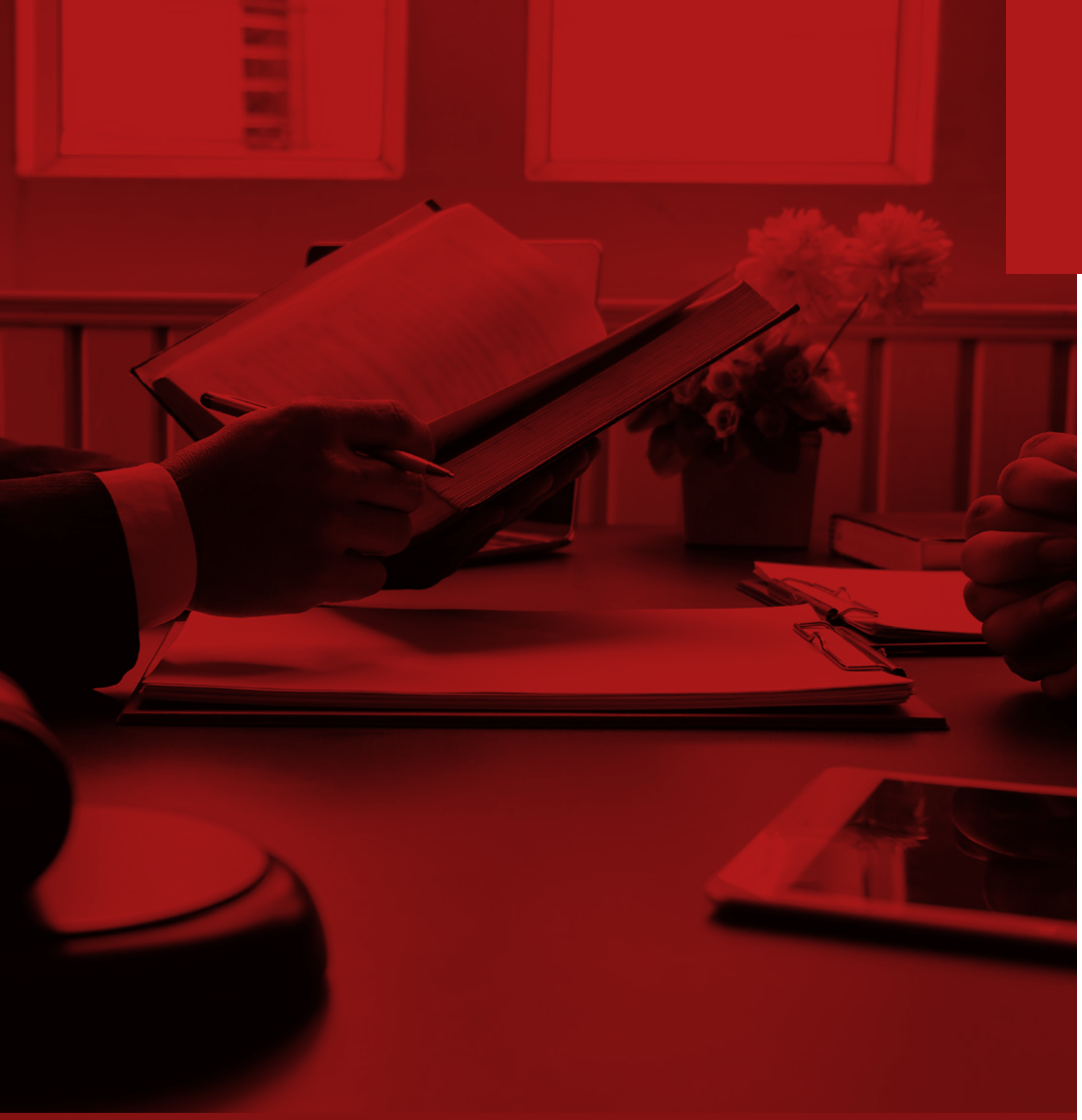


2025 | Background Brief 4.1

Justice Financing Framework

A Guide to Budgeting and Financing for
People-Centered Justice for the Justice Sector





BACKGROUND BRIEF 4.1

4.1 Regulation of People-Centered Justice Services



Introduction

The JFF recommends that countries should develop a coherent regulatory framework for justice services to support the delivery of people-centered justice objectives.

The background brief considers:

- The need for more coherent regulation of people-centered justice services.
- Specific issue of regulation of the legal profession.

1. More Coherent Regulation of People-Centered Justice Services

The way in which justice services are regulated can have a major impact on the overall productivity of the justice sector. Regulation of justice services (i.e., addressing who can provide justice services and how—including lawyers, courts, prosecution, and court procedures) can be a barrier to innovation and the delivery of cost-effective services. The OECD Recommendation on Access to Justice and People-Centered Justice stresses the need for users of legal and justice services and the justice sector workforce to adopt improved ways of working (see Box 1 below).

Box 1: OECD Recommendation on Support for Users and the Justice Sector Workforce

The OECD Recommendation on Access to Justice and People-Centered Justice Systems, section 4, describes how people and the justice sector workforce should be supported by:

- Fostering empowerment and legal literacy of people, including capacity to manage their own legal matters and disputes where appropriate, through legal education, effective communication strategies, and multisectoral collaboration and outreach.
- Promoting competence, professionalism, empowerment, engagement, and diversity of the justice sector workforce in a transparent manner.

The current regulatory framework—including rules regarding legal advice, representation in court procedures, and the internal organization of law firms—tends to be dense, complex, and fragmented (see analysis in Annex A). There is scope for an across-the-board fundamental review. A very useful recent paper examines proposals from the Judiciary in England and Wales for fundamental reform of the delivery of front-line justice services, and the regulatory implications of this¹²⁵

125 Natalie Byron, “Necessary But Insufficient? Reforms to Legal Services Regulation, Technology and the Role of the Courts in Increasing Access to Justice in England and Wales,” SSRN (July 2025): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5358975.

2. Regulation of the Legal Profession

The rebalancing of justice sector resources recommended in the JFF for primary front line services (Financing Ambition #2, see [Background Brief 3.2](#))—and, within those, toward information, advice, assistance, and informal dispute resolution (Financing Ambition #3, see [Background Brief 3.3](#))—may involve regulatory reform. For example, the 2019 Task Force on Justice Report highlights the role that community paralegals play in providing access to justice. Expanding the scope for less formal, cost-effective providers of legal services may require careful regulatory reform.

Annex: Current Regulatory System

The Hague Institute for Innovation of Law (HiIL) has summarized the current regulatory situation in Table 1 on the next page. The table suggests that the current regulatory patchwork focuses on justice services provided by courts and lawyers and on criminal/administrative justice. Civil justice and front line justice services are mostly left to the unregulated private market. Legal advice (in most countries) and representation, however, may only be delivered by certified professionals. Neutral decisions can only be taken by designated courts and tribunals following procedures that are also heavily regulated.

These professionals and institutions struggle to meet justice needs in a way that is affordable and widely available for middle-class and poor citizens.

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- 126 See also Report, “Challenges and Opportunities for Community Paralegals: An Analysis of Legal Recognition, State Regulation and Financing in Kenya and Zambia,” *Kituo cha Sheria - Legal Advice Centre, African Centre of Excellence for Access to Justice, Paralegal Alliance Network Zambia and Grassroots Justice Network*. December 2024, <https://kituochasheria.or.ke/wp-content/uploads/2024/12/PARALEGAL-Full-Report.pdf>; and María Alejandra Torres García et al., “Exclusion in Practice: A Human Rights Analysis on the Legal Barriers to Advancing Community Justice.” *New York University School of Law Bernstein Institute for Human Rights*, n.d. <https://www.law.nyu.edu/centers/bernstein-institute/legal-empowerment/globalreport>; and Clare Manuel, “Scalable front-line justice services: evidence from low- and middle-income countries,” ODI Global, Forthcoming; Clare Manuel et al., “Front-line justice services with the potential to scale up: evidence from low- and middle-income countries.” ODI Global, June 2023. <https://odi.org/en/publications/front-line-justice-services-with-the-potential-to-scale-up-evidence-from-lmics>.
- 127 For example, Annette Mbogoh, “Pouring new wines in old wineskins: state capture, contestations and conflicting understanding of the paralegalism in Kenya with the advent of the Legal Aid Act 2016.” *Egerton Law Journal* 1, no. 1-192 (2021), 161–179. <https://ejournal.egerton.ac.ke/index.php/elj/article/view/35>.

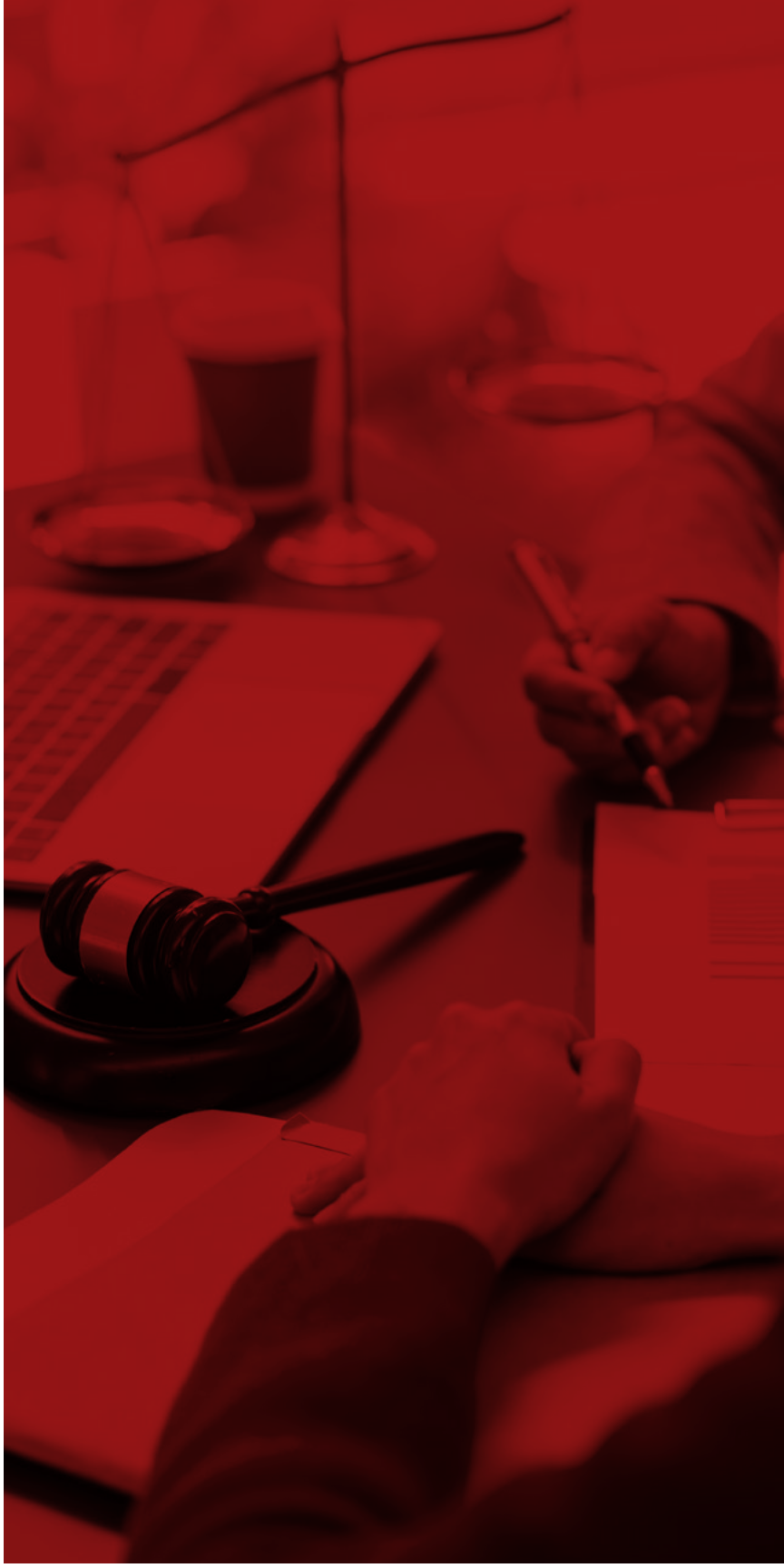


Table 1: Current Regulatory Framework

Type of Services	Examples of Providers	Regulatory Framework	Public/Private Service Delivery?
A.1 Rules and Contract Formats	Law firms	Civil code/common law governing family law, many specific contracts and torts, industry regulation	Mostly private
A.2 Assisting People to Apply These Individually	Notaries, lawyers, scribes	Notaries heavily regulated	Mostly private
B.1 Services Providing Guidance, Formats and Tools for Resolution	Providers of professional information and case-management platforms	Procurement by public justice institutions heavily regulated	Mostly private
B.2 Diagnosis of Conflicts	A broad range of professions and volunteers	Unregulated	Mostly private
B.3 Information About Solutions that Generally Work	Information websites, broad range of professions and volunteers	Unregulated	Mostly private
	Broad range of professionals and volunteers giving personalized advice	Only by certified professionals in some countries, unregulated in other countries	Mostly private
	Specialists in navigating forms and procedures	Unregulated	Mostly private
B.4 Assistance with Reaching Agreement	Broad range of professionals and volunteers providing assistance in negotiation	Unregulated	Mostly private
B.5 Providing Neutral Decisions	Lawyers and others representing clients in procedures	Only by certified professionals in most countries	Mostly private
	Court, tribunal, ombuds and alternative dispute resolution (ADR) procedures	Prescribed in detail by laws of procedure	Mostly public
B.6 Feedback, Learning, Improvement	Organizations providing accountability	Professional conduct, auditing, and appeals processes heavily regulated	Mostly public
	Professionals and police providing enforcement	Prescribed in detail by laws, only by certified professionals	Private/public
	Feedback	Unstructured, via legal research and legislation process	Private/public
	Legal education	Heavily regulated and focused on codes/law and court procedures	Private/public
C.1 Crime Prevention	Police, public order, antiterrorism, strategies for fighting organized crime, violence prevention	Partly regulated	Mostly public
C.2 Restorative, Retributive Justice	Police, courts, prosecutors, magistrates	Heavily regulated by criminal/penal code, rules for community courts	Mostly public
C.3 Administrative Justice	Government agencies, professionals and volunteers guiding people in their interaction with government agencies, complaint and administrative review mechanisms	Notaries heavily regulated	Mostly public

Appendix of Background Briefs

Introduction and Purpose

0.1 Justice Financing Framework: Introduction and Purpose

0.2 Lessons for Justice Financing from the Health Sector

People-Centered Culture and Purpose

1 Setting High-Level People-Centered Justice Objectives

1.1 Outcomes Focused on the Resolution of People's Justice Problems

"More Money for Justice"

2 Assessing the Scope for Increasing Resources

2.1 Financing Ambition #1: Justice Sector Share of Total Government Expenditure

2.2 Judicial System Share of Total Government Expenditure

2.3 Contributions to Costs by Beneficiaries

2.4 Private Sector Investment in Justice

2.5 Financing Ambition for Countries in Receipt of Significant External Development Support

"More Justice for the Money:" More Justice Outcomes from Available Resources

3 Setting Spending Priorities in Line with People-Centered Justice Objectives

3.1 Defining Primary Front Line Justice Services

3.2 Financing Ambition #2: Primary Front Line Justice Services

3.3 Financing Ambition #3: Information, Advice, Assistance, and Informal Dispute Resolution

3.4 Scalable Best Value-for-Money Activities

4 Improving Efficiency and Effectiveness of Spending

4.1 Governance and Regulation of Justice Services

4.2 Financing Ambition #4: Research, Development, Governance, Evidence-Based Practice, and Continuous Improvement

4.3 Systematic Efficiency and Effectiveness Expenditure Reviews

Implementation

5 Developing Achievable, Costed, Prioritized, Transparent, and Accountable Plans

5.1 Achievability, Costing, and Prioritization

5.2 Transparency and Accountability



This Background Brief is an excerpt from the Justice Action Coalition Workstream IV, "Justice Financing Framework," November 2025. For more information, see www.sdg16.plus/justice-financing-framework.