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Position Paper

Promoting access to justice in Bangladesh: Towards a hybrid justice model

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ABSTRACT

This study delves into the critical issue of access to justice in Bangladesh, particularly focusing on the challenges individuals face within the formal criminal justice system. Significant barriers to achieving equal access to justice in the country include socio-economic disparities, corruption, discrimination, and judicial backlogs. The study argues for a nuanced understanding of justice dynamics, emphasizing the conflicts and synergies between formal and informal justice systems. Through an in-depth analysis of secondary data, public perceptions, and qualitative inputs, this research aims to demonstrate the feasibility and potential benefits of incorporating informal justice approaches, such as *shalish* and village courts, to tackle the identified challenges. The results indicate a substantial preference for local community-based conflict resolution approaches, especially for less serious offenses. To address a wide range of crimes and disputes, this study suggests a hybrid justice model that combines formal and informal mechanisms, promoting a context-specific and community-centered alternative. By engaging communities, offering flexibility, and implementing localized solutions, informal justice could effectively reduce case backlogs, ensure timely resolutions, and enhance social cohesion. This study offers valuable insights into the discourse on criminal justice reform, emphasizing the importance of inclusivity, efficiency, and fairness in transforming the landscape of justice delivery in Bangladesh.

1. Introduction

In the global pursuit of upholding fundamental human rights and fostering socio-economic progress, the concept of access to justice has gained paramount importance. Nevertheless, individuals worldwide grapple with a multitude of barriers hindering their capacity to address legal needs ([World Justice Project, 2019a](#)). Shockingly, more than two-thirds of the world's population lacks meaningful access to justice, with a quarter entangled in unresolved administrative justice issues ([World Justice Project, 2019b](#)). This lack of justice is not merely a humanitarian concern but also leads to substantial economic costs, ranging from 0.5 to 3.0 percent of GDP in high-income countries to more than 2.0 percent in low-income nations ([World Justice Project, 2019b](#)).

The United Nations' Sustainable Development Goal (SDG) Target 16.3 highlights the crucial nexus between justice and inclusive development, urging the global community to "Promote the rule of law at the national and international levels and ensure equal access to justice for all" by 2030. However, inequitable access to justice remains a significant challenge, especially for vulnerable groups like

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women, children, the elderly, ethnic minorities, migrants, and individuals with disabilities in many low- and middle-income countries (Moran, 2015). This challenge exists worldwide, as illustrated by Bangladesh, which faces significant difficulties in justice accessibility.

In Bangladesh, the criminal justice system grapples with concerning statistics. The courts in the country are under immense pressure due to a backlog of approximately 3.64 million criminal cases, severely limiting access to justice (The Financial Express, 2020). Addressing this caseload is daunting for a judiciary with limited resources, including only seven judges in the Appellate Division, 91 judges for the High Court Division, and approximately 1600 judges for the lower courts nationwide. Moreover, the country's prisons are overcrowded, accommodating more than double their official capacity (hosting around 88,084 inmates against the official capacity of 40,944) and detaining approximately 81.3 percent of individuals in pre-trial custody (World Prison Brief, 2020). The surge in the incarcerated population over the past two decades poses significant challenges in providing suitable living conditions, legal aid, rehabilitation services, and upholding human rights (Freiberg et al., 2016).

The challenges surrounding accessing justice in Bangladesh are compounded by delays in police investigations, complex criminal justice procedures, ineffective case management, politicized entities, diminishing trust in the existing system, widespread corruption, and excessive pretrial detention (Braithwaite, 2015). The foundation of Bangladesh's current criminal justice system dates back to the colonial era, establishing a repressive framework inherited from imperial rule (Panday and Mollah, 2011). This historical backdrop fosters skepticism about the system's effectiveness in controlling crime or curbing deviant behaviour (Moran, 2015). Hence, there is a pressing need to critically assess whether the current system aligns with the principles of justice or necessitates a significant transformation.

Within this intricate scenario, the debate on criminal justice reform oscillates between punitive approaches and rehabilitation strategies. While some advocate for a rigorous stance, particularly in heinous cases like terrorism and corruption, others raise concerns about the application of colonial-era laws to nonviolent offenses. This dilemma raises questions about whether the emphasis should be on repressing dissent or rehabilitating offenders (Wozniak, 2016). Consequently, there is a growing call for incorporating an informal justice framework that aims to address crime more efficiently and comprehensively (Braithwaite, 2015).^{1 and 2}

Although extensive literature on criminal justice systems exists in Western contexts, insights into the perspectives of Bangladeshi citizens are limited. By synthesizing a comprehensive array of secondary sources, such as scholarly articles, research reports, relevant literature, and institutional data, this study seeks to illuminate the potential for reshaping Bangladesh's criminal justice landscape. By examining tensions and synergies between formal and informal systems, our goal is to provide a detailed understanding of justice dynamics in Bangladesh. Moving beyond a superficial overview, we aim to comprehend the challenges individuals face in utilising the formal justice system and why they might prefer informal alternatives. Through illuminating the conflicts and compatibilities between these systems, our study aims to contribute to the scholarly discourse on reforming justice delivery in Bangladesh, emphasizing the tensions and potential synergies between formal and informal justice mechanisms. Through these explorations, we aspire to pave the way for a hybrid justice model in Bangladesh that integrates both formal and informal justice mechanisms, emphasizing inclusivity, efficiency, and fairness.

2. Reconceptualization of access to justice in Bangladesh

According to UNDP (2005, p. 5), access to justice is "[t]he ability of people to seek and obtain a remedy through formal or informal institutions of justice, and conformity with human rights standards." Access to justice is crucial human right that must be established as it provides a way to address legal issues and broader spectrum of societal, economic, and cultural disputes (UNDP, 2012). In the pursuit of ensuring access to justice, the UN (2013) articulated the Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which delineate the role of the State in safeguarding its citizens' rights to access justice. Principle 3 (p. 9) enunciates that "States should ensure that anyone who is detained, arrested, suspected of, or charged with a criminal offense punishable by a term of imprisonment or the death penalty is entitled to legal aid at all stages of the criminal process." Principle 4 (p. 9) also elucidates that "[w]ithout prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to victims of crime." Consequently, access to justice is enshrined as an essential human entitlement that States must safeguard, as it serves the overarching objectives of ensuring that "each individual possesses the capability to engage with legal processes for redressal, irrespective of social or economic standing or other incapacities" and that "every individual should receive equitable and just treatment within the realm of the legal system" (Muralidhar, 2005, p. 1).

While we acknowledge the paramount importance of access to justice within the domain of criminal justice systems, it is imperative to discern the nuances inherent in its conceptualization and the array of challenges it poses. It is worth noting that the discourse surrounding access to justice has predominantly evolved within the framework of Western legal systems (Maranlou, 2014). Consequently, applying these ideas directly to non-Western contexts, particularly in Asia, requires careful consideration. This region comprises numerous developing nations wherein the bedrock principles of the rule of law, legal professionalism, and the availability of legal aid may not be as firmly entrenched (Liu, 2016). Because of these unique circumstances, resolving access to justice issues in Asian developing countries, such as our focus, Bangladesh, necessitates specific strategies. Liu (2016, p. 221) cogently posits that the

¹ While our paper primarily focuses on informal justice mechanisms operated by individuals and communities involved local conflict resolution, it is essential to note the existence of extra-legal governance by various actors, including organized crime groups for informal conflict resolution. However, due to the scope limitations of our paper, readers interested in exploring this aspect further are directed to the relevant literature, such as Lo and Kwok (2017).

imperative is to address access to justice issues by “adopting and improving approaches and practices that are most suitable to the Asian conditions and contexts, which are relatively inexpensive and flexible and better adapted to the specifics of Asian societies.”

Suzuki and Pai (2019) have further elaborated upon the discourse initiated by Liu (2016). While concurring with Liu (2016) concerning the imperative for distinct methodologies to grapple with issues of justice in Asia vis-à-vis those employed in Western contexts, Suzuki and Pai (2019) assert the necessity for a more nuanced comprehension of crime and justice dynamics within the Asian milieu. Suzuki and Pai (2019) posit that Asia encompasses a rich tapestry of diverse cultural underpinnings, including but not limited to Confucianism, Islam, and Hinduism. They postulate that these cultural variances could potentially exert varying influences on matters pertaining to crime and justice within the Asian domain. Instead of characterizing Asia as a monolithic and homogenized entity, as posited by Liu (2017), Suzuki and Pai (2019) advocate for an approach that champions a contextualized comprehension of crime and justice issues within the cultural tapestry of Asia. Therefore, when addressing access to justice challenges in Asia, it is crucial to appreciate the cultural nuances of the region. In Bangladesh specifically, understanding the Islamic perspective may be key due to the country’s ties to Islamic culture.

In line with Suzuki and Pai (2019), Maranlou (2015) posited a compelling argument regarding the imperative to delineate the concept of access to justice within the Islamic context as distinct from its Western counterpart. According to Maranlou (2015), access to justice in the Western paradigm frequently conveys the notion of gaining access to the legal system to seek legal redress for a juridical quandary. This interpretation stems from the foundations of Western legal positivism and legal realism, which evolved to elucidate the mechanisms through which justice, as represented by a rule intended to be equitable, can be actualized for the ordinary citizen. Given that “law and justice are synonymous in the Western debate on access to justice,” the onus falls upon the State to surmount obstructions to access to justice by reinforcing the structure and efficacy of judicial institutions, thereby facilitating access to justice at the national level (Maranlou, 2015, p. 47). Conversely, the Islamic perspective on access to justice transcends the realm of mere engagement with legal justice or the mechanisms of judicial jurisprudence. It is “intertwined ... with the social, political justice and in particular procedural justice and how these concepts can be realized for individuals as their right (*haqq*) in their path to justice” (Maranlou, 2015, p. 38). Moreover, access to justice from an Islamic standpoint encompasses “access to alternative dispute resolution,” which serves to underscore the principles of social justice and circumvent the protracted delays and exorbitant costs associated with formal litigation (Maranlou, 2015, p. 38). It is essential to recognize that principles of social, political, and procedural justice are not exclusive to any particular cultural or legal traditions; they form universal foundations that resonate across various justice models. Thus, while access to justice in the West means the state’s efforts to establish a fair and equal justice system, such as by promoting individual rights and legal positivism (Young and Wall, 1996), the Islamic perspective intertwines legal justice with broader social and procedural justice, emphasizing alternative dispute resolution (e.g., village courts in Bangladesh) as part of social justice (UNDP, 2012). Considering this reconceptualization, examining access to justice in the Islamic context necessitates an exploration of the availability and potential of informal justice in achieving justice.

This reconceptualization of access to justice resonates with current challenges in Bangladesh, a predominantly Muslim country. In this context, there exists a notable lack of confidence in the state-centered approach to providing access to justice, which differs from Western ideals. This skepticism is primarily attributable to widespread corruption and various regional impediments to accessing justice, which will be expounded upon subsequently. In essence, access to justice from an Islamic vantage point pivots on the notion of “establishing justice [at the individual level] rather than maximizing the accessibility of justice by the state” (Maranlou, 2015, p. 47). With a specific focus on Bangladesh, a developing Asian nation with a Muslim majority, this paper aims to delve into the discourse on access to justice within this unique framework.

3. Barriers to access to justice in Bangladesh

In light of the Islamic concept of access to justice, the pursuit of equitable access to justice in Bangladesh encounters a multitude of barriers that impede the realization of these fundamental human rights. Access to justice in the Islamic world involves procedural mechanisms for attaining justice, and the challenges of access to justice in Bangladesh manifest at both systemic and societal levels. This section delves into the key impediments that hinder individuals from effectively navigating the country’s justice system.

3.1. Socio-economic disparities

Socio-economic disparities play a pivotal role in inhibiting access to justice in Bangladesh. Marginalized and economically disadvantaged individuals as well as those residing in rural areas often lack the financial resources to engage in legal representation, navigate complex legal processes, or travel to court venues (Moran, 2015). Furthermore, this demographic is predisposed to a lack of legal awareness concerning their entitlements, procedural intricacies, and avenues for pursuing remedies due to their inability to comprehend legal policies and judgements written in English (Begum and Saha, 2017). These gaps in resources and knowledge create a significant challenge regarding access to justice, especially given the widespread occurrence of arbitrary arrests and detentions within the Bangladeshi context. Following arbitrary apprehension and confinement, individuals are subjected to unlawful and protracted pre-trial incarceration, mainly due to their lack of understanding of their legal rights and their inability to procure legal assistance (Akter, 2016). This unjust treatment exacerbates their vulnerability to injustice and perpetuates a cycle of inequality within the criminal justice system in Bangladesh.

3.2. Corruption and bureaucracy

Corruption and bureaucratic inefficiencies plague various tiers of the criminal justice system in Bangladesh (Moran, 2015). These issues stem from a confluence of factors, including insufficient financial allocations, meager judicial compensation packages, the absence of robust disciplinary and accountability mechanisms, a dearth of transparency, and judicial independence from political influence in Bangladesh (Nawaz, 2012). The dearth of financial resources frequently precipitates delays in the dispensation of justice, and bribery is often needed to expedite the adjudicatory process (Khair et al., 2002). The need to navigate bribery and undue influence poses substantial barriers for individuals seeking justice, particularly when dealing with public officials and institutions. Corruption erodes public trust and undermines the legitimacy of the criminal justice system. A household survey conducted by Moran (2015) revealed that a majority of respondents affirmed that corruption is the most pervasive malady encountered in their interactions with law enforcement agencies.

3.3. Cultural and societal norms

Deep-rooted cultural norms and societal expectations often discourage marginalized groups, particularly women and ethnic minorities, from engaging in formal justice mechanisms (Siddiqi, 2003). The problem is exacerbated when women are in poverty or reside in rural areas (Khair et al., 2002). For example, Begum and Saha (2017) observed that women, especially those residing in rural areas of Bangladesh, frequently confront coercive pressures or threats, compelling them into a reticent stance vis-à-vis the assertion of their legal entitlements or the invocation of authoritative intervention. This culture of silence engenders a marked reluctance to assert their rights or seek recourse through legal channels. Likewise, Moran (2015) also noted that prevailing discriminatory practices discourage religious minorities from reporting incidents of victimization to the police, primarily stemming from apprehensions that their cases will be accorded cursory attention or prematurely closed, sans due diligence.

3.4. Judicial backlog

The overwhelming backlog of criminal cases congesting the court system poses a significant hurdle. The resulting delays in case resolution undermine citizens' confidence in the justice system and obstruct their ability to seek timely redress. The extensive waiting periods frustrate defendants, victims, and witnesses, depriving them of justice within a reasonable timeframe (Moran, 2015). The sheer magnitude of unresolved cases overwhelms the judicial system, hampering access to timely justice. The World Justice Project's Rule of Law Index (2022) ranks Bangladesh 127 out of 140 countries in terms of accessible and impartial justice, indicating the challenges in case disposal (World Justice Project, 2022).

4. Potential of informal justice mechanisms in Bangladesh

Addressing the barriers in Bangladesh requires a comprehensive approach involving legal reforms, awareness campaigns, capacity building, and establishing inclusive and efficient justice mechanisms. By tackling these impediments, Bangladesh can move closer to achieving its commitment to equal access to justice for all citizens. Given these barriers, we suggest exploring alternative justice approaches such as informed justice mechanisms to understand their potential benefits. This section delves into the potential of informal justice mechanisms to overcome the challenges in access to justice in Bangladesh.

Macfarlane (2007) points out discernible structural disparities between formal and informal justice systems. The formal justice system is known for its codification and institutional bureaucracy, while informal systems are less bureaucratic, often based on religious doctrines, customary legal norms, and time-honored traditions. Informal justice has both advantages and disadvantages (Penal Reform International, 2000). Individuals may choose informal justice over state systems due to resource constraints, efficiency concerns, beliefs about state inefficiency, adherence to local conventions, cultural alignment, and perceived fairness and inclusivity (Krakowski and Kursani, 2023). However, it may lead to the proliferation of violent and radical behavior, uncertainty regarding legal orders, inconsistent outcomes, and a lack of procedural safeguards compared to formal legal systems (Krakowski and Kursani, 2023). Research by Hartman et al. (2021) indicates that individuals with strong political connections tend to benefit more from alternative dispute resolution than those with fewer connections, potentially leading to inequalities. Lazarev (2019) highlights that gender discrimination entrenched in the informal justice systems governed by customary law often forces women to seek redress through the state justice system. Additionally, Aldashev (2009) sees potential in integrating formal and informal systems but warns against idealizing the community-driven nature of informal mechanisms. He underscores the need for careful consideration, particularly regarding potential biases and discrimination against certain groups, such as women and minorities while striving for fair and impartial justice.

Notwithstanding these pros and cons, it is important to note that in nations where the legal framework is based on a Western colonial model or is perceived as a tool of an unscrupulous or corrupt government, informal justice is preferred by the population (Macfarlane, 2007). This preference is evident in Bangladesh, where the roots of the modern criminal justice system can be traced back to the colonial era. The British colonial administration established the foundations of the criminal justice system, including authoritative agencies such as the police and a punitive judiciary (Bari, 2019; Panday and Mollah, 2011). This system was designed to maintain control and assert dominance over the indigenous population, rather than being primarily concerned with delivering justice (Moore, 2015). As a result, the criminal justice system created during colonial rule focused more on preserving colonial authority than on fairness and equity. The influence of this colonial legacy is still apparent in the outdated legal provisions and procedures being used

today (Moore, 2015). The enforcement of colonial-era laws and punitive actions against offenders often leads to questions about the system's relevance and fairness in present-day Bangladesh, contributing to the challenges and debates surrounding the current criminal justice system.

In Bangladesh, individuals utilise both formal and informal channels to resolve disputes (Moran, 2015). The formal criminal justice system comprises the overarching apparatus of structured district courts operating within the ambit of established legal frameworks. Conversely, informal mechanisms vary in terms of context, procedures, and norms. Nonetheless, two principal manifestations of informal justice predominate in Bangladesh: *shalish* (mediation) and village court (Supreme Court of Bangladesh & UNDP, 2013). *Shalish* is a traditional, informal community-based dispute resolution process conducted by local elders or respected community members who mediate and resolve conflicts in the community. Village Court, on the other hand, is a decentralized community-based justice system functioning at the local level, particularly in rural areas and plays a significant role in resolving disputes and providing justice at the grassroots level. Although both serve as alternative dispute resolution mechanisms, they differ significantly in terms of formality. While *shalish* is entirely informal and driven by the community (Golub, 2003), village courts are somewhat regulated by the Union Parishad, the lowest tier of local government (Das and Maru, 2011).

In addressing the socio-economic disparities prevalent in Bangladesh's access to justice, marginalized individuals, particularly those in rural areas, face financial and logistical hurdles within the formal legal system. Informal justice mechanisms, such as *shalish* and village courts, offer a promising solution by operating on locally rooted principles, making them more accessible to those lacking financial resources. Furthermore, these mechanisms are deeply embedded in Bangladesh's cultural fabric, demonstrating cultural sensitivity and community engagement, while countering coercive pressures faced by women, ethnic minorities, and religious groups in the formal justice system. In this study, we explore the potential of informal justice mechanisms to respond to challenges related to access to justice in the Bangladeshi context. To elaborate on our view, we draw on secondary data, public perceptions, and qualitative insights to shed light on the potential benefits of informal justice approaches.

4.1. Overcrowded prisons and pretrial detention

The issue of prison overcrowding is prominent in Bangladeshi prisons due to barriers that hinder access to justice. This overcrowding is primarily caused by prolonged pretrial incarceration resulting from arbitrary detentions, and delays in judicial proceedings. Overcrowded prisons, coupled with prolonged pretrial detention, violate 'individuals' rights and hinder access to justice. Fig. 1 shows the increasing number and rate of pre-trial prisoners, while Fig. 2 presents a snapshot of the types of crimes and the corresponding numbers of under-trial prisoners as of June 30, 2016.

The statistics on under-trial prisoners by types of offenses call for a reconsideration of the current formal justice system's effectiveness. The data reveal a diverse range of offenses, from violent crimes like homicide, rape, robbery, and acid throwing to nonviolent offenses like fraud, gambling, and substance abuse. Many offenses are influenced by underlying socio-economic factors such as dowry-related violence, theft driven by poverty, and drug-related crimes. The staggering number of pending cases in the formal justice system highlights its inefficiency and delays in providing justice, contributing to prison overcrowding (Moran, 2015).

The traditional formal justice system often adopts a "one-size-fits-all" approach when dealing with such a varied spectrum of crimes, which may not adequately address the unique aspects of each offense. This diversity of offenses contributes to the complexity of the justice landscape in Bangladesh, further fueling the ongoing debate on the optimal approach to criminal justice reform. An informal justice framework, deeply rooted in local norms and values (Islam et al., 2018), has the potential to be more flexible and context-specific, offering tailored solutions that take into account the root causes of crime (such as poverty, lack of education, and social exclusion), and motivations behind each offense (Khair et al., 2002). Furthermore, an informal justice framework can reduce the burden on the formal system by handling minor offenses at the community level, thus reducing prison overcrowding and minimizing the adverse impacts of pre-trial detention on individuals (Moran, 2015).

4.2. Public view towards crime and justice in Bangladesh

The National Justice Audit² revealed substantial public perceptions and preferences regarding the criminal justice system of Bangladesh, based on comprehensive data collected across the country's 64 districts. Findings indicate widespread perceptions of financial barriers (82%) and delays in the justice process (85%) hindering access to justice. Notably, a substantial portion (42%) believe that the judicial system can not assist individuals like them. Familiarity with the court system is limited, as 48% reported having no understanding, while 44% had only a partial understanding. Access to legal representation is limited, with around 50% unable to afford a lawyer. On the other hand, confidence in informal courts, especially village courts, is evident, with 75% believing in their easy accessibility, 56% emphasizing neutral service provision, and 44% perceiving swiftness. Fig. 3 shows the respondents' preferences for seeking help or advice in various types of crime, legal problems, or disputes. The data reveals that a significant portion of respondents believe in resolving various types of offenses and disputes through local community structures, respected individuals, and traditional avenues like religious leaders and village courts. This preference suggests a strong reliance on community support and informal resolution methods rather than solely depending on formal legal institutions like the police and courts.

From the data, it seems that for more serious offenses, such as family member killings, rapes, serious physical injuries, and assaults,

² Established in 2018, The National Justice Audit strives to evaluate the efficacy of the criminal justice system by gathering data from citizens, court users, criminal justice entities, and stakeholders nationwide.

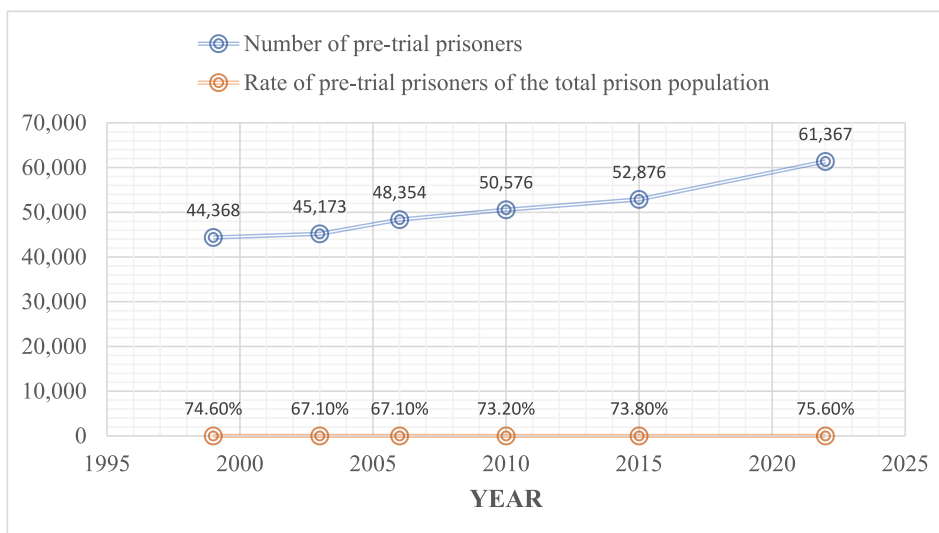


Fig. 1. Year-wise pre-trial prison population in Bangladesh (World Prison Brief, 2020).

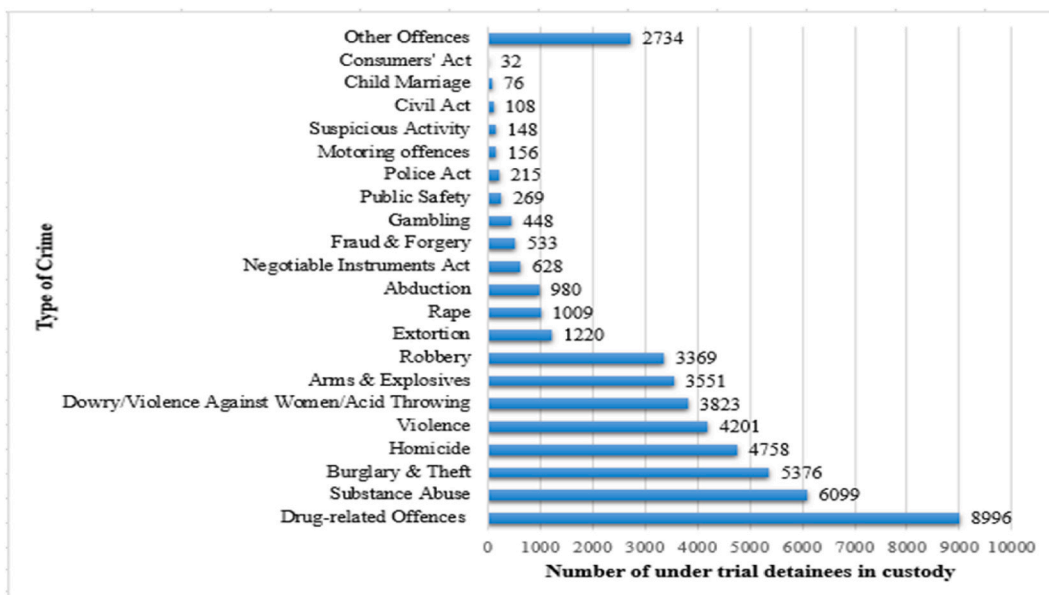


Fig. 2. Number of under-trial detainees in custody by types of offenses, June 30, 2016 (<https://bangladesh.justiceaudit.org/baseline-data/>).

respondents tend to lean more toward involving the police or seeking help from respected community figures. For less severe offenses, such as theft, financial fraud, and drug use, individuals might consider handling the situation themselves or involving local authorities like village courts. Additionally, in situations involving family matters, like dowry issues or domestic violence, there is a significant preference for seeking help from respected community members and leaders (Fig. 3). The preference for local resolution suggests that these informal mechanisms are not only readily accessible but also culturally sensitive and better equipped to handle certain types of offenses in a comprehensive manner (Islam et al., 2018).

The data suggest a need for a balanced approach that considers both punishment and rehabilitation. While certain severe crimes like homicide and violence warrant stringent measures, less violent offenses such as theft and substance abuse might benefit from rehabilitation-oriented strategies. An informal justice system, with its community-based nature, can focus on informal justice mechanisms, emphasizing accountability, restitution, and reintegration into society (Khair et al., 2002). As demonstrated by restorative justice literature (e.g. Sherman et al., 2015), this approach is effective in addressing the underlying causes of certain offenses and in reducing recidivism.

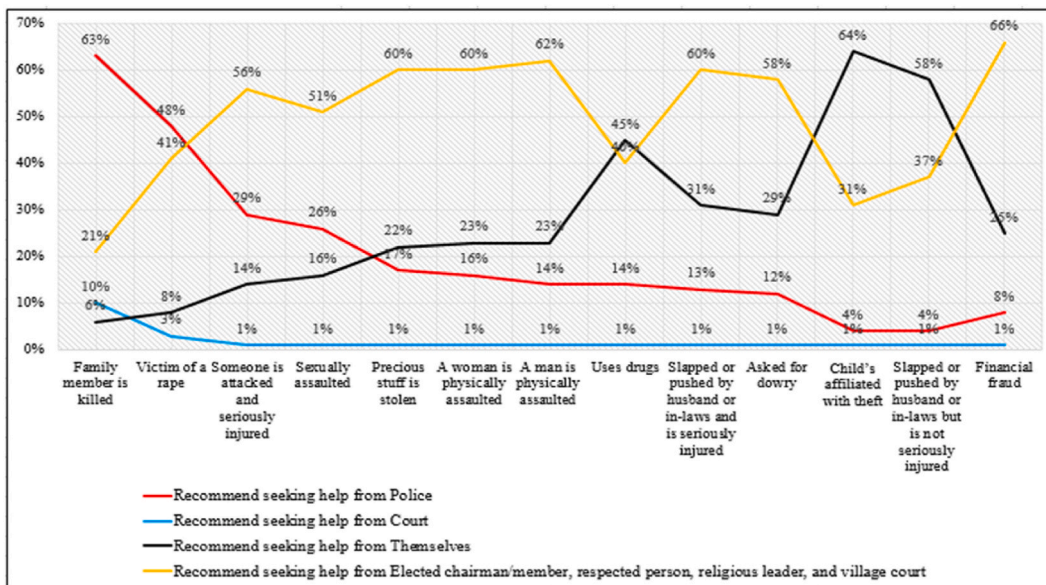


Fig. 3. Public opinion, crime and criminal justice (Source: Justice Audit Bangladesh, <https://bangladesh.justiceaudit.org>).

5. Towards a hybrid justice model in Bangladesh

This paper investigated the potential benefits of incorporating informal justice mechanisms in the criminal justice system of Bangladesh to address challenges related to access to justice. Adhering to the fundamental legal tenet of “innocent until proven guilty,” it becomes evident that delayed justice for some results in “no justice”. Tragically, numerous instances exist where individuals, ultimately proven innocent, have endured prolonged imprisonment due to delays in completing their cases. Considering the multifaceted challenges within the formal justice system in Bangladesh, coupled with the diverse nature of criminal offenses, it is clear that a one-size-fits-all approach represented by the formal justice system may not be the most effective solution for some cases.

There is a clear disagreement regarding the strength and direction of the nexus between public opinion and public policy (Wood, 2013). A range of scholars argue that public opinion guides public policy, while some argue that public policy shapes and drives public perceptions. Others suggest that the link is relatively complex and reciprocal (Frost, 2010). People often support harsher responses to certain types of crime (such as homicide and sexual violence) but also endorse rehabilitative approaches. Less support was found for seeking justice from police and court for less serious crimes, with more support for seeking justice only for the most serious offenses. These findings are also consistent with other researchers’ findings (Hough and Park, 2013). Evidence suggests that people are more inclined to endorse rehabilitative approaches towards nonviolent and juvenile offenders while supporting punitive measures against sex offenders and perpetrators of violent crimes (Brown, 2006; Doble, 2002). Statistics on recommendations for seeking help for different types of offenses and insights from public opinion data collectively underscore the preference for local conflict resolution mechanisms. This preference highlights the need for a more flexible and culturally sensitive approach that can effectively address the unique challenges posed by various types of offenses.

By embracing the principles of restorative justice, community involvement, flexibility, and localized solutions, informal justice mechanisms, such as *shalish* and village courts, may offer potential benefits in addressing crime more effectively, providing timely resolutions, and fostering social cohesion. Informal justice mechanisms offer potential advantages due to their accessibility and familiarity, and expanding their use could lead to a more just and harmonious society in Bangladesh.

Considering the diverse challenges within the formal justice system and the potential benefits of informal justice, we propose exploring a hybrid justice model that integrates formal and informal justice mechanisms as a potential approach to fostering access to justice for the people of Bangladesh. In collaboration with international organizations, the government of Bangladesh is attempting to expand the use of informal justice, exemplified by the re-activation of dormant village courts (Mattsson and Mobarak, 2020). Rather than advocating for the complete elimination of the formal justice system, we believe that integrating both justice paradigms may have the potential to better meet the needs of the Bangladeshi population. It is important to recognize that formal and informal justice mechanisms offer unique strengths and bear their respective shortcomings. While the formal justice system is essential for addressing serious crimes and upholding the rule of law, it faces various challenges that hinder the accessibility of justice, as delineated earlier. Conversely, informal justice mechanisms, although widely supported by the public, struggle with power imbalances, especially when vulnerable segments of society, such as women, interact with them (Ahmed, 2013), predominantly owing to their informal nature. Therefore, we emphasize that these justice paradigms are not antithetical but rather complementary, operating along a continuum (Daly, 2013). In consonance with the Islamic concept of access to justice that underscores the significance of establishing justice at the individual level (Maranlou, 2014), it is our responsibility to provide defendants and victims with the option to choose between formal

and informal justice mechanisms based on their best interests.

6. Conclusion

The criminal justice system in Bangladesh faces multifaceted challenges stemming from overwhelming caseloads, prison overcrowding, and pervasive delays. These issues, rooted in colonial-era paradigms, raise doubts about the system's efficacy in addressing contemporary issues. Debates on criminal justice reform in Bangladesh oscillate between punitive measures and rehabilitation philosophies, with a call for the adoption of an informal justice framework gaining momentum. Our investigation into access to justice in Bangladesh highlights the need for understanding cultural nuances. Barriers to access to justice, including socio-economic disparities, corruption, cultural norms, and judicial backlogs highlight the need for a comprehensive approach. We argue for the exploration of informal justice mechanisms, such as *shalish* and village courts, which hold promise based on public perceptions and preferences. Advocating for exploring the potential benefits of a hybrid justice model that integrates formal and informal mechanisms, we recognize the unique strengths and shortcomings of each. Aligned with principles of restorative justice and community involvement, this approach could lead to a more accessible, efficient, and fair criminal justice system in Bangladesh. Further research is warranted to explore how informal justice can address inherent issues in Bangladesh's formal justice system and complement its operation.

Conflict of interest disclosures

The authors declare that they have no competing interests.

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Md Jahirul Islam: Writing – review & editing, Writing – original draft, Visualization, Investigation, Formal analysis, Conceptualization. **Masahiro Suzuki:** Writing – review & editing, Investigation, Formal analysis, Conceptualization. **Nurunnahar Mazumder:** Writing – review & editing.

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