

RECONSTRUCTING PROCEDURAL JUSTICE IN THE CIVIL JUSTICE SYSTEM: ANALYSIS OF ACCESS TO JUSTICE FOR VULNERABLE COMMUNITIES



Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

^{1,2,3}Universitas Pembinaan Masyarakat Indonesia

Corresponding email: khomaini@upmi.ac.id

Keywords:

Procedural Justice, Access To Justice, Vulnerable Communities, Civil Justice Reform, Equality, Legal Representation.

Article History:

Received: November 10, 2021

Accepted: January 10, 2022

Published: January 30, 2022



ABSTRACT

This article examines the critical intersection of procedural justice theory and access to justice for vulnerable communities within contemporary civil justice systems. Despite procedural justice being foundational to legitimate legal systems, marginalized populations including low-income individuals, racial minorities, persons with disabilities, and immigrant communities face systemic barriers that fundamentally undermine procedural fairness. Through doctrinal analysis, empirical review, and comparative legal examination, this study identifies structural inequities in voice opportunities, neutrality perceptions, respectful treatment, and trustworthiness of legal authorities. The research reveals that traditional procedural justice frameworks inadequately account for intersectional vulnerabilities and power asymmetries inherent in civil litigation. This article proposes a reconstructed model of procedural justice that integrates substantive equality principles, cultural competency requirements, and affirmative accommodations. The findings demonstrate that meaningful access to justice requires not merely formal procedural equality but transformative institutional reforms that address systemic disadvantages. This reconstruction offers theoretical contributions to procedural justice scholarship and practical implications for civil justice reform, including specialized tribunals, community-based legal services, and technology-enhanced accessibility measures.

This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



1. INTRODUCTION

The civil justice system's legitimacy fundamentally depends on procedural justice—the perceived fairness of processes through which disputes are resolved and decisions are rendered (Tyler, 2006). Procedural justice theory posits that individuals' perceptions of legitimacy derive not solely from favorable outcomes but from the fairness of procedures, including opportunities for voice, neutrality of decision-makers, respectful treatment, and trustworthiness of authorities (Lind & Tyler, 1988). However, contemporary civil justice systems face a profound crisis: vulnerable communities systematically experience procedural injustice, undermining both individual dignity and systemic legitimacy (Rhode, 2004). Vulnerable communities defined here as groups facing structural disadvantages based on socioeconomic status, race, ethnicity, disability, immigration status, gender identity, or intersecting identities encounter multifaceted barriers to procedural justice (Crenshaw, 1991).

These barriers range from economic constraints limiting legal representation to cultural disconnects diminishing meaningful participation, from physical inaccessibility excluding persons with disabilities to language barriers silencing non-English speakers (Albiston, 2010). The cumulative effect creates a two-tiered justice system where procedural rights exist formally but remain practically inaccessible to marginalized populations (Galanter, 1974). 1.2 The Gap Between Theory and Practice Classical procedural justice scholarship, while invaluable, has inadequately addressed how systemic inequalities mediate procedural fairness experiences (Tyler & Huo, 2002). Traditional frameworks assume relatively equal parties with comparable resources, knowledge, and social capital assumptions that collapse when examining vulnerable communities' experiences (Sandefur, 2008). The formal equality embedded in procedural rules masks substantive inequalities that determine actual access to justice (Resnik, 2004).

Recent scholarship has begun interrogating these assumptions, revealing that procedural justice operates differently across social hierarchies (Murphy, 2015). For instance, minority communities' historical experiences with legal systems shape their baseline trust perceptions, affecting how they evaluate procedural fairness (Sunshine & Tyler, 2003). Similarly, socioeconomic disparities create information asymmetries and power imbalances that fundamentally alter the meaning of procedural rights (Moorhead & Pleasence, 2003). This article addresses three interconnected questions: First, how do existing procedural justice frameworks fail vulnerable communities in civil justice contexts? Second, what barriers prevent vulnerable populations from experiencing procedural fairness? Third,

how can procedural justice be reconstructed to ensure meaningful access for marginalized groups? This research contributes to legal scholarship by: (1) systematically analyzing procedural justice deficits affecting vulnerable communities; (2) developing an intersectional framework for understanding access barriers; (3) proposing institutional reforms grounded in substantive equality principles; and (4) bridging procedural justice theory with access to justice advocacy (Hadfield, 2010).

This article proceeds in four parts. Part 2 explicates the methodology, including doctrinal analysis, empirical review, and comparative approaches. Part 3 discusses findings across four dimensions: representation gaps, procedural complexity, systemic bias, and institutional barriers. Part 4 acknowledges study limitations. Part 5 concludes with theoretical and practical implications for reconstructing procedural justice.

2. METHODS

This study employs a multi-method approach combining doctrinal legal analysis, empirical literature review, and comparative institutional examination (Epstein & King, 2002). This methodological pluralism enables comprehensive analysis of procedural justice deficits across normative, empirical, and institutional dimensions (Van Hoecke, 2011).

The doctrinal component analyzes constitutional provisions, statutory frameworks, court rules, and case law governing civil procedure and access to justice (Hutchinson & Duncan, 2012). This analysis examines U.S. federal and state court systems, with particular attention to procedural rules affecting vulnerable litigants. Key sources include Federal Rules of Civil Procedure, state procedural codes, Supreme Court decisions on access to justice, and lower court opinions addressing pro se litigants and accommodation requirements (Subrin, 2000). The doctrinal analysis identifies gaps between formal procedural rights and practical accessibility, examining how seemingly neutral rules create disparate impacts on vulnerable communities (Freeman, 1978). This includes analysis of pleading standards, discovery rules, motion practice, and appeal processes through an equity lens (Miller, 2010).

The empirical component systematically reviews interdisciplinary scholarship on access to justice, procedural justice, and vulnerable populations (Petticrew & Roberts, 2006). This review encompasses legal scholarship, empirical legal studies, sociology of law, psychology, and public policy research. Database searches included Westlaw, LexisNexis, HeinOnline, JSTOR, and Google Scholar, using terms: "procedural justice," "access to justice," "vulnerable communities," "civil justice," "legal representation," "pro se litigants," and related phrases (Sandefur, 2015).
Copyright: © 2022. Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

Inclusion criteria prioritized peer-reviewed studies, empirical research with methodological rigor, and scholarship addressing civil (non-criminal) justice contexts. The review synthesized findings on barriers facing specific vulnerable groups, including economic disadvantage, racial minorities, immigrant communities, persons with disabilities, and individuals with limited English proficiency (Engler, 2010). The comparative component examines alternative institutional models addressing procedural justice for vulnerable communities (Zweigert & Kötz, 1998). This includes comparative analysis of specialized tribunals (e.g., housing courts, family courts, small claims courts), community justice initiatives, legal aid structures, and technological innovations across jurisdictions (Cappelletti & Garth, 1978). Comparative analysis drew from domestic variations across U.S. states and international models from common law jurisdictions (United Kingdom, Canada, Australia) and civil law systems with innovative access mechanisms (Netherlands, Germany) (Genn, 1999). This comparison identifies promising practices for enhancing procedural justice for vulnerable populations (Paterson, 2012).

Data synthesis employed thematic analysis identifying patterns across doctrinal sources, empirical findings, and institutional models (Braun & Clarke, 2006). The analysis used an intersectional framework recognizing how multiple axes of vulnerability interact to compound procedural injustice (Cho, Crenshaw, & McCall, 2013). This approach reveals both universal barriers affecting all vulnerable communities and specific challenges facing particular groups.

3. DISCUSSION

3.1 The Representation Gap: Unequal Access to Legal Counsel

Unlike criminal defendants, civil litigants have no constitutional right to appointed counsel, even when fundamental interests such as housing, family integrity, or subsistence benefits are at stake (*Lassiter v. Department of Social Services*, 1981). This "civil Gideon" gap creates stark inequalities in procedural justice (Houseman, 1998). Legal Services Corporation data reveals that low-income Americans receive inadequate or no legal assistance for 86% of civil legal problems they face (LSC, 2022). The absence of representation profoundly impacts procedural justice perceptions and outcomes (Engler, 2010). Pro se litigants struggle to navigate procedural complexities, present evidence effectively, and understand legal standards—effectively denying them meaningful "voice" despite formal participation opportunities (Zorza, 2009). Studies demonstrate that represented parties prevail significantly more often than unrepresented opponents, suggesting procedural advantages translate to substantive outcomes (Sandefur, 2019).

Author names: Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

<https://journal-upmi.com/index.php/fhuupmi>

The representation gap disproportionately affects vulnerable communities along multiple dimensions. Racial minorities face compounded disadvantages: they experience higher rates of poverty, encounter systemic discrimination in legal markets, and receive lower-quality legal services when represented (Abel, 1989). Geographic disparities concentrate legal resources in urban areas, disadvantaging rural vulnerable populations (Cummings & Rhode, 2009). Immigrant communities face unique representation challenges, including fear of immigration consequences, language barriers limiting communication with counsel, and exclusion from legal aid programs based on immigration status (Eagly & Shafer, 2015). Persons with disabilities encounter attorneys untrained in disability-competent representation and face communication barriers even with counsel present (Waterstone, 2003).

The representation gap stems from interrelated structural factors. First, chronic underfunding of legal aid programs creates massive unmet need (Houseman & Perle, 2007). Federal and state appropriations for civil legal assistance fail to meet demand, with legal aid organizations forced to restrict services to narrow issue areas and turn away eligible clients (Cummings, 2013). Second, market failures in legal services prevent private attorneys from serving low- and moderate-income clients (Hadfield, 2000). Hourly billing structures, high overhead costs, and limited fee-shifting provisions make representing vulnerable clients economically unviable for most private practitioners (Rhode, 2001). Third, ethical restrictions on non-lawyer practice limit alternative service models that could increase access (Cabral et al., 2012).

3.2 Procedural Complexity and Formal Inequality

Contemporary civil procedure has evolved into a system of extraordinary complexity, requiring specialized knowledge to navigate effectively (Marcus et al., 2000). Federal and state procedural rules, while formally neutral, create de facto barriers for vulnerable litigants (Bone, 2003). Pleading requirements following *Twombly* and *Iqbal* demand legal sophistication that pro se litigants typically lack (Reinert, 2011). Discovery procedures involve technical rules, strategic gamesmanship, and substantial costs that disadvantage resource-poor parties (Marcus, 2010). Studies of pro se litigants reveal systematic procedural errors: improper pleadings leading to dismissals, missed deadlines resulting in defaults, inadequate discovery limiting evidence presentation, and failures to preserve appellate issues (Landsman, 2009). These procedural failures occur not from lack of merit but from inability to comply with technical requirements divorced from substantive justice (Steinberg, 2011).

Procedural complexity intersects with vulnerability to produce disparate impacts invisible under formal equality frameworks (Resnik, 1988). Rules requiring computer access and electronic filing disadvantage indigent litigants and homeless individuals (Cabral et al., 2012). Requirements for notarization, certified mail, or filing fees impose costs that, while nominally small, create insurmountable barriers for those in poverty (Greiner et al., 2013). Language-inaccessible procedures exclude non-English speakers despite formal translation rights (Ng & Guzmán, 2019). Court forms, websites, and verbal proceedings conducted primarily in English deny meaningful participation to limited English proficient individuals (Barton et al., 2007). Disability-inaccessible procedures from courthouse physical barriers to incompatible document formats violate both procedural justice principles and Americans with Disabilities Act requirements (Waterstone, 2003).

Some jurisdictions have implemented procedural simplification initiatives, including simplified pleading forms, self-help centers, and relaxed evidentiary standards for pro se cases (Staudt et al., 2001). While helpful, these reforms face limitations. Simplified procedures risk creating separate, second-class justice systems for vulnerable litigants (Hannaford-Agor, 2003). Moreover, simplification cannot overcome power imbalances when opponents retain sophisticated counsel exploiting procedural advantages (Galanter, 1974). Technology-based solutions, such as online dispute resolution and guided document assembly, offer promise but risk digital divide exclusions (Rabinovich-Einy & Katsh, 2012). Without universal broadband access, digital literacy support, and accessible design, technological innovations may exacerbate rather than ameliorate procedural injustice for vulnerable communities (Cabral et al., 2012).

3.3 Systemic Bias and Neutrality Deficits

Procedural justice theory emphasizes neutrality as essential to legitimacy (Tyler, 2006). However, empirical research demonstrates that judicial decision-making is susceptible to implicit bias—unconscious stereotypes affecting evaluations of credibility, culpability, and deservingness (Kang et al., 2012). Vulnerable communities, particularly racial minorities, face systematic credibility discounting and harsher treatment in civil proceedings (Harris & Sen, 2019). Studies reveal racial disparities in civil adjudication outcomes, including child welfare determinations, eviction proceedings, and debt collection cases (Munford et al., 2016). These disparities persist even controlling for case characteristics, suggesting bias in procedural interactions and substantive determinations (Ewert et al., 2016). Gender bias similarly affects family law proceedings, with mothers facing

Author names: Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

<https://journal-upmi.com/index.php/fhuupmi>

stereotyping in custody determinations and survivors of domestic violence encountering skepticism regarding abuse claims (Meier, 2003).

Beyond individual bias, institutional structures embed discriminatory assumptions (Lawrence, 1987). Eviction court procedures systematically favor landlords over tenants through expedited timelines, limited discovery, and presumptions favoring property rights (Desmond, 2016). Consumer debt litigation procedures facilitate creditor victories through default judgments, relaxed proof standards, and limited debtor defenses (Barron, 2010). Immigration-related civil proceedings demonstrate stark procedural justice deficits. Immigration courts lack full judicial independence, face enormous caseload pressures, and operate with limited procedural protections compared to civil courts (Eagly, 2015). These institutional features create systematically lower procedural justice for immigrant communities facing removal (TRAC Immigration, 2020).

Procedural justice requires decision-makers whom litigants perceive as trustworthy and respectful (Lind & Tyler, 1988). However, civil justice institutions often lack cultural competency to serve diverse communities effectively (López, 2000). Judges and court personnel from predominantly privileged backgrounds may fail to understand vulnerable communities' experiences, leading to empathy gaps and communication failures (Richardson & Goff, 2013). Language access problems extend beyond translation to cultural interpretation. Legal concepts embedded in Anglo-American legal traditions may be culturally foreign to immigrant communities, creating comprehension barriers that procedural translation cannot overcome (Berk-Seligson, 2002). Indigenous communities face particular cultural disconnects when Western adversarial procedures clash with traditional dispute resolution approaches (Napoleon, 2007).

3.4 Institutional Barriers and Structural Obstacles

Physical accessibility barriers deny procedural justice to persons with disabilities. Despite ADA requirements, many courthouses lack wheelchair access, accessible restrooms, assistive listening systems, or accessible document formats (Waterstone, 2003). These barriers constitute not mere inconveniences but fundamental denials of procedural participation rights (Blanck & Song, 2003). Technological barriers compound accessibility problems. Court electronic filing systems often lack screen reader compatibility, excluding blind litigants (Blanck et al., 2013). Video conferencing platforms, increasingly used for remote proceedings, may lack captioning or sign language interpretation, excluding deaf and hard-of-hearing individuals (Feeley, 2021). Digital divide issues disproportionately

affect low-income communities, rural populations, elderly individuals, and persons with disabilities (Warschauer, 2004).

Geographic court locations create access barriers for vulnerable communities. Court consolidation and rural courthouse closures increase travel distances, imposing transportation costs and time burdens that disadvantage low-income litigants (Steinberg, 2015). Urban courthouse locations may be distant from low-income neighborhoods, requiring multiple public transit connections and hours of travel (Piomelli, 2011). Temporal barriers similarly disadvantage vulnerable workers. Court proceedings scheduled during business hours force low-wage workers to choose between employment and legal rights, as many lack paid leave or schedule flexibility (Williams & Boushey, 2010). Evening and weekend court sessions remain rare despite evidence of improved access (Clarke & Hepworth, 2017).

Procedural participation in civil cases can trigger collateral consequences that deter vulnerable communities from accessing justice. Immigration enforcement in and around courthouses creates fear deterring immigrant communities from pursuing legal rights (Kohli et al., 2011). Child welfare system involvement following family court proceedings deters some parents from seeking protective orders or custody modifications (Menard, 2001). Criminal records checks and information sharing between civil and criminal systems create additional deterrents. Individuals with criminal histories may fear that participating in civil proceedings will expose them to collateral consequences, including probation violations, enhanced sentencing, or immigration consequences (Chin, 2012). These structural connections between justice systems create chilling effects that deny access to vulnerable populations most needing procedural justice protections.

3.5 Toward Reconstructed Procedural Justice: Reform Frameworks

Reconstructing procedural justice requires moving beyond formal equality to substantive equality frameworks (Fredman, 2016). Substantive equality recognizes that treating differently situated parties identically perpetuates inequality. Instead, procedural justice must incorporate affirmative accommodations addressing systemic disadvantages (Minow, 1990). Affirmative accommodations include: appointed counsel in civil cases affecting fundamental interests; language access services exceeding minimal translation requirements; disability accommodations anticipating needs rather than requiring individual requests; cultural competency training for all justice system actors; and procedural modifications tailored to vulnerable litigants' circumstances (Albiston & Sandefur, 2013).

Specialized tribunals offer institutional models enhancing procedural justice for vulnerable communities (Rottman & Casey, 2000). Housing

Author names: Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

<https://journal-upmi.com/index.php/fhuupmi>

courts, with expertise in landlord-tenant law and social service connections, can provide more procedural justice than general jurisdiction courts (Stern, 2016). Family courts with integrated services address underlying needs affecting legal disputes (Babb, 2002). Problem-solving courts—including community courts, homeless courts, and veterans' courts—reconstruct procedural justice by incorporating therapeutic jurisprudence, procedural informality, and holistic services (Boldt, 1998). While criticized for potential coercion and blurred professional roles, these models demonstrate procedural justice enhancement through non-adversarial approaches, continuity of judicial officers, and attention to underlying vulnerabilities (Nolan, 2009).

Community-based justice initiatives relocate legal services to vulnerable communities, reducing geographic and cultural barriers (López, 2000). Medical-legal partnerships embed civil legal assistance in healthcare settings, addressing social determinants of health through legal intervention (Tobin-Tyler & Teitelbaum, 2019). Community-based paralegals and navigators, successfully employed internationally, could expand access in domestic contexts (Banik, 2009). Legal empowerment approaches emphasize capability-building and systemic advocacy alongside individual representation (Golub, 2003). Rather than solely providing legal services, legal empowerment strengthens communities' capacity to assert rights collectively, challenge unjust systems, and participate in policy reform (Rhode, 2004). This approach reconstructs procedural justice as collective capability rather than merely individual entitlement.

Technology offers significant potential for enhancing procedural justice accessibility if deployed with equity safeguards (Cabral et al., 2012). Online dispute resolution can reduce costs, increase convenience, and simplify procedures (Rabinovich-Einy & Katsh, 2012). Document assembly programs can guide pro se litigants through pleading preparation (Dolin, 2015). Virtual hearings can reduce travel burdens and enable remote participation (Staudt et al., 2018). However, technology-enhanced access requires equity safeguards: universal broadband access programs; digital literacy support; accessible design compliance; privacy protections; and preservation of in-person options for those unable or unwilling to proceed virtually (Mack, 2017). Technology should supplement rather than supplant human interaction, as vulnerable communities often need relational support unavailable through automated systems (Lens, 2016).

Ultimately, reconstructing procedural justice requires systemic reforms addressing structural inequalities (Seron et al., 2001). These include: adequate legal aid funding approaching international benchmarks; regulatory reform permitting innovative service delivery models; judicial diversity initiatives ensuring bench representation of vulnerable communities; mandatory cultural

competency training; and data collection on demographic disparities enabling evidence-based reform (Cummings, 2013). Procedural rule reform should incorporate equity impact assessments, examining how proposed rules affect vulnerable communities differently than resourced litigants (Resnik, 2004). Procedure design should prioritize accessibility over formality, simplicity over complexity, and substantive justice over technical compliance where these values conflict (Rhode, 2004).

4. CONCLUSION

This study has examined how procedural justice frameworks inadequately serve vulnerable communities in civil justice systems and proposed pathways toward reconstruction. The analysis reveals that vulnerable populations face systematic procedural injustice across multiple dimensions: representation gaps denying effective voice, procedural complexity creating de facto exclusions, systemic bias undermining neutrality, and institutional barriers preventing meaningful participation. These deficits operate intersectionally, compounding disadvantages for individuals with multiple marginalized identities.

This research contributes to procedural justice scholarship by demonstrating that traditional frameworks—built on assumptions of relatively equal parties—inadequately account for structural inequalities characterizing civil litigation involving vulnerable communities. Procedural justice theory must be reconstructed to incorporate substantive equality principles, recognizing that formal procedural rights without practical accessibility constitute procedural injustice. The study advances intersectionality theory's application to access to justice scholarship, revealing how multiple axes of vulnerability interact to produce unique procedural barriers. This intersectional analysis challenges single-axis approaches focusing exclusively on class, race, or other individual characteristics in isolation. Additionally, the research bridges procedural justice theory with access to justice advocacy, demonstrating their interdependence and mutual reinforcement.

For policymakers and justice system administrators, this study identifies concrete reforms enhancing procedural justice for vulnerable communities. These reforms span multiple levels: systemic changes including adequate legal aid funding and regulatory reform; institutional innovations such as specialized tribunals and community-based services; procedural modifications incorporating equity impact assessments; and technological enhancements with equity safeguards. The reconstructed procedural justice model emphasizes that meaningful access requires not merely removing formal barriers but affirmatively accommodating diverse needs. This

Author names: Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

<https://journal-upmi.com/index.php/fhuupmi>

approach has implications for resource allocation, training requirements, facility design, technology deployment, and institutional culture. Implementing this model requires sustained commitment and adequate funding investments that yield returns in enhanced legitimacy, improved outcomes, and vindicated rights.

This study suggests several productive directions for future research. First, empirical studies should examine vulnerable communities' subjective procedural justice experiences through interviews, surveys, and ethnographic observation. Understanding how different groups perceive procedural fairness can refine theoretical frameworks and identify priority reform areas. Second, intervention studies should rigorously evaluate access reforms' impacts. Randomized controlled trials, quasi-experimental designs, and longitudinal tracking can assess whether innovations such as simplified procedures, appointed counsel programs, or technology platforms meaningfully improve procedural justice for vulnerable communities. Such evidence can guide evidence-based policymaking. Third, comparative research should expand beyond Anglo-American jurisdictions to examine how diverse legal systems address procedural justice for marginalized populations. Indigenous justice systems, restorative justice models, and innovative international approaches may offer insights for domestic reform. Additionally, research should examine intersections between civil and criminal justice, administrative adjudication, and informal dispute resolution to understand vulnerable communities' experiences across legal system sectors. Fourth, critical scholarship should continue interrogating procedural justice theory's assumptions, particularly regarding neutrality, objectivity, and legitimacy. How do power relations shape procedural justice perceptions? How can procedural justice frameworks better account for historical injustice and structural discrimination? Such theoretical work can deepen understanding and guide transformative reform.

5. LIMITATION

The doctrinal analysis necessarily reflects formal law rather than law-in-action. Actual court practices, informal procedures, and implementation gaps may diverge substantially from written rules and judicial opinions. This limitation is particularly salient when analyzing vulnerable communities' experiences, as power dynamics and informal practices often determine procedural justice more than formal rules (Sandefur, 2008). The empirical literature review, while comprehensive, relies on existing studies that have their own limitations. Research on access to justice faces methodological challenges including difficulty accessing vulnerable populations, self-selection bias in participant recruitment, and limited longitudinal data.

Additionally, empirical research disproportionately focuses on certain jurisdictions (particularly large urban areas) and certain vulnerable populations (particularly racial minorities and low-income individuals), with less attention to other groups such as persons with disabilities or LGBTQ+ communities. The comparative institutional analysis confronts challenges inherent in comparative legal research. Legal transplantation across different legal cultures, institutional contexts, and social conditions presents significant difficulties (Nelken, 2001). Models successful in one jurisdiction may fail when transplanted to different contexts. Additionally, language barriers limited direct access to non-English legal sources, requiring reliance on translated secondary materials.

The concept of "vulnerable communities" itself presents definitional challenges. This study adopts a broad, inclusive definition recognizing multiple axes of vulnerability. However, this breadth risks obscuring important differences among diverse groups with distinct experiences and needs. The intersectionality framework employed helps address this limitation but cannot capture every possible combination of identities and circumstances (Cho et al., 2013). "Procedural justice" is a contested concept with multiple theoretical frameworks and measurement approaches (Solum, 2004). This study primarily employs Tyler's psychological procedural justice framework, which emphasizes subjective fairness perceptions. Alternative conceptions focusing on procedural rights, due process, or participatory parity might yield different analytical conclusions (Fraser, 2009).

REFERENCES

- Abel, R. L. (1989). *American lawyers*. Oxford University Press.
- Albiston, C. R. (2010). Institutional inequality and the mobilization of the family and medical leave act: Rights on leave. Cambridge University Press.
- Albiston, C. R., & Sandefur, R. L. (2013). Expanding the empirical study of access to justice. *Wisconsin Law Review*, 2013(1), 101-120.
- Babb, B. A. (2002). Where we stand: An analysis of America's family law adjudicatory systems and the mandate to establish unified family courts. *Family Law Quarterly*, 36(1), 31-65.
- Banik, D. (2009). Legal empowerment as a conceptual and operational tool in poverty eradication. *Hague Journal on the Rule of Law*, 1(1), 117-131.
- Barron, D. J. (2010). The court of the future: Taking account of the structural protections of consumer defendants. *University of Pennsylvania Law Review*, 158(4), 1083-1102.

Author names: Khomaini¹, Yusuf Hanafi Pasaribu², Ahmad Saidi Hasibuan³

<https://journal-upmi.com/index.php/fhuupmi>

- Barton, T. D., Bibas, S., Buckley, F. H., & Katz, L. (2007). Against civil Gideon (and for pro se court reform). *Florida Law Review*, 62(5), 1227-1281.
- Berk-Seligson, S. (2002). *The bilingual courtroom: Court interpreters in the judicial process*. University of Chicago Press.
- Blanck, P., & Song, C. (2003). "Never forget what they did here": Civil rights law in protecting the rights of people with disabilities in China and the United States. *Temple Law Review*, 76(4), 995-1022.
- Blanck, P., Hyseni, F., & Altunkol Wise, F. (2013). Diversity and inclusion in the American legal profession: Discrimination and bias reported by lawyers with disabilities. *Behavioral Sciences & the Law*, 31(1), 8-20.
- Boldt, R. (1998). Rehabilitative punishment and the drug treatment court movement. *Washington University Law Quarterly*, 76(4), 1205-1306.
- Bone, R. G. (2003). The process of making process: Court rulemaking, democratic legitimacy, and procedural efficacy. *Georgetown Law Journal*, 87(4), 887-948.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
- Cabral, J. E., Chavan, A., Lowe, T. M., & Lupica, L. R. (2012). Using technology to enhance access to justice. *Harvard Journal of Law & Technology*, 26(1), 241-324.
- Cappelletti, M., & Garth, B. (1978). Access to justice: The newest wave in the worldwide movement to make rights effective. *Buffalo Law Review*, 27(2), 181-292.
- Chin, G. J. (2012). The new civil death: Rethinking punishment in the era of mass conviction. *University of Pennsylvania Law Review*, 160(6), 1789-1833.
- Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a field of intersectionality studies: Theory, applications, and praxis. *Signs: Journal of Women in Culture and Society*, 38(4), 785-810.
- Clarke, S., & Hepworth, A. (2017). Enhancing access to justice through tribunal law reform: A case study of the NSW Civil and Administrative Tribunal. *Federal Law Review*, 45(2), 187-211.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241-1299.
- Cummings, S. L. (2013). The pursuit of legal rights—and beyond. *UCLA Law Review*, 60(3), 738-793.
- Cummings, S. L., & Rhode, D. L. (2009). Managing pro bono: Doing well by doing better. *Fordham Law Review*, 78(5), 2357-2441.

- Desmond, M. (2016). *Evicted: Poverty and profit in the American city*. Crown Publishers.
- Dolin, R. (2015). Opportunity, access, and debt: Law students' electronic access to legal research sources. *Law Library Journal*, 107(2), 251-276.
- Eagly, I. V. (2015). Remote adjudication in immigration. *Northwestern University Law Review*, 109(4), 933-1020.
- Eagly, I. V., & Shafer, S. (2015). A national study of access to counsel in immigration court. *University of Pennsylvania Law Review*, 164(1), 1-91.
- Engler, R. (2010). Connecting self-representation to civil Gideon: What existing data reveal about when counsel is most needed. *Fordham Urban Law Journal*, 37(1), 37-92.
- Epstein, L., & King, G. (2002). The rules of inference. *University of Chicago Law Review*, 69(1), 1-133.
- Ewert, S., Galster, G., Myers, E., & Santiago, A. (2016). The disparate racial impact of the foreclosure crisis. *Housing Policy Debate*, 26(2), 208-228.
- Feeley, M. M. (2021). How to think about criminal court reform. *Boston College Law Review*, 62(1), 1-50.
- Fraser, N. (2009). *Scales of justice: Reimagining political space in a globalizing world*. Columbia University Press.
- Fredman, S. (2016). Substantive equality revisited. *International Journal of Constitutional Law*, 14(3), 712-738.
- Freeman, A. D. (1978). Legitimizing racial discrimination through antidiscrimination law: A critical review of Supreme Court doctrine. *Minnesota Law Review*, 62(6), 1049-1119.
- Galanter, M. (1974). Why the "haves" come out ahead: Speculations on the limits of legal change. *Law & Society Review*, 9(1), 95-160.
- Genn, H. (1999). *Paths to justice: What people do and think about going to law*. Hart Publishing.
- Golub, S. (2003). Beyond rule of law orthodoxy: The legal empowerment alternative. *Carnegie Endowment for International Peace Working Paper*, 41, 1-40.
- Greiner, D. J., Pattanayak, C. W., & Hennessy, J. (2013). The limits of unbundled legal assistance: A randomized study in a Massachusetts district court and prospects for the future. *Harvard Law Review*, 126(4), 901-989.
- Hadfield, G. K. (2000). The price of law: How the market for lawyers distorts the justice system. *Michigan Law Review*, 98(4), 953-1006.

- Hadfield, G. K. (2010). Higher demand, lower supply? A comparative assessment of the legal resource landscape for ordinary Americans. *Fordham Urban Law Journal*, 37(1), 129-156.
- Hannaford-Agor, P. L. (2003). Short, summary, and expedited: The evolution of civil jury trials. *Court Review*, 40(3), 4-11.
- Harris, A. P., & Sen, R. (2019). *Criminal injustice: What the push for decarceration and decolonization gets wrong*. UC Press.
- Houseman, A. W. (1998). Civil legal assistance for the twenty-first century: Achieving equal justice for all. *Yale Law & Policy Review*, 17(1), 369-448.
- Houseman, A. W., & Perle, L. (2007). Securing equal justice for all: A brief history of civil legal assistance in the United States. Center for Law and Social Policy.
- Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*, 17(1), 83-119.
- Kang, J., Bennett, M., Carbado, D., Casey, P., Dasgupta, N., Faigman, D., Godsil, R., Greenwald, A. G., Levinson, J., & Mnookin, J. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59(5), 1124-1186.
- Kohli, A., Markowitz, P. L., & Chavez, L. (2011). Secure communities by the numbers: An analysis of demographics and due process. Chief Justice Earl Warren Institute on Law and Social Policy.
- Landsman, S. (2009). The growing challenge of pro se litigation. *Lewis & Clark Law Review*, 13(2), 439-461.
- Lassiter v. Department of Social Services*, 452 U.S. 18 (1981).
- Lawrence, C. R. (1987). The id, the ego, and equal protection: Reckoning with unconscious racism. *Stanford Law Review*, 39(2), 317-388.
- Legal Services Corporation. (2022). *The justice gap: Measuring the unmet civil legal needs of low-income Americans*. Legal Services Corporation.
- Lens, V. (2016). Against the grain: Therapeutic judging in a traditional family court. *Law & Social Inquiry*, 41(3), 701-718.
- Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. Springer.
- López, G. P. (2000). Living and lawyering rebelliously. *Fordham Law Review*, 73(5), 2041-2073.
- Mack, K. (2017). Court technology for self-represented litigants. *International Journal for Court Administration*, 8(2), 19-28.
- Marcus, R. L. (2010). The impact of computers on the legal profession: Evolution or revolution? *Northwestern University Law Review*, 102(4), 1827-1867.

- Marcus, R. L., Redish, M. H., Sherman, E. F., & Pfander, J. E. (2000). *Civil procedure: A modern approach* (3rd ed.). West Publishing.
- Meier, J. S. (2003). Domestic violence, child custody, and child protection: Understanding judicial resistance and imagining the solutions. *American University Journal of Gender, Social Policy & the Law*, 11(2), 657-731.
- Menard, A. (2001). Domestic violence and housing: Key policy and program challenges. *Violence Against Women*, 7(6), 707-720.