

Examining Private Law's Role in Promoting Human Rights: Prospects, Obstacles, and Safeguarding Challenges

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Abstract : This research paper examines the potential of private law as a means to promote and safeguard human rights while also addressing the associated challenges and limitations of adopting such an approach. Historically, private law mechanisms, namely contract law, tort law, and property law, have been employed to govern and oversee private relationships and transactions. Nevertheless, it is increasingly acknowledged that private law can also assume a significant role in safeguarding and advancing human rights, particularly in circumstances where the safeguards provided by public law are insufficient or inaccessible. This study assesses the benefits associated with the utilization of private law as a complementary measure to public law safeguards. These advantages encompass enhanced efficacy and efficiency of remedies, as well as the capacity to customize solutions to suit the unique requirements and circumstances of individuals. Nevertheless, the present study also considers the constraints associated with private law mechanisms, such as the financial and procedural intricacies of legal proceedings, the possibility of imbalanced negotiation power, and the potential to worsen pre-existing disparities and systemic inequities. The paper posits that the adoption of a private law-based approach to human rights necessitates a meticulous design and implementation process in order to mitigate potential risks and optimize the advantages. In conclusion, this study examines the ramifications of these discoveries on policy and practice, highlighting the necessity for heightened awareness and education regarding the capacity of private law to advance and safeguard human rights. Additionally, it underscores the significance of establishing efficient and easily accessible mechanisms for upholding human rights within the private domain. The paper concludes by providing recommendations for future research in this domain, specifically emphasizing the necessity for additional empirical investigations to assess the efficacy and consequences of private law-oriented strategies in safeguarding human rights.

Keywords : private law, human rights, promoting, protecting, access to justice

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