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# The Role of Informal Justice Systems in Modern Justice Administration

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# The Role of Informal Justice Systems in Modern Justice Administration

## ABSTRACT

*Informal justice systems have long coexisted with formal legal institutions and continue to play a significant role in justice administration, particularly in developing and post-colonial societies. Rooted in local customs, traditions, and community values, these systems provide accessible, affordable, and culturally relevant mechanisms for dispute resolution. This paper examines the relevance of informal justice systems, highlighting their strengths such as accessibility, efficiency, restorative orientation, and promotion of social harmony. It also explores the limitations of formal justice systems that contribute to the continued reliance on informal mechanisms. The study argues that while informal justice systems have notable shortcomings, they remain indispensable in many communities and should be constructively integrated within broader frameworks of justice delivery. A balanced approach that respects the co-existence of plural legal systems while ensuring fairness, accountability, and human rights is essential for effective justice administration.*

## KEYWORDS

*Informal Justice System, Customary Justice, Legal Pluralism, Access To Justice*

## L. INTRODUCTION

The existence of an informal justice system predates the establishment of formal justice systems. All human societies coexist as groups exist on agreed-upon principles and rules, as demonstrated in their way of living. Based on that, every society across the world has its own mechanisms to address and respond to crimes. The informal justice system can be understood as a community's collective response to any violation of norms that the community deems unacceptable. Importantly, it distinguishes itself from private justice and mob justice where individuals take matters into their own hands, or mob justice, which often involves vigilantism and can lead to chaotic and violent outcomes. Despite being community-driven, informal justice embodies a more structured approach within the community, guided by established principles and norms.

The evolution and persistence of informal justice systems in the modern era are intriguing aspects of legal and sociological studies. Many informal justice systems have transitioned into formal structures,

aligning with the development of organized legal frameworks in various societies. Over the past two centuries, efforts to shape modern nationhood and legal frameworks worldwide have witnessed the coexistence of numerous informal justice institutions. These groups have emerged in various contexts, some in defiance of newly formed government structures, others with official state support, and at times even established by the governments themselves.<sup>1</sup> However, some informal systems continue to exist, particularly in post-colonial nations, where traditional practices and cultural norms may influence the approach to justice.

The perception of informal justice systems varies among individuals, and its status of existence fluctuates depending on the region in which it functions. The informal justice system comes with its own set of advantages and disadvantages. It is imperative to explore these aspects to gain a better understanding, enabling a more informed assessment of the various debates surrounding the informal justice system.

## II. COEXISTENCE OF LEGAL SYSTEMS: FORMAL DOMINANCE AND INFORMAL RESILIENCE

The presence of both formal and informal justice systems is prevalent in numerous societies due to various factors, including historical colonization,<sup>2</sup> besides, it is also due to the fact that societies are inherently diverse and rarely exhibit complete homogeneity.<sup>3</sup> In numerous societies, there exist diverse legal systems beyond the conventional ones, including customary law, indigenous law, religious law, and legal frameworks associated with specific ethnic or cultural subsets within the broader society. However, the formal legal system typically exerts greater influence across societies compared to its informal counterpart.

While it continues to assert its dominance and is presented as the preferred or superior option, the formal justice system has encountered numerous challenges. Criminal justice systems in many developing countries face a multitude of challenges.<sup>4</sup> One of the most profound issues is the widespread lack of trust in the fairness and objectivity of

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<sup>1</sup> Matthias Kötter, Tilmann J. Röder, *et.al.* (eds.), *Non-State Justice Institutions and the Law* 155 (Palgrave Macmillan, New York, 2015).

<sup>2</sup> Brian Z. Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global", 7 *LSRPS* 13 (2008); Yugichha Sangroula and Yubaraj Sangroula, "Use of Informal Justice Mechanisms in Criminal Justice System: Critical Observation of Principles, Theories and Prospects" 5:3 *JCLS* 15-16 (2016). p.15-16.

<sup>3</sup> *Supra* note 1 at 1-5.

<sup>4</sup> Yugichha Sangroula and Yubaraj Sangroula, "Use of Informal Justice Mechanisms in Criminal Justice System: Critical Observation of Principles, Theories and Prospects" 5:3 *JCLS* 15-16 (2016). p.15-16.

investigations, prosecutions, and adjudications. Often, the marginalized population harbours mistrust and suspicion towards the legal system, courts, and lawyers for various reasons. Ignorance and illiteracy hinder their ability to engage with the legal process. Helplessness and dependence stemming from social and economic disadvantages further distance them from accessing the legal system. Their unfamiliarity with legal proceedings contributes to a sense of mystery surrounding the functioning of courts, and the formal and intimidating atmosphere can be overwhelming. Language barriers often compound their difficulties in understanding court proceedings, leaving them unaware of the events transpiring within the courtroom.<sup>5</sup> Investigations into crimes are frequently inefficient and ineffective, marked by subjective and coercive practices. Arrests often occur haphazardly<sup>6</sup> and can involve the use of force, while interrogations are often harsh and abusive. Lengthy and time-consuming procedures contribute to protracted trials, a significant factor in the backlog of cases in courts, and the role of victims in the criminal justice process is often minimal, limited primarily to appearing in court as witnesses.<sup>7</sup> These challenges highlight the inadequacy of existing laws to facilitate a prompt and dependable justice process. On the other hand, traditional justice mechanisms are recognizable to the community and offer lower costs and increased accessibility compared to state courts. Outcomes derived from local leaders are typically reached through consensus, leading to faster and conclusive resolutions compared to the more protracted processes in state courts. The emphasis lies in achieving fairness and balance for all parties, contrasting with the confrontational nature of adversarial court procedures, where one side wins and the other loses. Additionally, traditional justice resolutions tend to secure better compliance and enforcement due to the authoritative standing of esteemed elders within the community.<sup>8</sup> Consequently, people turn to informal methods for seeking resolution.

### III. THE CONTINUING IMPORTANCE OF INFORMAL JUSTICE SYSTEMS

For an extended period, the informal justice system operated largely unnoticed, even though its existence remained empirically evident.<sup>9</sup> The informal justice system was not initially regarded favourably, as it was

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<sup>5</sup> S. R. Sankaran, "Criminal Justice System: A Framework for Reforms" 34:22 EPW 1316-1320 (1999).

<sup>6</sup> *Ibid*; Justice M. N. Venkatachaliah, the chairman of the National Human Rights Commission and a former Chief Justice of India, has aptly highlighted that a significant 60 percent of all arrests in India are unwarranted and lack justification.

<sup>7</sup> Yugichha, *Supra* note 2.

<sup>8</sup> *Supra* note 1 at 2.

<sup>9</sup> UNDP, UNICEF and UN Women, Summary of The Study, Informal Justice Systems: Charting a Course for Human Rights-Based Engagement 5 (UNDP, UNICEF and UN Women).

perceived as potentially undermining the formal justice system.<sup>10</sup> In the modern nation-states, the state holds a monopoly over the legal framework, which is generally perceived as a cohesive and singular system. Efforts to strengthen customary institutions are often viewed with apprehension within the context of state-building endeavours. These institutions are sometimes regarded as potential challengers to the state's authority and popularity, creating a perception of competition for power.<sup>11</sup> Such initiatives can also be seen as posing a risk to the uniformity of the established legal system.<sup>12</sup> Furthermore, the informal justice system has often been deemed deficient in comparison to the formal system, primarily due to its perceived absence of established standards such as the rule of law, universal principles, and human rights. This is compounded by the fact that the informal system is often administered by traditional leaders rather than trained professionals. However, in light of recent developments involving a more profound exploration of legal pluralism and the emergence of a comprehensive approach to addressing victim-offender dynamics and access to justice, there has been a re-examination of the informal system.<sup>13</sup>

The informal justice system is garnering increased attention, not only because of its widespread existence worldwide but also because of its perceived viability and potential to bring about reforms in the justice system. Despite facing numerous criticisms concerning its nature and functioning, it is evident that the preference for and usefulness of the informal justice system at the grassroots level cannot be dismissed. The Democratic Governance Fellowship Programme by the United Nations Development Programme and Oslo Governance Centre discussed the role of informal justice in achieving justice in a Paper published as an outcome of the Programme.<sup>14</sup> The paper highlighted various statistics that demonstrate the prevalence and significance of informal justice systems in different regions:

- In Malawi, an impressive 80 to 90% of disputes are resolved through customary justice forums, showcasing the substantial role of these forums in resolving conflicts.
- Bangladesh witnesses an estimated 60 to 70% of local disputes being settled through the Salish, a traditional dispute resolution mechanism.

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<sup>10</sup> Jawad Ahmad and Georg Von Wangenheim, "Access to Justice: An Evaluation of the Informal Justice Systems" 5:1 *LASSIJ* 228 (2021).

<sup>11</sup> *Id.* at 230.

<sup>12</sup> *Supra* note 1 at 5.

<sup>13</sup> *Supra* note 10 at 230.

<sup>14</sup> Ewa Wojkowska, *Doing Justice: How Informal Justice Systems Can Contribute*, 12 (United Nations Development Programme and Oslo Governance Centre Disposition, 2006).

- In Sierra Leone, a considerable 85% of the population is under the jurisdiction of customary law, which is defined under the Constitution as the set of rules that customarily apply to specific communities in the country.<sup>15</sup>
- Customary tenure governs around 75% of land in many African countries, affecting as much as 90% of land transactions in countries like Mozambique and Ghana.<sup>16</sup>
- In Burundi, estimations suggest that as high as 80% of the population turns to the Bashingantahe institution as the initial or sometimes sole authority for addressing their legal matters.

These statistics<sup>17</sup> emphasize the prevalence and importance of informal justice systems across different countries and the various aspects of society that they influence, from dispute resolution to land tenure to legal matters.

The legitimacy of the informal justice system is derived from the deeply ingrained beliefs and established practices within a specific community.<sup>18</sup> This system of justice, often referred to as customary justice administration, varies in its norms and principles depending on the unique cultural context of the community from which it originates. Initially, the prevalence of informal justice was attributed to limited access to the official legal system. However, it is now acknowledged that these alternative systems often offer distinct advantages over the formal ones and enjoy widespread public acceptance.<sup>19</sup> Opting for informal justice is frequently a deliberate decision. One significant aspect is familiarity. Informal justice processes are typically overseen by individuals who are familiar to the parties involved. These individuals hold social authority, possess insights into relevant matters, and can effectively resolve disputes – for example, assessing a wrongdoer's ability to provide restitution. In contrast, while judges in formal courts wield apparent authority, they are often seen as disconnected and unfamiliar to the disputants. Additionally, the complex nature of court proceedings and the solemn environment can be daunting and off-putting. Cultural factors also play a role. Fundamental legal values can significantly diverge between formal legal systems and informal ones.

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<sup>15</sup> *Supra* note 1.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Supra* note 14.

<sup>18</sup> Joshua Goa, "Traditional Justice System", Lecture at University of Papua New Guinea, School of Humanities and Social Sciences, Lecture 1 (2013).

<sup>19</sup> International Development Law Organization, "Policy and Issue Brief – Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice System", p.10 available at <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO-Policy-and-Issue-Brief-Customary-and-Informal-Justice-web-FINAL.pdf> (last visited on June 20, 2023).

This extends to notions of wrongdoing, concepts of accountability, and perceptions of what is equitable. On top of that, engaging in conflict resolution through informal justice mechanisms is usually cost-effective in terms of transaction expenses. Traditional norms typically do not impose charges for resolving disputes. For instance, informal justice system venues are often conveniently located near the residences of participants, and the procedures are adaptable and accommodating. Moreover, there is linguistic and geographic factor; the informal systems are commonly positioned within or in proximity to the disputants' communities, ensuring easy access, and the dispute resolution occurs in languages spoken locally. Besides, opting for informal justice system is generally viewed as a quicker process compared to turning to formal courts.<sup>20</sup>

It is important to note that the utilization of informal justice is constrained to specific situations and influenced by the distinct requirements and principles of the given community. The absence of a universal set of norms is also one of the defining features of informal justice systems.<sup>21</sup> These systems are intricately tied to the social fabric of each community, adapting to its distinct characteristics and dynamics. The prevalence of the informal justice system underscores its significant contribution to the dispensation of justice in smaller or community settings. Indeed, it has played a crucial role in alleviating the burdens that could otherwise overwhelm the formal justice system. The relevance and preference for the informal justice system at the community level also shed light on how we perceive and approach law. It reflects the extent to which individuals value methods and rules that align with their beliefs. The widespread prevalence and preference for informal justice systems provide valuable insights into the appropriate approach for dealing with them. It is evident that people often prefer systems that resonate with their cultural values and beliefs, emphasizing the importance of acknowledging and incorporating these elements into the broader legal framework.

Within the state apparatus, there are instances where customary law is viewed with scepticism, considered outdated, and superseded by standardized laws established through statutes. Such a singular approach, dismissing alternative perspectives, can be detrimental. Recognizing the diversity of legal systems and acknowledging the legitimacy of informal justice practices is crucial for fostering a more inclusive and effective legal landscape. Balancing the strengths of both informal and formal justice systems ensures a comprehensive approach that respects cultural diversity while upholding the principles of justice,

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Supra* note 18.

fairness, and accountability. Therefore, a nuanced and inclusive approach is essential to navigating the complexities of the informal justice system.

Furthermore, the prevalence of the informal justice system is not solely attributed to its relevance and accessibility but is also influenced by the shortcomings of the formal system in meeting the citizens' needs effectively. Challenges within the formal system, including high costs, time-consuming procedures, and a limited reach to rural areas, have been identified as factors contributing to the dominance of the informal justice system.<sup>22</sup> Hence, the weaknesses in State governance, resulting in the failure to establish an efficient and localized mode of justice dispensation, emerge as a significant area for developmental emphasis in terms of improving justice delivery.

#### IV. MERITS OF INFORMAL JUSTICE SYSTEM

The diverse form of informal justice has been associated with several key policy advantages. These systems are often regarded as more efficient, legitimate, comprehensible, and accessible to participants compared to state courts. Additionally, they are considered less financially burdensome, exhibit more effective enforcement mechanisms, and contribute to greater social cohesion overall. In the aftermath of conflicts, informal justice mechanisms are also seen as potential instruments for achieving transitional justice, aiding in the journey towards reconciliation following the atrocities of conflict. Nonetheless, informal justice systems come with their own limitations. While they might function effectively within cohesive societies, they tend to fall short in heterogeneous communities. Informal justice systems possess specific attributes that render them more effective than state legal systems in numerous local scenarios. These systems have demonstrated their pivotal role in administering justice and advancing it. In contexts marked by the coexistence of multiple legal frameworks, traditional methods are predominantly employed to handle the majority of day-to-day conflicts and disputes, with the state justice system addressing only a minute fraction of total cases. Within post-colonial societies, many indigenous communities have preserved robust historical traditions of self-governance, particularly in the realm of conflict resolution and upholding societal order.<sup>23</sup> More than that, formal justice institutions often emerge as the sole option in vast geographical regions where the state's presence is lacking. In the majority of developing countries, the presence of the state's legal system is nearly non-existent or very weak in

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<sup>22</sup> *Supra* note 10 at 233-234.

<sup>23</sup> *Supra* note 18, Joshua Goa, "Traditional Justice System", Lecture at University of Papua New Guinea, School of Humanities and Social Sciences, Lecture 1 (2013).

rural areas.<sup>24</sup> The informal justice system offers accessible pathways to justice and security for individuals who lack access to formal systems. It serves as an alternative in areas or communities where formal state institutions are absent or ineffective in meeting their responsibilities. The non-state or informal system is readily available to economically disadvantaged individuals, with its decisions garnering greater acceptance from the community. These systems are characterized by their simplicity, comprehensibility, and swiftness. The significance of informal justice systems becomes particularly evident when considering access to justice. State justice systems often grapple with limitations tied to delays, expenses, and the intricate formalities of courts. In this landscape, informal justice systems emerge as powerful contributors, consistently highlighted in the literature for their effectiveness. These systems adeptly cater to practical requirements, presenting an accessible alternative. Notably, they offer locals advantages such as language compatibility, familiarity with customary practices, and reduced geographical barriers.<sup>25</sup> There are many advantages of informal justice system as compared to formal justice system which are discussed below.

The informal justice system has an edge over the formal justice system in terms of accessibility, expediency, and affordability.<sup>26</sup> Unlike the bureaucratic processes often associated with state justice systems, non-state justice systems offer an accessible and prompt resolution. These systems are often situated within local communities, making them easily reachable, providing a comparatively expeditious processes of informal justice systems. This also make the citizens inherently lean towards the traditional justice where formal justice systems are marred by delays and protracted procedures. In straightforward instances, resolutions can be reached promptly, often within a span of one to three days, occasionally extending to a week. This contrasts favourably with the extended periods of weeks, months, or even years often associated with securing remedies within the formal justice framework. Additionally, the absence of significant court and legal fees, along with the swift resolution of disputes, makes them cost-effective. Apart from the benefits in terms of accessibility of the system, informal justice systems are appreciable in relation to their alignment with restorative justice. The principles and processes of the informal justice system closely align with the principles of restorative justice. Restorative justice seeks to facilitate direct interaction among the perpetrator, the victim, and their respective supporters and seek to address the harm done through the crime in a restorative approach, a facet absent in the conventional formal court proceedings. In contrast, the informal justice system emphasizes the

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<sup>24</sup> *Supra* note 1 at 10.

<sup>25</sup> *Supra* note 10 at 232-234.

<sup>26</sup> *Supra* note 14 at 19.

involvement of citizens, placing them at the core, and employs an approach to addressing crimes that involves more direct engagement with offenders, victims, and the community.<sup>27</sup> This harmony encourages use of the informal justice system, particularly as many state justice systems strive to incorporate similar approaches.

Since informal justice systems prioritize maintaining or restoring social harmony, this is particularly valuable in tight-knit societies where social cohesion is integral to daily life. The objective frequently extends beyond solely penalizing the wrongdoer. It encompasses compensating the victim for their harm, deterring the accused from future transgressions, and fostering the reintegration of both the victim and offender into the community fabric. In such settings, where ongoing social and economic collaboration with fellow community members is indispensable, this form of justice is often the most suitable choice.<sup>28</sup> Another popularity that informal justice system possesses for its favourability and preference is due to its relevance, understandability and cultural alignment. Many studies have shown the evidence of high degree of use of informal justice system in different parts of the world. This system is particularly preferred in small communities due to their alignment with local cultural, social, and political norms. The relevancy enhances their acceptance and effectiveness. In this setting, proceedings take place in the native language and adhere to local traditions. As a result, individuals tend to feel less overwhelmed by the process unlike the formal system which has a different professional and formal setting unknown and unfamiliar to most of the general public. Moreover, the informal approach is notably simpler when compared to the complexities often associated with formal legal procedures.<sup>29</sup>

One significant challenge encountered by the formal legal system is the stagnation of cases, posing a substantial burden on both the populace and the system itself. In contrast, informal justice systems offer substantial benefits by efficiently resolving disputes, a crucial aspect in states grappling with extensive backlogs of cases. Considering this aspect, state should encourage the use of the informal justice system. Minor cases can be effectively addressed without undergoing the complex processes of the state justice system. In addition to this, informal justice system comes to be of great use in contexts of conflict and post-conflict. Many historical incidents have been witnessed where the informal justice system assumes a highly significant role in large scale conflict resolution. In contrast to state-based justice systems that frequently experience notable interruptions in the initial phases of

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<sup>27</sup> Andrew Goldsmith, Mark Isreal *et.al.* (eds.), *Crime and Justice: A Guide to Criminology* 441 (Lawbook Company, Sydney, 3rd ed. 2006).

<sup>28</sup> *Supra* note 14.

<sup>29</sup> *Ibid.*

conflicts, 'traditional' mechanisms tend to endure and operate at the community level throughout periods of conflict. Additionally, they play a pivotal role in both the pursuit of peace and the subsequent endeavours to establish and sustain peaceful conditions.<sup>30</sup> This is also due to its flexibility in finding resolution. The informal justice system offers direct engagement in resolving the disputes which is based on consensus. In this kind of setting, there is flexibility to adapt to evolving circumstances, in contrast to the often-cumbersome bureaucratic nature of state justice systems. Given that norms, procedures, and consequences within this system are typically not formally documented, those involved can devise resolutions and offer redress that align with societal norms and circumstances.<sup>31</sup> Informal justice systems tailor decisions to the specifics of each case, and decisions are often reached through mutual agreement, ensuring satisfaction among parties and reducing the need for appeals.

Other strengths of the informal justice system can be attributed to its nature in prevention and stigmatization of offenders. A significant goal in addressing crime is the prevention of stigmatization and criminalization, consequences often brought about by the conventional justice system's focus on conviction and penalization. This problem is identified as the labelling of criminals within the system, where the offender is singularly identified and adjudicated by the formal court and the law. In addressing this issue, the involvement of the community has been recognized as beneficial for preventing stigmatization and criminalization, as well as facilitating the offender's reintegration into society. In case of the informal justice system, community participation is inherent in the process and this helps in diminishing the issues of stigmatization and criminalization. The character of collective responsibility fosters acceptance of decisions and mitigates challenges related to rehabilitating victims and offenders. These strengths collectively contribute to the effectiveness and suitability of informal justice systems, particularly in contexts where community cohesion, cultural relevance, and efficient dispute resolution are paramount.

The potential of informal justice systems in administering justice has been recognized, and current discussions are focused on enhancing and regulating them. However, for the continued encouragement of informal justice mechanisms, several issues must be addressed, despite their many positive attributes. Unlike the State justice system, which has established rules and procedures to safeguard against potential abuses of power or the system itself, non-state justice systems often lack such measures to check possible abuse. These informal systems operate according to the customs and culture of the specific group, which may not always align

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<sup>30</sup> *Supra* note 18.

<sup>31</sup> *Ibid.*

with universal standards of rights, especially concerning disadvantaged members like women and children. The primary criticism centres on the absence of human rights standards, particularly in cases involving women and children.<sup>32</sup> Concerns include the potential for power abuse, inhumane punishments, and the perpetuation of discrimination against women within the non-state justice system. To address these issues, structural and procedural standardization is necessary, in line with fundamental principles of human rights. This standardization would help ensure that non-state justice mechanisms operate in a manner that respects and upholds the rights and dignity of all individuals, regardless of gender or age. It would also provide mechanisms for oversight and accountability to prevent and rectify any abuses or violations that may occur within these systems.

Though informal justice systems prove efficacious in addressing conflicts confined to a particular community, they reveal inadequacy when confronted with conflicts spanning multiple groups or communities.<sup>33</sup> Additionally, since these systems are based upon distinct cultural or religious norms, they may not align with international human rights principles, potentially failing to uphold or even infringing upon fundamental human rights. In particular, women and other vulnerable groups face heightened risks when informal legal systems are shaped by overtly patriarchal values.<sup>34</sup> Such systems can also exhibit significant biases toward powerful individuals and influential families. Furthermore, the legal procedures within these mechanisms often lack essential procedural safeguards, including norms of procedural and substantive due process, as well as the right to appeal.

## V. CONCLUSION

It has been firmly established that the informal justice system holds significant potential in contributing to the field of justice administration, both in terms of its underlying philosophy and principles, as well as its role in filling gaps where the formal justice system may fall short. Beyond its potential as a dispute resolution mechanism, the informal justice system has garnered global preference among people. It not only influences the various forms law can take but also shapes the landscape of justice administration.

The existence of the informal justice system is crucial not only due to its capacity to dispense justice where formal courts may be limited but also as a matter of recognizing individuals' rights as well as collective rights

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<sup>32</sup> Geoffrey Swenson, *Understanding and Engaging Informal Justice* 8 (The Hague: Clingendael Institute 2016); *Supra* note 9 at 9.

<sup>33</sup> *Supra* note 1 at 155-187; *Supra* note 10 at 235-236.

<sup>34</sup> *Supra* note 32 at 7.

to assert their own systems and ways of life. Operating with distinct philosophies and principles, the informal justice system showcases the coexistence of diverse legal frameworks. The significance lies not only in its practical contributions to justice administration but also in the broader context of recognizing and respecting the diversity of legal systems and principles that shape societies across the globe. Addressing deficiencies within the formal justice system becomes imperative for the state to enhance its overall governance. By mitigating issues of affordability, streamlining processes to save time, and extending access to justice in rural areas, the state can build a more responsive and inclusive legal framework. Emphasizing development in this area aligns with the broader goal of creating a fair, accessible, and citizen-centric legal system that addresses the diverse needs of the population. Despite the numerous shortcomings and challenges associated with the informal justice system, outright eradication is not a viable solution. This system plays a crucial role in resolving a significant number of cases within rural areas and middle-income countries. Moreover, because the informal justice system is managed by the people themselves, any government attempt to officially abolish it could result in the system persisting in clandestine ways. Since the informal system is deeply rooted in religious beliefs, customs, and traditions of the community. Attacking the system could be perceived as an assault on people's faith and cultural heritage, making the question of its legitimacy a delicate one. Therefore, any efforts to reform the informal justice system should be approached with great care. A one-size-fits-all approach is not appropriate, as each society and situation must be assessed and addressed differently.

While non-state justice systems offer distinct advantages, they are accompanied by inherent risks that need to be considered. Striking a balance between the benefits and pitfalls requires careful attention to human rights standards, gender equality, and procedural safeguards. Monitoring and evaluation, especially in remote areas, present significant challenges for donors and stakeholders. Ultimately, a nuanced and informed approach is essential to leverage the potential benefits of non-state justice while mitigating its potential drawbacks.