in general. The interviews were recorded by an audio recording device. Follow-up questions were asked to extract detailed and comprehensive information during the interview.

Deductive coding was employed to categorize the transcribed data based on both quality and thematic importance. Deductive coding involves using theoretical concepts or themes from existing literature to guide the coding process, with the flexibility to adjust the coding frame if new or unexpected insights emerge. (Linneberg & Korsgaard, 2019). Coding was carried out using the theme of barriers in informal justice systems, as identified in the existing literature and reflected in the theoretical framework. In a deductive approach that primarily uses pre-identified codes or themes, saturation indicates the degree to which these codes or themes are adequately represented in the data (Saunders et al., 2018). The number of in-depth interviews (IDI) was limited to seventeen, as similar and repetitive responses began to emerge during the process. The collected data was analyzed manually. The most significant and frequently reiterated quotes were selected by assessing the meaning, context, frequency, and intensity of the participants' statements in alignment with the barriers of the informal justice systems identified in the theoretical framework. The researcher explicitly informed participants about the purpose of the study and obtained their consent verbally at the beginning of each interview. Standard ethical protocols were maintained while conducting the study. Confidentiality and anonymity of the participants were upheld throughout the study.

Result Analysis

The formal justice system's numerous obstacles often restrict access for the poor, women, and marginalized groups, causing them to turn to informal systems for dispute resolution. Despite their potential for affordable, swift, and accessible dispute resolution, informal justice systems are often plagued by different institutional, socio-economic, and socio-cultural barriers that prevent people from obtaining justice. This study highlights 10 key barriers that people encounter when resolving disputes through informal mechanisms. This study analyzes DLAO through the lens of these barriers to determine whether it has been effective in addressing the challenges of informal justice systems, potentially making it a viable dispute resolution avenue, particularly for women and marginalized groups. Individuals usually bring disputes such as dowry, inheritance, polygamy, family discord, domestic violence, minor land disputes, petty theft, etc. to the District Legal Aid Offices (DLAO), most of which used to be resolved through informal mechanisms like 'Shalish'. Again, majority of the individuals seeking dispute resolution, lodging complaints, or seeking legal support and advice at DLAO are predominantly women.

Institutional barriers and role of DLAO

The institutional barriers within informal justice systems include imposed decisions, cultural and gender bias, lack of legal expertise among mediators, corruption, and lack of accountability. DLAO has been notably successful in addressing institutional barriers within informal justice systems. It effectively tackles four major challenges: a senior assistant judge usually conducts the mediation, with decisions made collaboratively rather than unilaterally, ensuring a more equitable process. This approach combats cultural and gender biases by allowing all individuals to voice their perspectives, regardless of gender or

background. The ADR mediation framework implemented by DLAO helps reduce corruption and bias.

Decisions are Imposed

In informal dispute resolution systems such as 'Shalish,' the adjudicative process is frequently marked by exploitation, particularly towards marginalized groups, including women and the economically disadvantaged. In this system, the decisions are made by a few influential individuals, and decisions are typically imposed on the disputants by the elites who resolve the disputes. However, the ADR mediation of DLAO is conducted by a senior assistant judge with expertise in legal principles, ensuring that decisions are grounded in fairness and are not influenced by the exploitative dynamics commonly observed in informal systems. the Legal Aid Officer stated,

The role of the Legal Aid Officer is to speak less and listen more to both parties and guide them to reach a solution by themselves as per the legal laws rather than imposing decisions unilaterally,

Marginalization of Women's and Vulnerable Voices

The marginalized, particularly women often have limited opportunities to express their preferences or influence the outcome in the informal justice systems. The findings of this study indicate that the ADR mediation in DLAO facilitates the expression of opinions regardless of race, age, or gender, and ensures that the perspectives of all parties are considered. One of the female complainants noted that unlike in 'Shalish,' where she was silenced, the DLAO mediator actively listens and values her perspective. The Legal Aid Officer stated,

Whether accused or complainant, equal opportunity is given to both for giving opinions irrespective of gender, religion, class, or status.

Another female beneficiary expressed,

I talked about my problem and I said what I wanted. During the mediation period "Sir" gave us an idea about the laws and the consequences of our decisions. I felt that my voice was heard, and my opinion carried considerable significance during the mediation.

Lack of legal expertise of the mediator

In informal justice systems, elites who act as judges lack the necessary legal knowledge, skills, and training, often resulting in detrimental judgments. The lack of legal legitimacy results in widespread non-compliance with decisions, undermining the effectiveness of the justice process. The findings of this study reveal that most beneficiaries have reported seeking resolution through DLAO after unsuccessful attempts with 'Shalish.' DLAO offers a more reliable and enforceable alternative, as it involves mediators with proper legal training and official authority, ensuring that decisions are more actionable and effective. The provision of ADR mediation within the framework of DLAO effectively addresses this barrier of informal justice systems.

Corruption and lack of accountability

Corruption is one of the key barriers to accessing justice in informal systems like 'Shalish' and 'Village Courts,' where decision-makers often render biased judgments,

favoring specific individuals in exchange for money. In contrast, both DLAO officials and beneficiaries affirm that there is no room for bribery within the justice system administered by DLAO. One of the DLAO officials stated,

There's no rationale for offering bribes because the District Legal Aid Officer doesn't make the decisions and impose them; instead, the disputants mutually agree on it, unlike what happens in 'Shalish' where few elites dictate the whole process.

During the interviews, all beneficiaries mentioned that they had neither encountered nor heard of corruption or bribery within the DLAO, nor did they experience such issues in their own cases. A significant factor contributing to bribery and corruption in informal systems is the lack of accountability. The legal aid officers are accountable to their roles, akin to judges and other government officials. In the informal systems, adjudicators often have unchecked authority and control over the entire dispute resolution process, creating opportunities for unfair judgement. Since the process in DLAO allows the disputants to act as the decision-makers, bribery becomes irrelevant, as both must mutually agree on the resolution. This indicates high effectiveness of DLAO in addressing the institutional barriers of the informal systems.

Socio-economic barriers and role of DLAO

The identified socio-economic barriers in informal systems are financial dependency of women, the impact of power dynamics, and the influence of financial status and favoritism. This study found that, DLAO effectively addresses the impact of power dynamics, financial status, and favoritism in the mediation process and outcomes. However, it does not address the vulnerability faced by financially dependent women, indicating that DLAO's performance in addressing socio-economic barriers is moderate—neither particularly high nor particularly low.

Financial dependency of women

Although no fees are required to file a complaint or seek justice through DLAO, financial dependency remains a significant barrier for women, as many lack the means to pursue justice independently. DLAO is unable to address this issue due to the absence of an official system for providing financial support during the legal process. One of the DLAO officials asserted,

There is no official procedure of providing financial support for individual complainants pursuing justice through DLAO via ADR mediation. However, if a case proceeds to formal court, considering the economic condition of the complainants, DLAO offers financial assistance for filing and managing costs within the formal system, including provision of advocates.

Consequently, a financially dependent wife who brings a complaint against her husband finds herself in a precarious situation. The following case illustrates the scenario.

This predicament makes it challenging for women to pursue justice, with many only filing complaints when they can no longer endure their situation.

Financial dependency of women; a major obstacle in accessing justice

Yasmin Begum (a pseudonym) went to the DLAO with a complaint that her husband had married another woman without her consent, taken her money and ornaments, and abused her both verbally and physically to force her to leave. Her father's home is in Khulna, and she was alone in Manikganj at her husband's residence. After filing the complaint, she could no longer return to her husband's house and lacks both financial resources and accommodation in Manikganj. Traveling from Khulna to the DLAO and back incurs costs she cannot afford, making her situation increasingly difficult.

Impact of power dynamics

In informal settings such as community-level Shalish, sometimes people exhibit muscle power by bringing local thugs into the 'Shalish' proceedings to pressure and manipulate the mediation process to their advantage. In ADR mediation administered by DLAO, only the disputants and their immediate family members are authorized to participate in the process. Individuals are unlikely to display muscle power in the DLAO, as it is a legitimate government entity operating within the court. The findings of this study also suggest that political affiliation does not impact dispute resolution in DLAO either. The legal aid officer stated,

To date, I've not encountered any instances where I've received recommendations or endorsements based on political affiliation with regards to any case.

Again, one of the beneficiaries stated,

Social status, political affiliation, or muscle power had no bearing on the mediation process during my case here. I think these might be useful in the local 'Shalish' but they seemed irrelevant in this setting.

Influence of financial status and favoritism

In 'Shalish' and similar informal justice structures, social positions and financial condition of the disputants greatly influence the mediation process. The rich and people who have higher social position in the community often have close ties with the decision-making elites and they try to influence the outcome of the 'Shalish'. The decision-making elites are also known for showing favoritism and giving preferential treatment based on personal connections and relationships with them. However, DLAO was established with the mandate to provide legal assistance and support to those lacking financial resources, especially women and marginalized groups, and to improve their access to justice. Both DLAO officials and beneficiaries affirmed that financial status does not affect mediation outcomes in the DLAO. One of the DLAO officials stated,

Given that elites and disputants are often from the same locality or community, personal bonds can influence mediation process in the informal justice system. But the government appoints Legal Aid Officers for designated periods. I believe social position, financial status or personal relationships have no influence on DLAO's mediation process.

Since the mediator in DLAO is government-appointed legal aid officer who is not part of the local community, it reduces the risk of favoritism based on personal connections and relationships.

Socio-cultural barriers and role of DLAO

The Socio-cultural barriers within informal justice systems include fear of reprisal, lack of legal awareness and understanding, and mistrust and lack of confidence among people. Most beneficiaries reported positive experiences with DLAO, expressing trust and confidence in its ability to deliver justice. But the fear of reprisal and potential consequences continues to deter women from seeking justice, and there has been little improvement in legal awareness and understanding among the public. This suggests that DLAO's effectiveness in addressing socio-cultural barriers is relatively low.

Fear of reprisal

Fear of reprisal often deters individuals, particularly women, from pursuing justice in both formal and informal settings, causing them to endure their situations until they become untenable. Seeking justice through DLAO also presents challenges, particularly for women. Victims frequently keep their complaints confidential, fearing that exposure might exacerbate their problems. The repercussions that the complainants face often originate from the negative reactions of their family members. Although some beneficiaries reported a decrease in violence due to the accused's fear of repercussions, most reported facing abuse after lodging complaints. One of the female beneficiaries stated,

'After complaining here, I was subjected to both verbal and physical abuse by the accused'.

The Legal Aid Officer said,

We do not have adequate formal arrangements, procedures, or dedicated victim protection programs to ensure the safety of the victims afterward.

DLAO lacks the capacity, resources, and institutional arrangements to ensure the safety of victims after they lodge a complaint. Therefore, there is a chance that the victims might be further victimized. DLAO officials sometimes address such cases by staying in contact with complainants and involving the police for physical violence, with severe cases referred to the formal legal system.

Lack of legal awareness and understanding of people

Improving legal knowledge and awareness is a major agenda of NLASO. However, the study reveals that most beneficiaries have neither heard of DLAO nor are they aware of the services it provides. Initially, they sought resolution through informal mechanisms (particularly 'traditional Shalish'). When their conflicts remained unresolved, they turned to the formal legal system, where their lawyers recommended and referred them to DLAO.

This lack of information creates an opportunity for gatekeepers, such as intermediaries or 'Dalals,' to exploit marginalized individuals who lack knowledge and education and are unfamiliar with the functioning of DLAO. These gatekeepers manipulate marginalized individuals into paying for facilitating their entry into

DLAO for dispute resolution. One of the beneficiaries said,

I did not know much about the District Legal Aid Office. I provided an individual with taka 1000 (BDT) who suggested the possibility of seeking justice through this institution and facilitated my access. However, I never had to give any money here for availing the services.

The study found two such instances within the interviewed beneficiaries, it can make the task of accessing justice through DLAO a substantial challenge. The DLAO officials highlighted various outreach initiatives, including awareness programs, workshops, and 'uthan boithak' (community gathering in the front yard), etc. to aware people at the grassroots level. However, concerns arise regarding the effectiveness of these initiatives since the study found that none of the beneficiaries had attended or been informed about the workshops or 'uthan boithaks'.

Mistrust and lack of confidence among people

Community members often avoid addressing disputes due to fear of losing prestige, with informal systems like 'Shalish' exacerbating the problem through public exposure. In contrast, DLAO maintains privacy by focusing solely on the disputants and relevant witnesses during mediation, allowing for confidential resolution of matters. A widespread sense of distrust in the system stands as a significant challenge to accessing justice. The study found that, apart from two ongoing cases that had to be taken to formal court proceedings for resolution, most beneficiaries reported positive experiences with DLAO, expressing trust and confidence in its ability to deliver justice. For instance, both disputants (husband and wife) in a case acknowledged their contentment with the resolution achieved through DLAO's mediation. However, findings of the study suggest, none of the beneficiaries knew about DLAO earlier or heard about the awareness programs they organize. A significant challenge remains in reaching out to the community members who are entirely oblivious to DLAO's existence and the services it provides.

The findings of this study suggest that DLAO effectively addressed all four institutional barriers, two out of three socio-economic barriers, and one out of three socio-cultural barriers, covering a total of seven barriers within the informal justice systems. Although DLAO was unable to address three barriers (two socio-cultural and one socio-economic), the study's findings indicate high overall effectiveness of DLAO.

Discussion

While analyzing DLAO through the lens of the barriers of informal justice systems, this study identified DLAO's notable success in addressing institutional barriers, its moderate effectiveness in tackling socio-economic barriers, and its comparatively lower performance in overcoming the socio-cultural barriers of the informal justice systems. Since the DLAO addresses seven barriers within the informal justice systems, its overall performance can be considered high. However, ensuring equitable and accessible justice requires addressing the three existing barriers by taking necessary steps—removing the fear of reprisal, increasing legal awareness

through community outreach, and minimizing women's financial dependency to safeguard their access to justice.

The informal justice systems such as 'Shalish' are known for imposing decisions on the disputants rather than making the dispute resolution process a participatory one. Again, Ahmed & Islam (2013) stressed that informal systems are often exploitative and exclusionary, particularly toward women and marginalized groups. Hassan & Malek (2019) emphasized that an effective ADR mechanism enables parties to take a more active role in making decisions and resolving their disputes. This study found, DLAO's ADR mediation follows a similar process by encouraging the active participation of both concerned parties regardless of race, age, or gender and ensuring decisions are made collaboratively in an amicable manner so that verdicts are not imposed. In fact, the disputants themselves come up with a solution and the Legal Aid Officer help them in the process. This shows that mediation within the DLAO is conducted in a participatory and inclusive manner, reducing the risk of decisions being imposed on anyone. In the informal sector, due to lack of legal knowledge and expertise, the elites often make decisions without considering formal state laws that might deprive people of their lawful rights (Wojkowska, 2006). Thus, Larisa & Svetlana (2014) highlighted the need for legal education for mediators involved in dispute resolution. In the DLAO, mediation is carried out by an assistant judge or a senior assistant judge who has the necessary legal knowledge and expertise, suggesting that the mediation conducted is less likely to deprive individuals of their lawful rights. Bribery and corruption in informal justice systems compromise decision-making processes and obstruct the fair delivery of justice, highlighting the critical need for accountability mechanisms for decision-makers (Ahmad & Von Wangenheim, 2021). Since both disputants must agree to the resolution, this study's findings indicate that corruption and bribery are irrelevant in the mediation conducted by DLAO. Again, the legal aid officers are accountable in their roles, similar to judges and other government officials.

Due to lack of legal awareness and dependency in the household, few women in Bangladesh know their legal rights or have the financial resources to access justice (Kolisetty, 2014). Women find themselves in a precarious position due to financial dependency, impeding their ability to even lodge complaints against those on whom they rely for financial support. This study also found that there are instances when female complainants are unable to return to their households after filing a complaint. DLAO lacks the necessary resources and capacity to effectively address this issue. Again, Financial ability, muscle power and political affiliation of the disputants play a significant role in determining the outcome of the mediation in the traditional dispute resolution mechanisms. Pressure from the rich and muscle power often influence the outcomes of informal justice systems (Siddiqi, 2003). Individuals with strong political connections are more likely to benefit from alternative dispute resolution, leading to potential disparities for less-connected individuals (Hartman et al. 2021). However, this study revealed that factors like financial capability, muscle power, and political affiliation have no bearing on mediation processes within the DLAO framework,

indicating its success in providing justice irrespective of these factors. Kinship and personal relationships with influential elites within the community also play a crucial role in determining the outcome of mediation in informal systems (Alim & Ali, 2007). By ensuring that the Legal Aid Officer is not from the disputant's area, the DLAO effectively mitigates this common problem in informal justice systems.

An important Criticism of mediation is that victims may be intimidated and endangered during, before, or after the arbitrations which makes it worse for the justice seeker (Kolisetty, 2014). Similar results were observed in this study. It was discovered that sometimes upon lodging complaints in DLAO, victims, especially women, experience subsequent physical or verbal abuse. DLAO faces difficulties in effectively tackling this issue given that there are no regulations in place for this. DLAO lacks both capacity and executive authority for direct intervention to ensure the safety of victims after they lodge a complaint. The absence of confidence and trust in the justice system can substantially hinder poor and marginalized groups from getting justice (Rabbani and Panday, 2017). Most individuals seeking assistance from DLAO reported positive experiences, expressing trust and confidence in its ability to deliver justice. The satisfaction of the parties involved in the mediation is one of the key factors used to assess the effectiveness of ADR mediation (Pablo, 2024). This study indicates that beneficiaries resolving their disputes through DLAO report high levels of satisfaction, which not only builds trust and confidence in the organization but also reflects the high effectiveness of DLAO. However, Lack of legal awareness of people is a significant barrier of access to justice. Despite the implementation of outreach initiatives such as monthly 'Uthan Boithak' meetings and various workshops aimed at enhancing legal knowledge, this study revealed that most of the individuals have not heard of these efforts, underscoring a lack of progress in improving legal awareness among the community.

DLAO has been most successful in addressing the institutional barriers within informal justice systems by effectively addressing marginalization of women's voices, corruption, and lack of accountability through equitable, collaborative mediation conducted by legal aid officer who have necessary legal expertise. In comparison, DLAO has shown moderate effectiveness in overcoming socio-economic barriers. While it effectively addresses power dynamics, financial status, and favoritism, its limited impact on the vulnerability of financially dependent women indicates a moderate level of effectiveness. However, despite positive experiences of beneficiaries with DLAO, the persistent fear of reprisal and limited legal awareness among the public suggest its effectiveness in overcoming socio-cultural barriers remains comparatively low. The DLAO's overall effectiveness in addressing barriers within the informal justice systems can be considered high, as it addresses a total of seven barriers. However, to effectively ensure access to justice, particularly for women and marginalized groups, it is crucial for DLAO to overcome the remaining barriers and prevailing challenges.

A lack of public awareness and insufficient outreach continues to be a major challenge for DLAO. Most people are unfamiliar with the District Legal Aid Office and the

range of services it offers. This lack of information and awareness can lead to significant problems, as gatekeepers like intermediaries or 'Dalals' may exploit these vulnerabilities to their advantage. Therefore, DLAO needs to expand its legal awareness initiatives and find effective ways to reach the grassroots level. Again, establishing formal collaboration between the DLAO and the police could help reduce instances of victims facing abuse after filing a complaint. A justice model that integrates formal and informal mechanisms and offer context-sensitive and community-centered solutions can significantly improve access to justice for people (Islam et al., 2024). Justice delivered through DLAO can be characterized as such a model since it is an approach to dispute resolution within an informal framework and procedure through formal and legitimate authority. If existing challenges of DLAO can be addressed, this model of justice delivery has the potential to greatly improve access to justice, particularly for women and underprivileged populations in the developing countries like Bangladesh.

Conclusion

Access to justice is essential for fostering social harmony and improving overall quality of life. In developing countries like Bangladesh, enhancing access to justice requires addressing the barriers within informal justice systems. Many individuals, particularly the poor and marginalized, often turn to informal mechanisms to resolve disputes, which are impeded by various institutional, socio-economic, and socio-cultural obstacles. This study aimed to evaluate the effectiveness of the District Legal Aid Offices (DLAO) in overcoming these barriers. This study found DLAO to be most successful in addressing the institutional barriers within informal justice systems by effectively addressing marginalization of women's voices, corruption, and lack of accountability through equitable, collaborative mediation. Although DLAO is unable to address the vulnerability caused by women's financial dependency, it effectively overcome the impact of power dynamics, financial status, and favoritism in informal systems, suggesting a moderate level of effectiveness in addressing the socio-economic barriers. Despite positive feedback from beneficiaries, the DLAO's effectiveness in overcoming socio-cultural barriers remains comparatively low due to persistent fear of reprisal and a lack of public legal awareness.

Expanding the legal awareness program, increasing the frequency of 'Uthan Boithak' sessions, and drawing more individuals into various awareness programs will be pivotal in raising legal awareness among the public.

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Additionally, proactive measures for widespread promotion through platforms such as TV channels, Facebook, and other print and electronic media are essential to effectively reach grassroots communities. The absence of a formal victim protection program poses a significant challenge for the District Legal Aid Office (DLAO) in ensuring the safety of complainants, particularly women, after filing complaints. Establishing formal collaboration between the DLAO and the police could mitigate instances of victims facing abuse after lodging complaints. The DLAO's overall effectiveness in addressing barriers within the informal justice systems can be considered high, as it addresses most of the barriers of informal justice systems. If DLAO can overcome the remaining barriers and prevailing challenges, it can effectively ensure access to justice, particularly for women and marginalized groups. Justice delivered through ADR mediation by DLAO can be regarded as an informal way of dispute resolution through legitimate authority. Although DLAO does not address all barriers within the informal justice systems, individuals who have sought justice through it have expressed satisfaction with the resolutions, indicating that DLAO is a valuable avenue for obtaining justice. The findings suggest an overall improvement of access to justice. The study concludes that if appropriate measures are implemented to tackle unaddressed barriers such as the financial dependency of women, fear of reprisal, and lack of legal awareness, DLAO can essentially deliver fair, accessible, and equitable justice for people. This model of justice delivery has the potential to significantly enhance access to justice, especially for women and underprivileged populations in developing countries like Bangladesh.

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Conflict of Interest

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