



INEQUALITY IN ACCESS TO JUSTICE

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Law and lawyers cannot solve the dilemma of access to justice. It is a problem of inequality and exclusion. Today, the issues of only a privileged minority and a limited range of legal issues are resolved fairly. Additionally, access to justice is systematically unfair: some groups, such as, the wealthy and white people, receive more access than the underprivileged and ethnic minorities. This is what attorneys and judges commonly refer to as a "crisis of unfulfilled legal need". No, it is not. Not legal services, but rather just settlement, is what justice is about.

Civil legal issues are prevalent everywhere in the world. Although civil justice issues affect all groups in every civilization that has been examined, not all groups are equally affected by these issues and their effects. People who are socially marginalised report more significant issues and their horrendous outcomes. These discrepancies are mostly a result of the absence of legal capacity, or the inability to comprehend and address justice issues. Growing bodies of evidence should help policymakers at the international, national, and other levels realise their stated objectives and empower citizens to successfully address the numerous legal issues that may jeopardise their aspirations and welfare.

Rising Income Inequality Is a Threat to Equal Access to Justice

The inability of many people to meet basic requirements, such as protection from financial fraud and violent relationships, prevents them from paying for legal interventions against unfair treatment. Growing income inequality has widened the justice gap by limiting the amount of publicly funded legal aid available and making it more difficult for those with low incomes to make ends meet. Simple policy adjustments might solve both issues without requiring any concessions from anyone. Those who could afford the tax increases required to pay for additional social services, such as qualified legal representation for everyone, oppose this action because they think it would make it more difficult to purchase the unique items they desire. However, that assumption is false because there is a finite number of exceptional items available. Higher taxes have no impact on their ability to compete successfully for them since they have no impact on relative purchasing power.

Barricades or Obstacles: The Challenges of Access to Justice

The impediments that prevent the poor from obtaining justice can be divided into two categories: "operational" and "structural".

Operational problems are related to the efficiency of the judicial system internally that includes a lack of collaboration between the many departments within the judicial system, legal aid services, pre-trial counselling, and the expense of bringing a lawsuit.

Structural impediments have an impact on both the way society is organised and how the legal system works. The elitism of the judicial system, with courts located in urban areas and legal proceedings steeped in the specialist language, the vulnerability of the poor, who fear that important social programmes will be cut off if they "dare" to assert their rights, and the absence of equal access to justice are a few examples of these issues.

Despite not necessarily being fundamental to the justice system, these structural impediments provide a challenge to the fair administration of justice. Reforms to the legal system must therefore focus on the aforementioned issues.

Settlements Under Unequal Access to Justice

Settlements between opposing parties are typically seen as an effective way to resolve a legal dispute, but they can also be an indication of unequal access to justice. Due to the defendant and the victim's expensive court appearances, we create a model of settlements that considers the wealth discrepancy between the parties. If a poor litigant has connections or is more familiar with the legal system, such as a police officer, they may be able to drive a tougher bargain and obtain a more advantageous settlement price (the pricing effect). Law enforcement agents and government officials settle cases more frequently as defendants (and less frequently as victims) than others with equivalent wealth, which is consistent with the theoretical prediction. These disparities cannot be explained by other possible explanations, such as judicial bias. The lack of equitable justice in the legal system is highlighted by the price effect.

Equal Access to Justice for Women

Unfair access to justice for men and women is partly a product of gender bias and stereotypes, which remain viable. The small number of applications submitted by women was brought to light by research on women's access to the European Court of Human Rights, which suggested that this may represent barriers faced by women at the national level. The reasons include a lack of knowledge, confidence, resources, gender bias, and barriers on the basis of culture, society, and economy. These obstacles are especially crucial for women who have experienced violence or are in vulnerable situations, such as when they are discriminated in any way.

It is challenging to tackle common justice challenges. This is especially true for women, who frequently encounter unique institutional and social barriers to obtaining justice and locating suitable solutions to their legal problems as a result of sex discrimination, stigmatisation, ignorance of their rights, poor education and economy.

Globally, 53% of women claim to have run into a legal issue in the previous two years. However, only 13% sought the assistance of a powerful authority or outsider to help them handle the issue. Among the most frequent concerns women faced were those related to housing and shopping. This covers issues including receiving subpar or inadequate professional services, having a difficult time getting a reimbursement for damaged or defective goods, utility supply interruptions, arguments with landlords, renters or neighbours, and homelessness.