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BEYOND THE COURTROOM: A DEEPER LOOK AT BARRIERS TO JUSTICE

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ABSTRACT

Access to justice isn't something we celebrate - it's a lifeline to fairness and equality in our society. Unfortunately, however, there remain countless barriers in the form of even just race and racial background, and especially for marginalized communities. Think of a rural resident with many miles to travel to the next courthouse or a single mother who can't afford to pay for a lawyer. These aren't isolated stories; there's a larger pattern. Millions deserve justice – but there are socio-economic hurdles, geographical isolation and cultural stigmas that make it impossible.

The challenges are staggering: Because there are few legal professionals in rural areas, high costs that make the economically disadvantaged unable to access their legal rights, and cultural norms that prevent victims of violence or discrimination from speaking out, rural communities are often denied the benefits of legal inclusion programs. These barriers shouldn't be the end for us. Hope lies in what the community based legal aid programs, legal literacy campaigns and the "Justice Weave" project. We can, if we embrace systemic reforms and cultural sensitivity and technological advancement, make justice a reality for the many not the few. Let us unite together to cross this divide and build the fairer society together.

KEYWORDS: Injustice, Defendant, Alaska, Justice Weave, Culture.

INTRODUCTION

Injustice is paid for with the human cost in profound and often tragic ways around the world. Suffering and loss of life due to injustice springs from a systemic discrimination, social disparity and cultural biases¹. Without equal access to justice, a fair and democratic society is impossible, a cornerstone of that is a society of the rule of law and one in which all can protect their rights and seek redress for grievances².

Frequently, it is suffering, death and economic consequences that make up the human cost of injustice on a global scale. Extreme inequality is associated with mortality of 21,300 people a day and is the direct root cause of inequality and mortality rates³. A significant number of people are denied such essential resources as health care and nutritious food, including preventable deaths, primarily among marginalized groups who are notably exposed to such crises as the COVID-19 pandemic. The problems only get worse when these issues exacerbate systemic injustices such as racial discrimination and gender-based violence⁴. For example, if people of color are victims of police violence they have higher mortality rates in their communities. Women have unique challenges that are threatening to not only their safety but also their ability to access justice and healthcare. Equally bad are the economic implications; racism and inequality across a system causes heavy losses to society. A growing wealth gap between racial groups will cost economies trillions as society struggles to close gaps in investment required for growth and consumption to taken place. Such is also the case for the societal cost, which is further augmented by a rise in social health problems, and a decelerate in social cohesion, in more unequal societies⁵. It's important to address these injustices not just for individual wellbeing, but also in pursuit of the full health of a fairer, healthier society.

Access to justice is a building block of a fair and just society, but many barriers access to justice is, particularly barriers that are disproportionately felt by marginalized communities. There is

¹ [A deadly virus: 5 shocking facts about global extreme inequality, OXFAM International, \(Dec. 20, 2024, 9:40 AM\), https://www.oxfam.org/en/5-shocking-facts-about-extreme-global-inequality-and-how-even-it.](https://www.oxfam.org/en/5-shocking-facts-about-extreme-global-inequality-and-how-even-it)

² [A Moral Agenda Based on Fundamental Rights, Poor People's Campaign, \(Dec. 20, 2024, 9:40 AM\), https://www.poorpeoplescampaign.org/about/our-demands/.](https://www.poorpeoplescampaign.org/about/our-demands/)

³ [A deadly virus: 5 shocking facts about global extreme inequality, OXFAM International, \(Dec. 20, 2024, 9:50 AM\), https://www.oxfam.org/en/5-shocking-facts-about-extreme-global-inequality-and-how-even-it.](https://www.oxfam.org/en/5-shocking-facts-about-extreme-global-inequality-and-how-even-it)

⁴ [Nick Noel, The economic impact of closing the racial wealth gap, McKinsey & Company \(Aug. 13, 2019\), https://www.mckinsey.com/industries/public-sector/our-insights/the-economic-impact-of-closing-the-racial-wealth-gap.](https://www.mckinsey.com/industries/public-sector/our-insights/the-economic-impact-of-closing-the-racial-wealth-gap)

⁵ [Racial and ethnic inequality has cost US economy \\$51 trillion since 1990, WORLD ECONOMIC FORUM, \(Sep. 12, 2021\), https://www.weforum.org/stories/2021/09/racial-and-ethnic-inequality-has-cost-us-economy-51-trillion-since-1990/.](https://www.weforum.org/stories/2021/09/racial-and-ethnic-inequality-has-cost-us-economy-51-trillion-since-1990/)

a challenge of socio-economic nature which constitute a problem, because individuals do not have money to pursue their legal claims. Economically disadvantaged people are unable to seek justice because high court fees are combined with the costs of legal representation⁶. Legal aid does exist for the poorest citizens, but many who earn merely below the privileged lines end up without enough help, in a way marginalized from accessing justice. These issues are indeed not helped by the lacking infrastructure and transportation options, which, aside from peddling the cause of delay in justice delivery, discourages legal action⁷. Secondly, many citizens do not know their legal rights, thus are unable to make sense of the interconnectedness of things in the justice system.

SOCIO-ECONOMIC BARRIERS

It's hard enough for people living in poverty to get by in this world without an added set of challenges in the legal system. Legal Services Corp. data shows that people making less than \$15,000 a year are 80 percent less likely to have any legal help than those who make more than \$75,000⁸. It's also an issue of significance because legal representation and court fees simply can't be afforded for most people, but it also means there's not the evidence that might lead to a DC—so it's pretty much everywhere⁹. In the end, many low incomes people simply cannot afford competent legal representation which can result in unpromising results in their cases. But it also means they could find it difficult to pay up court fees and can actively prevent them from filing claims. This inability impacts their immediate legal needs, but it's a cycle of disadvantage, unresolved legal issues often mean further economic instability, social exclusion¹⁰.

Add to this systemic discrimination which further compounds these challenges, making barriers for individuals beginning at every level of the justice system. Research shows that Black defendants are more likely to be denied bail, and to get harsher sentences, for similar

⁶ Bridging the Gap: Challenges and Solutions in Access to Legal Services, SOUTH CAROLINA LEGAL SERVICE, (Feb. 2, 2024), <https://sclegal.org/bridging-the-gap/>.

⁷ Fact Sheet: Access to Justice is Rural Access, Office for Access to Justice U.S. Department of Justice, (Dec. 20, 2024, 11:05 AM), <https://www.justice.gov/atj/fact-sheet-access-justice-rural-access>.

⁸ Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment, FINES AND FEES JUSTICE CENTER, <https://finesandfeesjusticecenter.org/articles/criminalizing-poverty-the-consequences-of-court-fees-in-a-randomized-experiment/>.

⁹ Aravind Boddupalli & Susan Nembhard, How Do Fines and Fees Affect Families' Well-Being?, (Aug. 14, 2024), <https://www.urban.org/urban-wire/how-do-fines-and-fees-affect-families-well-being>.

¹⁰ Low-Income Americans Face Immense Justice Gap According to New Legal Services Corporation Report, LSC America's Partner for Equal Justice, (April 19, 2022), <https://www.lsc.gov/press-release/low-income-americans-face-immense-justice-gap-according-new-legal-services-corporation-report>

crimes committed than white defendants¹¹. That, however, reveals that the criminal justice system is so contaminated by racial bias that people of various races are treated differently. Groups that are already marginalized during arrest are more likely to be scrutinized – and then incarcerated and punished more harshly. These discriminatory practices, taken together, attack individual rights and which collectively erode public trust in the justice system¹².

Education helps empower people to distinguish rights and help navigate the legal system perfectly. Lack of legal literacy can prevent people from knowing they need legal assistance, or knowing how to be their own advocate inside the system¹³. But legal literacy programs are important to fill the gap as they give underserved communities the knowledge to deal with their legal difficulties. They can help people get information about their rights, what the process is, what resources are out there, so that they have an ability to seek justice. By increasing the awareness and awareness of legal rights among marginalized populations and at the same time help access to justice¹⁴.

GEOGRAPHICAL REALITIES

Increasingly the challenge to geographical realities is that there is such a disparity between rural and other areas where access to justice is increasingly seen as a fundamental right. However, rural communities represent a population that might have to travel further to the courthouse, will have reduced access to public transportation, and almost certainly lack legal resources¹⁵. The Rural Legal Aid organization says these geographic factors create a pronounced justice divide, where rural residents face barriers that urbanites don't. This includes someone living in a rural area, the nearest courthouse may be hours' travel time away, resulting in the need to be off work, and additional expenses for travel or accommodation. In many cases, the fact that this takes place can discourage people from pursuing legal action at all as they may

¹¹ Race and Pretrial, NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, (Dec. 07, 2022), <https://www.nacdl.org/Content/RacialDisparityPretrial>.

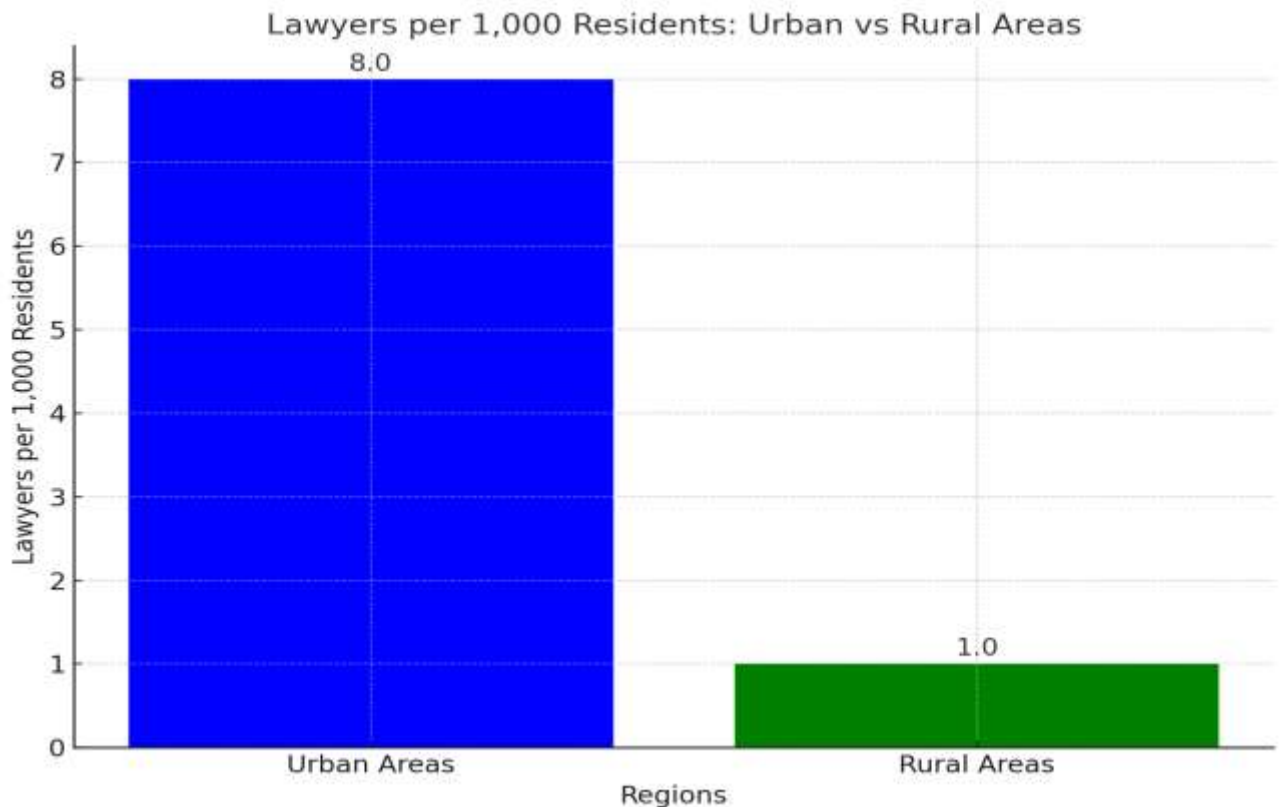
¹² Nazgol Ghandnoosh & Celeste Barry and Luke Trinko, One in Five: Racial Disparity in Imprisonment- Causes and Remedies, (Dec. 07, 2023), <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>.

¹³ Education Empowered: Legal Literacy as a Path to Justice, fundsforNGOs, (Dec. 20, 2024, 1:04 PM), <https://www.fundsforngos.org/proposals/education-empowered-legal-literacy-as-a-path-to-justice/>.

¹⁴ Empowerment through Legal Literacy: Advocating Human Rights and Social Justice, INDIAN SOCIAL INSTITUTE, (Dec. 21, 2024, 10:56 AM), <https://isibangalore.com/empowerment-through-legal-literacy-advocating-human-rights-and-social-justice/>.

¹⁵ Fact Sheet: Access to Justice is Rural Access, Office for Access to Justice U.S. Department of Justice, (Dec. 21, 2024, 11:08 AM), <https://www.justice.gov/atj/fact-sheet-access-justice-rural-access>.

judge the logistical challenges to be insurmountable¹⁶.



The graph shows a huge difference in the presence of the legal professionals between urban and rural areas where urban areas have had 8 lawyers for 1,000 residents and only 1 for 1,000 residents in rural areas. Of course, this disparity speaks to the barriers that rural residents face in getting access to justice, as they 'live in legal deserts' where lawyers are scarce, or nonexistent. Rural residents are forced to spend more time, pay more, and are less able to seek due process services¹⁷. This continued inequality of legal resources in perpetuates systemic inequities and spurred targeted intervention like incentivizing lawyers to practice in rural areas or developing, community based, legal support programs¹⁸.

For instance, rural courts lack, for example, specialized resources and personnel to back up highly sophisticated cases like domestic violence or family law. All these challenges are exacerbated by the digital divide. Lack of internet access in rural places limits people's capacity

¹⁶ Legal deserts threaten justice for all in rural America, AMERICAN BAR ASSOCIATION, (Aug. 03, 2020), <https://www.americanbar.org/news/abanews/aba-news-archives/2020/08/legal-deserts-threaten-justice/>.

¹⁷ Elaine S. Povich, Lack of Rural Lawyers Leaves Much of America Without Support, Stateline, (Jan. 24, 2023, 12:00 AM), <https://stateline.org/2023/01/24/lack-of-rural-lawyers-leaves-much-of-america-without-support/>.

¹⁸ Fact Sheet: Access to Justice is Rural Access, Office for Access to Justice U.S. Department of Justice, (Dec. 23, 2024, 8:08 AM), <https://www.justice.gov/atj/fact-sheet-access-justice-rural-access>.

to utilize online lawful assets, e filing framework, and remote restorative administrations. Similarly, many low-income communities have similar internet access struggles, leaving them unable to reap the benefits of initial technological advancements that are supposed to refine legal processes. An inability to access online resources can leave individuals without knowing the vital information they need about their rights, and the procedures for them to follow when in court. It keeps this gap in the access to the very ability to prepare for legal proceedings, but it also perpetuates existing inequalities within the justice system¹⁹. Closing these gaps, however, is necessary to improve access to justice for rural populations. Some of these challenges can be addressed by community centered initiatives that give local residents the power to do some pro bono work in providing limited amount of legal assistance. Alaska runs a program called Community Justice Worker Program which trains people in rural Alaska to give basic legal help without the requirement of an undergrad law degree²⁰. Such initiatives use local knowledge and relationships to improve access and to keep legal resources more accessible.

DECONSTRUCTING CULTURAL BARRIERS

Justice and the people's interaction within the legal system depend on cultural norms. Cultural values tell many how they are to view authority, conflict resolution and community involvement. For some cultures, there may be a bias to informal dispute resolution over formal legal proceedings, and as such people may not even make it to the courtroom. This can be a function of believing that the legal system does not provide an appropriate venue to their values, or because they do not believe the legal system will provide a fair outcome²¹.

They can affect how people present themselves in case, or in the interpretation of legal procedures. For example, while some cultures emphasize the direct communication and may find it challenging in adversarial setting where straight confrontation is required. Misunderstandings, misinterpretations, and ultimately, it can affect outcome of the case.

As well, religious beliefs form important aspects of how the individual interacts with the legal

¹⁹ Lewis Morgan, THE DIGITAL DIVIDE FOR COURTS, Fentress Incorporated, (June 21, 2024), <https://blog.fentress.com/blog/the-digital-divide-for-courts>.

²⁰ Community Justice Worker Program, Alaska Legal Services Corporation, (Dec. 23, 2024, 10:10 AM), <https://www.alsc-law.org/cjw/>.

²¹ Judge Marshall A. Snider, Cultural Issue and Dispute Resolution, (Mar. 17, 2016), <https://www.judges.org/news-and-info/cultural-issues-and-dispute-resolution/>.

process. Faiths differ as to what justice, morality and law should be, and faiths can impact legal decisions. For instance, a given religious community might put emphasis in reconciliation or forgiveness transcending the punitive measures as a norm that clashes with enforcement law or constitutional basis in punitive measures and punishment²². The legal system must consider these heterogeneous ideas, however, and demand faith in secular law. Allowing alternative dispute resolution methods that are consistent with religious teachings can increase the trust people of religious communities' places in the system, by accommodating religious beliefs in legal context such as allowing religious beliefs accommodated in legal contexts. But this accommodation must be carefully cut off so that the accommodation does not deprive another of their rights and does not contravene to the basic legal principles²³.

Issues such as domestic violence, sexual assault, mental health and many more are brought with social stigma and that prevents people from reaching justice. Many victims are afraid that if they come forward with their experiences that they will be judged or retaliated against by their communities²⁴. In cultures which are very afraid to discuss such issues, or where such victims are blamed for their plight, this fear is particularly great. This lack does something to exacerbate this situation: Victims feel like they have nowhere to go to get help when they need it without risking exposure or shame. It is imperative to conduct campaigns that are educative on these issues and in support services float the message of confidentiality²⁵. Since victim advocacy programs offer safe spaces for those who need to have safe spaces to share their experience and seek help without fear of judgment, they are extremely important because they make it easy for people to talk about certain things they can't talk about otherwise. Support services can provide victims with the resources and support in the legal system; while also ensuring privacy²⁶.

JUSTICE WEAVE

The idea of Justice Weave sums up the idea of what justice really is, that is the harmonious and intricate relationship of justice to society as a whole. Like everything weaved, the search for

²² Shirli Kirschner, Mediate, (Sep. 08, 2017), <https://mediate.com/adr-and-religion/>.

²³ Religion, Conflict and Resolution, AMERICAN BAR ASSOCIATION, (Sep. 30, 2018), https://www.americanbar.org/groups/dispute_resolution/resources/magazine/archive/religion-conflict-resolution/.

²⁴ Stigma and Domestic Violence, CAWC, (Feb 27, 2023), <https://www.cawc.org/news/stigma-and-domestic-violence/>.

²⁵ Confidentiality, NSVRC, (Dec. 23, 2024, 12:56 PM), <https://www.nsvrc.org/sarts/toolkit/3-5>.

²⁶ Sexual violence: stigma at all levels, TRAIL International, (Mar. 31, 2020), <https://trialinternational.org/latest-post/sexual-violence-stigma-at-all-levels/>.

justice trades off one thread from another to make sense of it all. This is a metaphor used to say that justice is not a single idea or one thing, but rather it is many sided because justice changes every day. In the “Justice Weave,” we are invited to delve into how ideas of cultural norms, religious beliefs, social stigma, and systemic inequity, weave into the larger fabric of justice and the necessity of truly seeing these interdependencies.

There is a great deal that influences human perceptions of justice; cultural norms are generally how this happens. These are norms in many societies in how people should look at authority, how people should conflict the community and the people. For example, in some countries it may be preferable for traditional dispute resolving methods, rather than formal legal proceedings. This preference leads paradoxically to a reluctance to engage with the legal system because individuals, for instance, suspect that the system does not reflect their values, or that seeking to engage with it will not necessarily result in fair treatment. Furthermore, communication styles influenced by cultural backgrounds may as well, shape how people represent their case, or rethink legal processes.

Second, religious beliefs also play a large but indirect role in people’s interactions with the legal system. Faiths differ, and perspectives about justice, morality, and law that affect legal decisions. For instance, some religious consortia could favor the conciliation and forgiveness in place of condemning steps, while secular legal principles centering on the dissatisfaction and deterring limit. The varied perspectives inherent in the members of this society should be accepted by the legal system and secular law. Little has been done in terms of accommodating religious beliefs in legal contexts, but still, this may involve permitting alternative dispute resolution methods that meet the teachings of religion with greater trust in the system on the part of religious communities. This however, has to be done carefully, otherwise it infringes on others’ rights or declare fundamental legal principles.

CONCLUSION

A critical issue with access to justice remains much affected by socio-economic, geographical and cultural barriers. The fact is, these obstacles disproportionately impede marginalized communities: rural residents who are struggling to navigate an insufficient supply of legal professionals, many of whom are deterred by prohibitive costs and rampant systemic discrimination. These are such challenges and demand that we tackle them with inclusive and

equitable justice interventions.

Unquestionably, socio-economic, geographical and cultural barriers continue to prevent people from accessing justice. Especially marginalized communities face these obstacles, be they people in the countryside who struggle to find legal professionals; people put off by high costs; or people deterred by systemic discrimination. This presents such challenges; they demand targeted interventions that aim at generating inclusivity and equity in the justice system.

Justice, by the way, is important not for an individual but for the health of the society as a whole. All of us must commit to dismantling the barriers to channeling justice into places where those seeking redress and protection under the law need it most. We can only have a real fair and democratic society, where justice is both accessible and equitable for all.

