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Exploring Alternative Justice Mechanisms: A Global Comparative Analysis of Community-Based Approaches

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All over the globe, community-based approaches are gaining new adherents in the justice systems as people become more and more dissatisfied with the slow, formal, and sometimes inaccessible court processes. These alternative justice paths are built upon community participation, dialogue, and repair, thus providing a more empathic and responsive way of conflict resolution. The discussion in this paper centres around the different ways community-based justice has appeared in the four regions of the world, namely, the European Union, the United Kingdom, the United States, and India. The paper examines the EU's restorative justice schemes, the UK's engagement in community sentencing and youth panels, the US community courts and the Indian custom of conflict resolution, and India's Panchayats, Lok Adalat's, and Gram Nyaya Layas, respectively. Although there are variations between these systems, they have similar objectives at their core: facilitating justice, peaceful and efficient conflict solution, and better rehabilitation of criminals. On the other hand, the models still face major difficulties such as varying implementation levels, funding issues, and the risk of unintentional bias. The paper maintains that community-based justice can significantly support formal courts by providing faster and more significant resolutions, mainly in the case of minor disputes. Eventually, the paper underlines the necessity of establishing an equilibrium system where community participation and state supervision each bring their respective strengths.

Keywords: *community-based justice, restorative justice, comparative justice system.*

INTRODUCTION

Globally, the institutions of justice are more and more acknowledging the necessity to move away from rigid, court-centred models that very often do not deliver promptly, accessibly, and meaningfully¹. The complex nature of society and the better-informed population regarding their rights and expectations make the respective system of courts and formal legal procedures increasingly inadequate. However, many jurisdictions have already started trying out new ways of bringing justice near to the people, as well as letting the communities more directly participate in the settlement of conflicts through the courts. Community-based approaches, whether restorative or traditional, focus on communication, reconciliation, and strengthening community bonds rather than simply determining guilt or imposing punishment. The movement towards community-oriented² justice is indicative of a larger global trend towards making the justice system more humane and more open to the daily quarrels and disputes. Among various countries, models such as community courts in the United States, youth justice panels in the United Kingdom, and victim-offender mediation in the European Union showcase the embedding of restorative principles in formal systems by state justice systems. In India, the rule of informal or semi-formal community models, especially in rural and disadvantaged areas, is demonstrated through the cases of Panchayats, Lok Adalats, and Gram Nyayalayas in dispute resolution. This primer draws the boundaries for a comparison of the diverse systems' operations, their effectiveness, and their limitations, along with the slow and difficult transitions. Studying community-based justice models in various legal and cultural settings, the paper aims to inquire into how alternative pathways can supplement the formal ones.

COMMUNITY-BASED JUSTICE: CONCEPT AND FEATURES

Community-based³ justice includes a whole range of practices where community members take an active role in the decision-making process about the conflicts, the wrongs, and the restoration of social peace. These measures function at the crossroads where informal social norms and formal legal principles meet, hence, facilitating processes that are not far away from people's lived experiences. Community-based systems, in contrast to conventional

¹ *Handbook on Restorative Justice Programmes* (2nd edn, United Nations 2020)

² John Braithwaite, *Restorative Justice & Responsive Regulation* (OUP 2002)

³ Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002)

court systems that are quite procedural, adversarial, and quite distant from the daily lives of the community, strive to make it possible for disputes to be resolved through conversation, empathy, and shared liability. Although the respective formats differ from one country or culture to another, the main idea stays the same: Justice is most effective if it is participatory, accessible, and woven into the social fabric.

Meaning and Evolution: Historically, societies worldwide addressed disputes through mechanisms such as customary laws, councils of elders, or local assemblies. The conflict resolution was usually based on social cohesion and collective responsibility rather than legal power. As a consequence, eventually, the modern state's legal systems gradually diminished the use of these local practices. On the other hand, as formal courts became more overloaded and isolated from the communities they serve, the interest in community-based approaches once again came to the surface. The current revival is mainly driven by restorative justice theory, which emphasises healing, accountability, and reintegrating offenders over punishment in the judicial process. Community-based justice systems of today are a mix of old principles and modern legal safeguards, thus enabling the formation of hybrid mechanisms which satisfy both local needs and contemporary fairness.

Core Features: The community-based justice has a new face that is almost entirely made up of the following main characteristics: Participation and Inclusiveness. These methods provide a platform for the active participation of victims, offenders, and community members, thus converting the justice process to a collective action rather than a state-imposed decision. Restoration prioritises repairing harm – emotionally, socially, and materially – through dialogue, apologies, restitution, or community service, rather than seeking retribution. Cultural Relevance Community-based systems, as they echo the local customs and social values, usually seem to be more legitimate and approachable than the distant formal court's decisions. Flexibility and Accessibility. They tear down the walls of cost, time, complexity, and fear, which are usually associated with courts, so that more people can come for the redress. Consensus-Building: The solutions are often obtained through negotiations or agreements instead of adversarial confrontation, thereby promoting long-lasting peace and cooperation.

The Necessity of Alternative Models: The growing interest in community-based justice is motivated by practical problems as well as social issues on a wider scale. Jurisdictions with

formal courts suffer from excessive backlogs, procedural delays, and a lack of resources globally, which makes it hard for people to get justice on time if they decide to go through the formal court system. The formal system can be prohibitively slow and expensive for minor disputes, interpersonal conflicts, neighbourhood tensions, and low-level crimes. Community-based methods present a practical solution that provides faster and more humane issue resolution. From a social perspective, these models contribute to the development of community relationships by promoting a sense of accountability and common values. They make offenders acknowledge the damage and push to take meaningful steps towards restoration, while victims are given a more active and recognised role through the process. Furthermore, community-based justice, in the context of multicultural societies, is a reflection of local customs and values, which might not be noticed or understood by formal institutions. In this respect, community-based justice is not a replacement of state systems, but rather, it is their complementary aspect that fills up the gaps in access, sensitivity, and effectiveness.

GLOBAL MODELS OF COMMUNITY-BASED JUSTICE

Community-based justice has occurred in various forms globally, depending on the historical background, cultural values, and the structure of the formal legal system. Although the main idea of community involvement is still the same, every jurisdiction has its own way of doing it, some through the enactment of laws, others through practices that have been around for a long time, or even through local experiments that are cutting-edge. The following discussion delineates the characteristics of the community-based justice systems in the four major regions of the world, the European Union, the United Kingdom, the United States, and India, showing the specific character and advantages of each system.

The European Union (EU): Incorporating restorative justice principles into the justice system has been a major concern of the European Union⁴ (EU). Ejection of ruling through domestic policies of member states and the issuing of guidelines by the EU that recommended using justice oriented to the community throughout its jurisdiction were the major steps taken by the EU in the direction of restorative justice. The 2012 EU Directive on Victims' Rights

⁴ Ivo Aertsen et al., 'Restorative justice and the active victim: Exploring the concept of empowerment' (2011) 14(1) Temida 17 <<https://doiserbia.nb.rs/Article.aspx?id=1450-66371101005A>> accessed 06 December 2025

formally supports restorative justice by establishing standards for secure and voluntary victim-offender mediation. A dozen European nations, Belgium, the Netherlands, and Germany, for instance, have incorporated mediation, conferencing, and community-based programmes in their criminal justice systems. These models not only give victims a central position in the process but also allow them to express the harm done to them and even partially control the making of resolutions. The EU's focus on universal guidelines guarantees that procedural safeguards are provided, hence making its community-based mechanisms both accessible and legally recognised.

The United Kingdom (UK): The United Kingdom has built a solid foundation of community-engaged justice models⁵, especially in the areas of youth and low-level crime. One such model is community sentencing, where a convicted person is allowed to engage in unpaid work for the public, which enhances the concept of making amends to the community. Youth Offender Panels bring together trained local volunteers, victims, and young offenders to work collaboratively on a rehabilitation plan⁶. Neighbourhood Justice Panels, a practice in some regions, use community volunteers trained in conflict resolution to perform informal mediation for petty quarrels. These practices are in line with the UK's overarching restorative philosophy⁷ and, while still allowing for strict supervision and accountability, have opened up the participation of the community right into the official criminal justice system.

United States of America (USA): Different and very creative formats of community justice are among the US features. Community courts are one of the main such examples, especially the Red Hook Community Justice Centre and the Midtown Community Court, which employ a comprehensive and problem-solving approach to minor offences. These courts collaborate with local agencies, social workers and the community to eliminate crime's root causes, such as addiction, unemployment and family disputes. Furthermore, the native justice systems based on Navajo⁸ peacemaking and Tribal Courts are very significant, and they stress healing, dialogue, and shared responsibility. In schools, restorative justice is being

⁵ Crime and Disorder Act 1998 (UK)

⁶ Caroline Turley et al., *Process evaluation of the Neighbourhood Justice Panels* (Ministry of Justice Analytical Series 2014)

⁷ Adam Crawford and Tim Newburn, *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice* (Willan Publishing 2003)

⁸ 'Navajo Nation Peacemaking Program' (*Tribal Access to Justice Innovation*)

<<https://tribaljustice.org/places/traditional-practices/navajo-nation-peacemaking-program/>> accessed 10 December 2025

implemented, which not only helps to minimise the number of expulsions but also encourages long-term behaviour modification. The United States' experience indicates that the community-based justice approach can be effective in both formal legal systems and in the traditional healing practices of different cultures.

India: India's judicial system is characterised by some of the oldest and most widely recognized community-based methods, which are still in practice today. Panchayati Raj institutions, especially in the countryside, have for many years solved disputes by means of community debate and consensus⁹. Lok Adalats, established under statutory provisions, provide an accessible forum for the amicable resolution of civil disputes and minor criminal matters. These courts are well-known for their fast disposal rates and easy procedures. Gram Nyayalayas¹⁰, intended to bring justice nearer to the villages, provide a hybrid model that combines the features of the formal judicial authority with the simplification of processes. Community policing models in the cities, such as the Mohalla Committees in Mumbai, reflect India's adoption of preventive and collaborative justice practices even more¹¹. The combined effect of the mentioned mechanisms is that community-based justice still plays a significant role in India's legal and social environment.

COMPARATIVE ANALYSIS

A comparative study of community-based justice systems in the European Union, the United Kingdom, the United States, and India reveals not only some striking similarities but also some significant differences in the structure of these systems. The legal customs, social norms, and institutional strengths of each region are mirrored in their systems, but at the same time, the common themes of participation, restoration, and accessibility are still found throughout the different models. The current part of the paper conducts a comparative analysis of the systems in terms of their structure, function, strengths, and challenges.

Structural Differences: One of the most marked differences among the jurisdictions is the extent of formalisation in their respective community-based justice mechanisms¹². EU

⁹ Legal Services Authorities Act 1987

¹⁰ Gram Nyayalayas Act 2008

¹¹ Marc Galanter and Jayanth K Krishnan, "Bread for the Poor": Access to Justice and the Rights of the Needy in India' (2004) 55(4) Hastings Law Journal 789

<https://repository.uclawsf.edu/hastings_law_journal/vol55/iss4/1> accessed 10 December 2025

¹² Braithwaite (n 2)

approaches rely heavily on legislation, with restorative justice practices endorsed by European-wide directives and national laws providing procedural guarantees that are in line with the latter. In the UK, the justice system is situated somewhere between formality and community freedom, with restorative practices being integrated into the criminal justice system but still allowing for the participation of community volunteers. The USA presents a mixed model: the community courts are established within the judicial structure, while Indigenous justice and school-based restorative practices are either outside or working alongside state systems. In India, the community-based justice system has a broad spectrum where formalised mechanisms like Lok Adalats and Gram Nyayalayas are recognised by law, plus the more traditional Panchayat system that has some legal backing and operates with varying degrees of recognition. The aforementioned differences point out the varied strategies through which states settle the disputes between community involvement and institutional control.

Functional Differences: Community-based justice models, in particular, are very different from one another in the types of disputes they handle and the methods of conflict resolution they employ. The European Union usually deals with conflicts between people or those involving victims primarily through mediation and conferencing. The UK, in particular, focuses on the responsibility of the offender and his/her change of character, especially in youth justice and community sentences. Proactive measures such as community courts are mainly adopted by the US to deal with petty crimes by utilising problem-solving methods, while the Native American systems concentrate on healing and restoration. Meanwhile, India shows great diversity and manages a wide spectrum of conflicts, family and property disputes in Panchayats, minor civil, and criminal matters in Lok Adalats. The difference in functionality among jurisdictions is a metaphor for the reflecting socio-legal preferences of each jurisdiction, especially regarding the rights of victims, rehabilitation, social peace, or quick case disposal.

Strengths Across Jurisdictions –

Each region exhibits its own diverse strengths in the community-based justice methods:

EU: The powerful legal backing and uniform procedural norms make sure the fairness and trustworthiness of the whole process.

UK: The very good community participation within formal justice is a big contribution to accountability and ownership of the area.

USA: The avant-garde models, such as community courts and culturally rooted Indigenous justice, are the ones offering the most flexible and person-centred solutions.

India: The vast community outreach and the easy access to the justice system are the two factors that provide the option of justice to the people who are not served by the formal courts. The aggregate of these strengths underlines the importance of community-driven models as a supplement to traditional justice systems.

Challenges Across Jurisdictions: Community-based justice mechanisms are undoubtedly beneficial, but they are still dictated by some common difficulties: Inconsistent Implementation: Community programmes can differ remarkably from one place to another or between different institutions. Risk of Informal Bias: In some cases, informal settings can be a channel for the social hierarchy and power imbalance to emerge or continue. Resource Limitations: The financial support of many community initiatives is so limited that it directly affects the quality of the project as well as its sustainability. Public Awareness Gaps: There are times when community members are totally unaware of the available mechanisms and their importance. These difficulties imply that community-based justice, although very promising, needs to be designed very carefully and to be monitored and supported throughout.

CONCLUSION

Justice based on community participation has been a major change in the conflict and accountability resolution method of societies, being an alternative way that is compatible with the formal judicial systems. Through the comparison of practices among the European Union, the United Kingdom, the United States, and India, it has been determined that even though these jurisdictions vary in legal traditions and institutional capabilities, they have a common goal of making justice more accessible, participatory and, above all, responsive to local demands. No matter if it is through restorative mediation in Europe, community-based sentencing and youth panels in the UK, community courts and tribal justice in the US or through traditional and legal forums like Panchayats and Lok Adalats in India, all the

community-oriented models have their foundations on dialogue, restoration, and collective responsibility.

It is apparent from the findings that the above-mentioned mechanisms can only be effective, and properly so, with support from well-established legal frameworks, skilled facilitators, and sufficient resources. The challenges of varied implementation, little knowledge, and the possibility of unofficial bias raise the need for proper safeguards and continuous evaluation. However, through all these challenges, the pros of justice that is rooted in community, e.g., prompt resolutions, good participation of victims, and better relations among the community, are reasons for it to be accepted as a good addition to the formal justice system. In the end, the research implies that the justice system's future is in a proper and integrated way of giving justice. Combining the power of state institutions with the connections fostered by community involvement is likely to result in systems that are both highly effective and sustainable. As the world deals with the challenges of overburdened courts, social disputes, and loss of public trust, community-based justice becomes the path that leads to establishing systems that are not only efficient but also compassionate, inclusive and well-connected to the communities they cater to.