

Judicial Institutions in a Post-Conflict Society: Gaining Legitimacy through a Holistic Reform

Authors : Abdul Salim Amin

Abstract : This paper focuses on how judiciaries in post-conflict society gain legitimacy through reformation. Legitimacy plays a pivotal role in shaping peoples' behavior to submit to the law and verifies the rightfulness of an organ for taking binding decisions. Among various dynamics, judicial independence, access to justice and behavioral changes of the judicial officials broadly contribute in legitimation of judiciary in general, and the court in particular. Increasing the independence of judiciary through reform limits the interference of governmental branches in judicial issues and protects basic rights of the citizens. Judicial independence does not only matter in institutional terms, individual independence also influences the impartiality and integrity of judges, which can be increased through education and better administration of justice. Finally, access to justice as an intertwined concept both at the legal and moral spectrum of judicial reform avails justice to the citizen and increases the level of public trust and confidence. Efficient legal decisions on fostering such elements through holistic reform create a rule of law atmosphere. Citizens do not accept illegitimate judiciary and do not trust its decisions. Lack of such tolerance and confidence deters the rule of law and, thus, undermines the democratic development of a society.

Keywords : legitimacy, judicial reform, judicial independence, access to justice, legal training, informal justice, rule of law

Conference Title : ICLS 2015 : International Conference on Law and Society

Conference Location : Montreal, Canada

Conference Dates : May 11-12, 2015