

Roles of alternative dispute resolution and its impacts on rural community in Bangladesh

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Abstract

Purpose – Justice, as a relative concept, can be achieved through several methods and practices. Among these, Alternative Dispute Resolution (ADR) stands out as an effective mechanism to resolve disputes, ensuring justice with rigor. In the village of Hulhulia, Bangladesh, ADR has been practiced for nearly 200 years and has proven to be highly beneficial for the community. This study examines the roles, challenges and impacts of ADR in Hulhulia.

Design/methodology/approach – This study employs a quantitative approach to collect data from justice-seekers and assess their perceptions. A census survey conducted through structured questionnaire to get the perception of roles, impacts and challenges of ADR from the respondents.

Findings – The present study has found significant associations of the roles and challenges of ADR with impacts on the community. ADR has been instrumental in reducing complexities, ensuring access to justice, fostering peace and harmony and strengthening social capital. These positive outcomes have increased both individual satisfaction and community well-being. Despite facing several challenges, the ADR practices in Hulhulia continue to provide significant benefits to the people, offering a cost-effective and efficient way of resolving disputes. ADR practices in Hulhulia have facilitated the proper execution of justice and strengthened community bonds.

Originality/value – This successful execution demonstrates the potential for recreating this ADR model in other regions to achieve such effectiveness. The study indicates the importance of ADR not only as a tool for justice but also as a method to build inclusive and harmonious communities.

Keywords Roles of ADR, Challenges of ADR, Impacts of ADR, Community participation, Access to justice

Paper type Research paper

Introduction

The present system of local government in Bangladesh has become this way through a progressive procedure of assessment. The British and other rulers imposed different kinds of laws and rules on the people of Bangladesh (Islam, 2019). Institutional, social, political and legal cultures either directly or indirectly affect the right to equal access to justice. On the other hand, the complex nature of the adversarial justice system creates challenges for rural people because they can't understand the whole process. In this process, one has to pay travel expenses, court fees, advocate fees and processing fees. But most of the rural people lack the financial and logistical knowledge they need to run a lawsuit (Mia *et al.*, 2023). All of the courts in Bangladesh are located at district or metropolitan levels, and 8 out of 10 people live in villages in Bangladesh, so access to justice is extremely hard for the rural people (Masud *et al.*, 2023).

The Constitution of Bangladesh provides the people with equal rights to access justice, but the present situation is totally opposite. Due to high expenses, overloaded caseloads and a lack

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of legal knowledge, the people of rural areas can hardly see the light of justice (Rahman, 2022). The rural people also prefer alternative resolution systems over the formal justice process, which reflect not only their satisfaction with the informal justice system but also the flaws in formal justice procedures (Woodhouse, 2004). Because the system of formal justice contains several issues like authoritarian approach, prejudiced judgment, discrimination among different classes, not complying with international human rights standards, lack of transparency, excessive costing, etc (Khair *et al.*, 2002). But, in the informal justice system, there are some flaws too, like corruption or bribery by the solicitor and favoring a group, among many others (Golub, 2003).

A statistics show over 31 million Bangladeshi adults face legal issues annually which lead to overwhelming caseloads in the judiciary (Hiil, 2018). In the village of Hulhulia in Bangladesh, the community practice ADR for resolving the disputes. The practices of ADR in that village trace back it roots to about 200 years and has been a success over the time. They have an organization called Hulhulia Social Development Council (HSDC) to manage and conduct ADR practices. Also, there are several management committees for operations, like those for development, education, the higher court (village court in Hulhulia), schools, madrasas, mosques, cemeteries, markets, etc., that have been formed through the voting of the villagers. There is an advisory committee to monitor, supervise and oversee the tasks of the committees. Also, if anyone faces any kind of problem that can be economic, or social, all the villagers together help that person as needed. This unique bonding and goodwill to develop the village as an ideal village made Hulhulia a milestone of social harmony and peace (Habib, 2021).

Several studies have been conducted on this issue till now, but a comprehensive outlook on the roles, impacts and challenges of alternative dispute resolution is needed to better understand the overall impacts of alternative dispute resolution in a community. These issues need to be further investigated to get a comprehensive overview of the impacts of ADR. This main objective of this study is to describe the roles of ADR and its impacts in the community. This study describes the challenges of ADR practices as well, which create obstacles in effective ADR practices. The association among roles, impacts and challenges of ADR practices in Hulhulia has been explored to get an overview on effectiveness of ADR in community.

Alternative dispute resolution (ADR) practices around the world

ADR process gained popularity in the 1960s in the United States, playing a vital role in the civil rights movement and becoming a milestone in the legal system. Over 20 ADR methods are widely used, with negotiation, mediation and arbitration are being the most notable (Nosyreva, 2001). ADR has expanded across the US, with over 150 mediation centers in 40 states (Edwards, 1985). Australia also widely practices ADR, particularly mediation, while Japan integrates ADR into courts and administrative agencies through conciliatory boards (Begum *et al.*, 2022; Cappelletti, 1993). Globally, women actively participate in ADR, comprising 57% of mediation trainees in some programs. Also, over half of certified mediators in Mongolia are females (Birken and O'Sullivan, 2019). China institutionalized ADR through People's Mediation Committees (PMC), resolving 5.7 million disputes in 2003 (Tang, 2009). The privatization of ADR enhances access to justice and reduces court burdens, with local ADR processes efficiently delivering justice through community participation (Begum *et al.*, 2022).

Role of alternative dispute resolution (ADR)

The alternative to the court system has become popular among the people of Bangladesh. This process decreases the workload of the judiciary, builds social capital, has a higher success rate than the court and has a low chance of corruption. So, this is preferable for people who don't want to follow the pathways of the adversarial justice system (Rahman, 2022).

Reducing complexity

The courts in Bangladesh have become overburdened with the huge caseloads, which are increasing every day. The complexity of the formal court system further complicates the process of accessing justice. People sometimes can't understand what they have to do in a lawsuit. Rules and regulations at every step make the victim frustrated and discouraged from going on with a lawsuit. Also, institutional, social, legal and cultural barriers can obstruct access to justice for rural people. So overall, ADR can be a quick and straightforward solution to all these problems (Siddika, 2021; Alam, 2014). The prior studies lead to the following prior studies for this study:

H1a. There is an association between role of reducing complexity and getting desired response from ADR process.

H2a. There is an association between role of reducing complexity and impact of ADR process.

Ensuring access to justice

Each ADR process has its own uniqueness and features that provide several outlooks during applying in a specific conflict that open up new opportunities to participate in this process and seek resolution of a dispute (Gandu *et al.*, 2023). The connection between the absence of access to justice and poverty in rural areas is unavoidable in the case of developing nations like Bangladesh. But also, poor people have the right to seek justice when they have grievances of their own. Here, the features of cost-effectiveness and time-effectiveness of alternative dispute resolution can help the poor people seek justice (Uddin, 2019).

Improving the current poor condition of seeking justice can escalate the welfare and financial condition of the poor. That can also improve the condition of poverty by reinforcing mechanisms of poverty reduction by the government. In that way, access to justice can be ensured by the process of ADR, which can help poor people broaden their outlook too. Overall, ADR can make a fair, peaceful society this way (World Bank, 2007). Based on these studies we hypothesized the following:

H1b. There is an association between role of access to justice and getting desired response from ADR process.

H2b. There is an association between role of access to justice and impact of ADR process.

Building peace and harmony in community

The court system in Bangladesh provides a win-lose scenario for the participating parties, which causes stress, frustration and anger in the losing party. Which can lead to further disorganization and escalate conflict. On the other hand, ADR ensures a win-win situation that repairs the harm, strengthens the relationship among the offender, victim and community and builds peace in society. Where the control of law and order exists, harmony among the people also exists there (Mia *et al.*, 2023).

Win-win outcome, fair and speedy process, high satisfaction level, cost-reductivity, etc. features of ADR can directly strengthen the development of social inclusion in a community. A peaceful society can be formed through this process, and inclusivity can be built through the consciousness and values of the members of the community, which would be very helpful to strengthen social capital in the society (Alam, 2014). ADR helps to decrease the crime rate in society through community participation in this process and also ensures the repentance of the offender and the repair of harm to victims. This process encourages building sensitivity towards others and ensuring social norms in society that reduce the disorganization in communities, which leads to social inclusion, peace and harmony (Rahman, 2022). Therefore, we proposed hypotheses as follows:

H1c. There is an association between the role of creating peace and harmony and getting the desired response from ADR process.

H2c. There is an association between role of creating peace and harmony and impact of ADR process.

Building social capital

Woodhouse (2004) stated in his study that a rural leader motivates the villagers for social cohesion and informally resolves the conflicts that lead to peacefulness in society and less awkwardness in court. The neighborhood then acts as a family as a whole that has strong bonds among the members that should not break, which is a representation of strong social capital. ADR can also reduce the expense of a lawsuit and the time that would be taken to process a lawsuit, which ultimately leads to saving time and money that can be used to develop a community that is inclusive and harmonious (Haq et al., 2021).

People in rural areas are also satisfied with this process. From the results of several studies, it can be concluded that those who have participated in ADR or any kind of informal dispute resolution have a more positive experience than those who have participated in the formal adversarial justice system. People prefer ADR over the formal justice system for an effective and sustainable remedy of their conflicts. The uncomplicated process of ADR motivates people to resolve their conflicts, and repairing features enable peace, exclusivity, harmony and social capital (Islam, 2019; Mia et al., 2023; Haq et al., 2021; Rahman, 2022). Hence, our hypotheses in this issue are as follows:

H1d. There is an association between creating social capital and getting the desired response from the ADR process.

H2d. There is an association between creating social capital and the impact of the ADR process.

Impact of alternative dispute resolution (ADR)

The majority of the world population, that is, almost two-thirds, doesn't get to enjoy their rights to access justice (Hiil, 2018). To eliminate this broad gap, the local or informal justice process has become popular and preferable to the people at the grass-roots level for its positive impact, affordability, speedy, legitimacy and participatory characteristics (Faruque and Khaled, 2010).

In Bangladesh, some important reasons to not participate in the formal court process are: distrust in the court process, lack of knowledge about formal procedures, lack of legal education, lack of awareness, discomfort with the court environment, corruption in every sector of the judiciary, long process to get justice, fear of losing, huge expenses, unequal power practices, etc (Wojkowska, 2006; Islam, 2015).

The process of ADR got popularized all over Bangladesh for its effective execution at the field level. The first thing to consider is that grassroots people can now access justice without any kind of harassment or complexity. So, ADR is making a positive impact legally in the community. Also, the ADR creates a positive cultural impact. Sometimes ago, the women victims didn't file any cases of dowry, domestic violence, rape, etc., but after introducing ADR in several places in Bangladesh, women are making complaints about their victimization. ADR is therefore making society culturally diverse and making some differences (Haq et al., 2021).

Alternative dispute resolution is contributing to settling conflict with great speed with the minimum expenses of all the stakeholders. People can get the services there only with a minimum of expenses. People don't have to go to the district courts, so the travel expenses are also saved here. For this feature of ADR, even poor people with minimum income can access

justice easily on their doorsteps. Moreover, ADR has enabled a budget-friendly system for all the people that is enabling a positive economic impact on people (Islam and Alam, 2018).

In the process of ADR, the community has to participate. With community participation, the victim and offender can express their point of view in front of everyone. Everybody here has the chance to express their situation. The offender can share why he or she did the harm, and the victim can express what he or she lost for the crime (Haq et al., 2021). Here, the process makes everyone understand what they did and make sure to take responsibility for what they did. So, the relationship among all got repaired, which led to a great positive social impact (Rahman, 2022).

Challenges of alternative dispute resolution (ADR) in Bangladesh

Failure to make both disputants attend the process; no definite process to follow; no rules about the after-trial process; a lack of transparency among the disputants; a lack of transparency among the mediator, etc. are the main challenges in executing ADR in Bangladesh. But the process has more advantages than flaws. So, in many countries, the governments are trying to implement this to reduce the existing pressure on cases (Patoari et al., 2020).

Islam and Alam (2018) also identified some challenges of ADR in Bangladesh as lack of self-confidence, little awareness about ADR, lack of fairness among ADR personnel, negative perspective of justice-seekers, discrimination of class structure in society, prolonged period for some cases, etc. But eliminating these challenges is very easy, as the community can intervene in this process. Systematic discrimination during access to justice, a lack of structured procedures and too-informal techniques also make this process complicated to some extent.

Alam (2014) identified some of the challenges that frequently happen in Bangladesh. Some of that includes: executing ADR is not compulsory; a lawsuit to be filed upon no interest of the parties; a lack of specific rules; a lack of skilled personnel; an absence of budget; rulings that are not bound by law, etc. These challenges systematically create problems in practicing ADR, which leads to lawsuits being filed in court and eventually getting into the vicious cycle of the adversarial justice system. Based on this issue our hypotheses are:

H1e. There is an association between challenges of ADR process and getting desired response from ADR process.

H2e. There is an association between challenge of ADR process and impact of ADR process.

This conceptual framework (see Figure 1) of this study is explaining the dependent and independent variables of this study. The roles and challenges of ADR practices are the independent variables and preference of using ADR and impacts of ADR are the dependent variables.

Method

In this study, quantitative methodology has been used to analyze the roles, impacts and challenges of Alternative Dispute Resolution (ADR) practices in Hulhulia. Data has been collected from justice seekers who reported or participated in ADR processes, either as offenders or victims. Between 2019 and 2024, a total of 103 individuals engaged in the ADR process through the Hulhulia Social Development Council (HSDC). The data prior to 2019 was unavailable, as it was managed by the chairman of HSDC, and the former chairman was unable to retrieve records from before that period as the information were not recorded in the past. Recording of information has been started from 2019. To know deeper about the issues participatory observation has been used to collect data for understanding the intersectional issues including the contrast of gender, culture and community. The researcher directly observed the ADR process through participation as a general community member to further understand this process in a deeper manner. These observations have been used to connect this

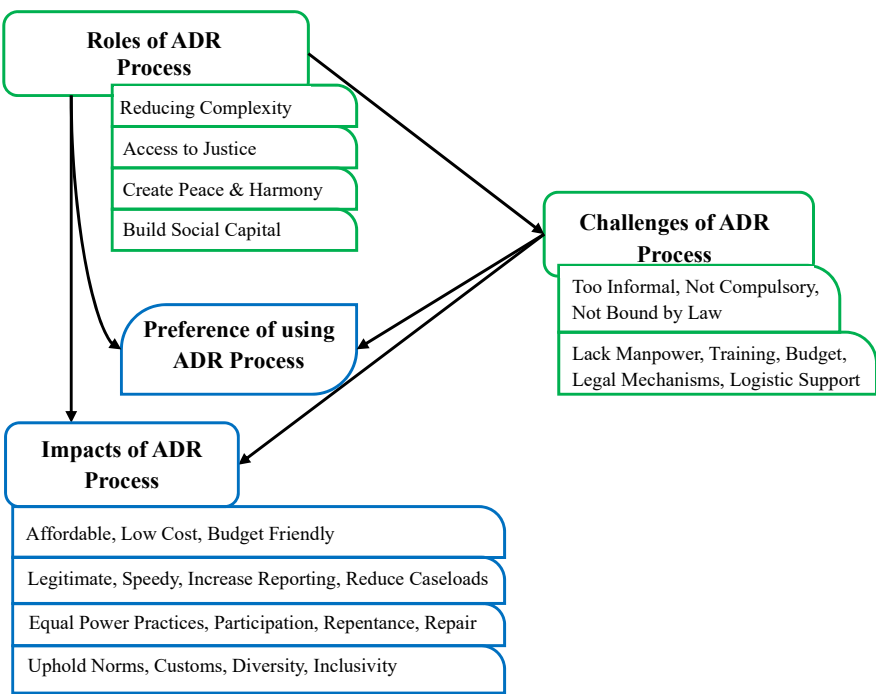


Figure 1. Conceptual framework of this study (Figure by authors)

study theoretically with other perspectives which has been deeply explained in the discussion section of this study. The consistent low rates of dispute reporting in HSDC over the years has been showing the effectiveness of ADR practices, which indicate significant reduction in the crime rates in the community. Given the small population, a census sampling approach was used to include all participants in the study. However, responses were obtained from 82 participants, as 12 declined to participate in this study and 9 were unavailable due to migration or death. The data collection process has been used a structured survey questionnaire to collect the data for fulfilling the objectives.

After collecting the data for this study, the data are cleaned, sorted and inputted into IBM SPSS 23 for further analysis. To measure the roles, impacts and challenges of ADR five (05) points Likert scales used where “1” is strongly disagree, “2” means disagree, “3” refers to neutral, “4” is agree and lastly “5” is strongly agree. All the data has been proved reliable as Cronbach’s alpha of the variables range from 0.732 to 0.840 (avg. Cronbach’s alpha is 0.764) which is reliable according to [Dalyanto et al. \(2021\)](#). As all the data of roles, challenges and impacts are ordinal level data, chi-square tests used to prove or disprove the hypotheses of this study. Finally, the findings are presented in different sections.

Findings

In this section all the data are analyzed and presented based on objective of this study. The analysis divided into sociodemographic information of respondents, roles, impacts, challenges of ADR and lastly hypotheses testing is presented using chi-square tests. The sociodemographic information of the respondents are as follows:

[Table 1](#) shows the socio-demographic information of the respondents, who are the justice seekers in HSDC. Most of them are male (91.5%), Muslim (100.0%) and married (71%).

Table 1. Sociodemographic information of respondents

Sociodemographic information	Frequency	Percent (%)
<i>Age (In Years)</i>		
11–20	4	4.9
21–30	17	20.7
31–40	43	52.4
41–50	14	17.1
51–60	4	4.9
<i>Gender</i>		
Male	75	91.5
Female	7	8.5
<i>Religion</i>		
Muslim	82	100.0
<i>Marital Status</i>		
Married	71	86.6
Unmarried	11	13.4
<i>Members in Family</i>		
2 Members	1	1.2
3 Members	12	14.6
4 Members	29	35.4
5 Members	25	30.5
6 Members	10	12.2
7 Members	4	4.9
8 Members	1	1.2
<i>Educational Qualification</i>		
Secondary	19	23.2
Higher Secondary	37	45.1
Bachelor	24	29.3
Masters	2	2.4
<i>Occupation</i>		
Government Job	5	6.1
Private Job	16	19.5
Business	19	23.2
Farming	27	32.9
Student	8	9.8
Home Maker	7	8.5
<i>Family Income of the Respondents (In taka in a month)</i>		
10,001–20,000	31	37.8
20,001–30,000	28	34.1
30,001–40,000	23	28
<i>Family Expenditure of the Respondents (In taka in a month)</i>		
10,001–20,000	32	39
20,001–30,000	33	40.2
30,001–40,000	17	20.7
Total	82	100.0

Source(s): Table by authors

Almost half of the respondents has completed their higher secondary education and 32.9% are involved with farming. This information shows that, the justice seekers in HSDC are not that different from sociodemographic characteristics.

Roles of ADR

Role of ADR in reducing complexity

[Table 2](#) highlights responses of the role of ADR in reducing complexity. The table shows that 75.6% strongly agreed that the process is easier than other systems and 70.7% strongly agreed it is speedy. Also, 72.0% strongly agreed that all relevant parties can participate, and 68.3% strongly agreed it reduces judiciary workload and requires little legal knowledge. A total of 53.7% of respondents strongly agreed that this process saves time and provides straightforward solutions. Overall, the majority of the respondents agrees with the role of ADR in reducing complexity.

Role of ADR in ensuring access to justice

[Table 3](#) summarizes respondent's views on access to justice. A significant majority (74.4%) strongly agreed it is easy to access justice, and 70.7% strongly agreed offenders can share their side of the story. 68.3% of respondents strongly agreed that victims can participate in decision-making and the process is affordable to the poor. High agreement has also been noted for the absence of cultural barriers (67.1%) and the fairness of this process (61.0%). Moreover, participants highlighted the inclusivity, affordability and accessibility to justice in this process.

Role of ADR in creating peace and harmony

This preceding analysis is showing the responses on ADR's role in keeping peace and harmony (see [Table 4](#)). Most participants (73.2%) strongly agreed that this process provides satisfaction

Table 2. ADR in reducing complexity

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Low Rates of Corruption	0	4.9%	4.9%	34.1%	56.1%	4.41	0.800	A
All the Concerning Parties can Participate	0	0	1.2%	26.8%	72.0%	4.71	0.484	SA
Need Little or No Knowledge about Law	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
This process Saves Time	0	0	6.1%	40.2%	53.7%	4.48	0.613	A
This process Saves Money	0	1.2%	7.3%	43.9%	47.6%	4.38	0.678	A
Lead to a Straightforward Solutions	0	0	4.9%	41.5%	53.7%	4.49	0.593	A
Decrease Workload of Formal Judiciary	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Less Complex than the Formal System	0	0	1.2%	39.0%	59.8%	4.59	0.520	SA
All the processing in this system is very speedy	0	0	0	29.3%	70.7%	4.71	0.458	SA
This process is very easy than other systems	0	0	0	24.4%	75.6%	4.76	0.432	SA

Source(s): Table by authors

Table 3. ADR in ensuring access to justice

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Offender can share his/her side of story	0	1.2%	2.4%	25.6%	70.7%	4.66	0.593	SA
Victim can participate in decision-making	0	0	3.7%	28.0%	68.3%	4.65	0.553	SA
Repair harm rather than imposing punishment	0	0	7.3%	41.5%	51.2%	4.44	0.630	A
No discrimination caused by this system	0	0	0	39.0%	61.0%	4.61	0.491	SA
No cultural barriers in this process	0	0	2.4%	30.5%	67.1%	4.65	0.530	SA
No legal barriers in this process	0	4.9%	9.8%	32.9%	52.4%	4.33	0.847	A
No social barriers in this process	0	1.2%	8.5%	42.7%	47.6%	4.37	0.694	A
No institutional barriers in this process	0	0	8.5%	39.0%	52.4%	4.44	0.650	A
Very affordable to the poor people	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Easy to access justice	0	0	1.2%	24.4%	74.4%	4.73	0.473	SA

Source(s): Table by authors

to concerned parties, and 70.7% strongly agreed it helps maintain social harmony. 68.3% strongly agreed about ADR's ability to increase inclusivity and diversity (68.3%), reduce frustration (67.1%) and foster a peaceful environment (65.9%). A total of 57.3% strongly agreed it prioritizes repairing harm to victims, and 51.2% strongly agreed it contributes to repairing community harm. Overall, the ADR process is perceived as inclusive, effective in reducing social problems and foster harmony and satisfaction.

Role of ADR in building social capital

The leading analysis summarizes respondent's perceptions of the ADR in building social capital (see [Table 5](#)). Most participants (75.6%) strongly agreed that ADR repairs relationships and fosters positive relations, and 73.2% strongly agreed it has a higher success rate than formal justice systems. A total of 70.7% strongly agreed it ensures community participation, and 68.3% agreed it builds sensitivity to social norms and prevents further offenses. Participants also stated that ADR creates a win-win situation (61.0%) and decreases crime rates (53.7%). ADR is perceived as effective in enhancing community cohesion, accountability and participation while promoting positive outcomes for all parties.

Impacts of ADR in community

[Table 6](#) highlights the impacts of the ADR process. A majority of respondents (75.6%) strongly agreed that speedy and easy process of ADR motivate participation, while 70.7% strongly agreed it reduces judiciary caseloads and upholds societal norms and customs. A total

Table 4. ADR in creating peace and harmony

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Concerning parties get satisfaction in this process	2.4%	2.4%	0	22.0%	73.2%	4.66	0.652	SA
Reduce disorganization in community	0	0	0	35.4%	64.6%	4.65	0.481	SA
Increase social inclusivity and diversity	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Helps to keep social harmony	0	0	1.2%	28.0%	70.7%	4.70	0.489	SA
Contribute to repair harm of community	0	0	0	48.8%	51.2%	4.51	0.503	SA
Always prioritize repairing harm of victim	0	0	1.2%	41.5%	57.3%	4.56	0.523	SA
The working process of ADR is very inclusive	0	2.4%	3.7%	28.0%	65.9%	4.57	0.685	SA
Ensure peaceful environment in society	0	0	6.1%	28.0%	65.9%	4.60	0.606	SA
This ADR process contributes to reduce anger	0	1.2%	6.1%	28.0%	65.9%	4.45	0.669	SA
This ADR process contributes to reduce frustration	0	0	4.9%	28.0%	67.1%	4.62	0.580	SA
This ADR process contributes to reduce stress	0	0	3.7%	42.7%	53.7%	4.50	0.572	SA
Source(s): Table by authors								

of 68.3% strongly agreed the process is affordable and budget-friendly, and 59.8% strongly agreed it encourages more incident reporting. ADR was also complimented for creating social bonds (70.7%) and ensuring victim and community harm repair (56.1%). Overall, ADR has been taken as a cost-effective, inclusive system.

ADR process preference

[Table 7](#) affirms the effectiveness of ADR practice in Hulhulia. All the respondents (100%) have agreed that they prefer ADR practice over formal justice system.

Challenges to implement ADR

The preceding analysis outlines challenges in implementing ADR (see [Table 8](#)). A significant majority (69.5%) strongly disagreed that the process lacks transparency, and 64.6% strongly disagreed with the justice seekers’ perspective being negative. Also, 61.0% strongly disagreed that decisions in this process are not binding. Many participants disagreed with issues such as inadequate logistical support (57.3% disagreement) and lack of skilled manpower (58.5% disagreement). 53.7% strongly disagreed with the notion that ADR’s informality or lack of

Table 5. ADR in building social capital

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Motivate community people to help each other	0	4.9%	4.9%	34.1%	56.1%	4.41	0.800	A
Higher success rate than the formal justice system	0	0	0	26.8%	73.2%	4.73	0.446	SA
Build sensitivity towards social norms	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Ensure repentance of offender and hold offender responsible	0	0	4.9%	41.5%	53.7%	4.49	0.593	A
All participated parties can have their own voice	0	0	7.3%	43.9%	48.8%	4.41	0.628	A
Effective ADR process can decrease crime rate	0	0	4.9%	41.5%	53.7%	4.49	0.593	A
Consciousness to prevent further offences	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Make win-win situation for all parties	0	0	0	39.0%	61.0%	4.61	0.491	SA
Ensure community participation in all levels of society	0	0	0	29.3%	70.7%	4.71	0.458	SA
Repair relationships and build positive relation among people	0	0	0	24.4%	75.6%	4.76	0.432	SA

Source(s): Table by authors

compulsion deters interest. Moreover, the respondents have expressed the ADR process in Hulhulia doesn't have most of the challenges.

Hypothesis testing

ADR practice in Hulhulia has been a great benefit for the people from that village. The role of good ADR practices, tackling the challenges, are making big differences and making positive impacts in the community. To get the deep outlook the hypotheses of this study has been tested by non-parametric chi-square test. A total $51 \times 10 = 510$ chi-square tests conducted as the dependent variables has 10 indicators and the independent variables has 51 indicators in total. All the indicators from the dependent and independent variables are tested to show the specific relations. From the 510 tests conducted, 55 associations found and only the significant results which supported the hypotheses are being shown (see [Table 9](#)), which are as follows.

The hypotheses testing in this study have found several significant associations between the role and challenges of ADR practice with the impacts of ADR (see [Table 9](#)). ADR significantly

Table 6. Impacts of ADR

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Uphold norms and customs among the members of society	0	0	1.2%	28.0%	70.7%	4.70	0.489	SA
Create social bonds and peace in society	0	0	1.2%	28.0%	70.7%	4.70	0.489	SA
Make sure to repair harm of victims and community	0	0	4.9%	39.0%	56.1%	4.51	0.593	SA
Make sure of repentance of the offender	0	1.2%	7.3%	37.8%	53.7%	4.44	0.687	A
Equal power practices in all levels of community	0	0	4.9%	41.5%	53.7%	4.49	0.593	A
Affordable, low-cost, budget-friendly process	0	0	2.4%	29.3%	68.3%	4.66	0.526	SA
Effective ADR process led to more reporting incidents	0	0	1.2%	39.0%	59.8%	4.59	0.520	SA
Reduce the caseloads of the judiciary and decrease burden	0	0	0	29.3%	70.7%	4.71	0.458	SA
Speedy and easy procedures motivate people to participate	0	0	0	24.4%	75.6%	4.76	0.432	SA

Source(s): Table by authors

Table 7. ADR process preference

Preference	Frequency	Percent
Yes	82	100.0
No	0	0.0
Total	<i>N</i> = 82	100.0

Source(s): Table by authors

reduces stress and frustration ($p = 0.001, p = 0.006$) while simplifying dispute resolution. Key findings indicate that Speedy and Easy Procedures lead to Straightforward Solutions ($p = 0.017$), and an Effective ADR Process results in Less Complex Systems ($p = 0.008$). Repairing Harm for Victims and Communities is linked to Reducing Judiciary Workload ($p = 0.018$) and achieving Straightforward Solutions ($p < 0.001$). In terms of access to justice, Speedy Procedures ensure No Institutional Barriers ($p = 0.008$), and Effective ADR Process is associated with No Discrimination ($p = 0.002$). Repairing Harm for Victims makes ADR more

Table 8. Challenges to implement ADR

Indicator	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation	Decision
Not bound by law and decisions are not binding	61.0%	29.3%	7.3%	0	2.4%	1.54	0.834	D
Lack logistic support to run this process effectively	57.3%	28.0%	8.5%	4.9%	1.2%	1.65	0.921	D
Lack of budget to conduct ADR smoothly	46.3%	36.6%	8.5%	8.5%	0	1.79	0.926	D
This process is not compulsory so people are not Interested	53.7%	32.9%	8.5%	4.9%	0	1.65	0.837	D
Lack of rules and regulations maintained in this process	46.3%	40.2%	9.8%	3.7%	0	1.71	0.793	D
This process is informal than other systems	51.2%	41.5%	4.9%	2.4%	0	1.59	0.702	D
Negative perspective of justice seekers	64.6%	31.7%	2.4%	1.2%	0	1.40	0.606	SD
Lack of training or no training about ADR	48.8%	41.5%	8.5%	1.2%	0	1.62	0.696	D
Lack of skilled manpower in this process	58.5%	29.3%	3.7%	8.5%	0	1.62	0.911	D
Lack of transparent mechanism in operating	69.5%	30.5%	0	0	0	1.30	0.463	SD

Source(s): Table by authors

Affordable for the Poor ($p = 0.018$) and removes Institutional Barriers ($p < 0.001$). Other notable relationships include Upholding Norms, which strengthens Repairing Harm ($p = 0.005$) and increases Victim Participation ($p < 0.001$). In fostering peace and harmony, Speedy Procedures contribute to Social Inclusivity ($p = 0.030$) and increase Satisfaction of both parties ($p = 0.034$), and Reducing Judiciary Caseloads supports Inclusivity ($p = 0.001$). Similarly, Affordable ADR Processes promote Inclusivity ($p < 0.001$), and Repairing Harm is strongly associated with Social Harmony ($p < 0.001$) and Inclusivity ($p = 0.014$).

Findings on social capital further describe that Speedy Procedures encourage Community Participation ($p = 0.029$), and an Effective ADR Process fosters Win-Win Solutions ($p = 0.002$). Furthermore, Affordable Processes contribute to Decreasing Crime Rates ($p = 0.001$), while Equal Power Practices enhance Positive Relationships ($p = 0.038$) and further reduce Crime Rates ($p = 0.005$). ADR faces some challenges, such as Reducing Judiciary Caseloads relying on Informal Systems ($p = 0.044$), and an Effective ADR Process being hindered by Lack of Transparency ($p = 0.027$) and Insufficient Manpower ($p = 0.009$). Additionally, Repairing Harm is related to Informal Systems ($p = 0.004$) and Upholding Norms is challenged by Lack of Rules ($p < 0.001$) and Insufficient Budgets ($p = 0.012$). These findings highlight the effectiveness of ADR in reducing complexity and promoting justice, peace and social inclusion while also acknowledging its structural limitations.

Table 9. Hypothesis testing

Indicators (DV * IV)	(χ^2)	df	Assm. Sig.
<i>H1a: There is an association between role of reducing complexity and getting desired response from ADR process. (No Associations)</i>			
<i>No association found between the indicators in this hypothesis</i>			
<i>H1b: There is an association between role of access to justice and getting desired response from ADR process. (No Associations)</i>			
<i>No association found between the indicators in this hypothesis</i>			
<i>H1c: There is an association between role of creating peace and harmony and getting desired response from ADR process. (Only some associations found)</i>			
Getting Desired Response * This ADR Process contribute to Reduce Stress	13.159	2	0.001
Getting Desired Response * This ADR Process contribute to Reduce Frustration	10.283	2	0.006
<i>H1d: There is an association between creating social capital and getting desired response from ADR process. (No Associations)</i>			
<i>No association found between the indicators in this hypothesis</i>			
<i>H1e: There is an association between challenges of ADR process and getting desired response from ADR process. (No Associations)</i>			
<i>No association found between the indicators in this hypothesis</i>			
<i>H2a. There is an association between role of reducing complexity and impact of ADR process. (Only some associations found)</i>			
Speedy and Easy Procedures motivates people to Participate * Lead to a Straightforward Solutions	8.135	2	0.017
Effective ADR Process Led to More Reporting Incidents * Less Complex than the Formal System	13.898	4	0.008
Make sure of Repentance of the Offender * Lead to a Straightforward Solutions	14.597	6	0.024
Make sure to Repair Harm of Victims and Community * Decrease Workload of Formal Judiciary	11.873	4	0.018
Make sure to Repair Harm of Victims and Community * Lead to a Straightforward Solutions	28.211	4	<0.001
Uphold Norms and Customs among the Members of Society * This process Saves Time	15.658	4	0.004
Uphold Norms and Customs among the Members of Society * Need Little or No Knowledge about Law	40.703	4	<0.001
<i>H2b: There is an association between role of access to justice and impact of ADR process. (Only some associations found)</i>			
Speedy and Easy Procedures motivates people to Participate * No Institutional Barriers in this process	9.572	2	0.008
Effective ADR Process Led to More Reporting Incidents * No Discrimination caused by this system	12.983	2	0.002
Equal Power Practices in all Level of Community * No Legal Barriers in this process	13.978	6	0.030
Make sure to Repair Harm of Victims and Community * Very Affordable to the Poor People	11.873	4	0.018
Make sure to Repair Harm of Victims and Community * No Institutional Barriers in this process	34.471	4	<0.001
Uphold Norms and Customs among the Members of Society * Repair Harm rather than Imposing Punishment	15.060	4	0.005
Uphold Norms and Customs among the Members of Society * Victim can Participate in Decision-Making	24.242	4	<0.001
(continued)			

Table 9. Continued

Indicators (DV * IV)	(χ^2)	df	Assm. Sig.
<i>H2c: There is an association between role of creating peace and harmony and impact of ADR process. (Only some associations found)</i>			
Speedy and Easy Procedures motivates people to Participate * Increase Social Inclusivity and Diversity	6.988	2	0.030
Speedy and Easy Procedures motivates people to Participate * Concerning Parties get Satisfaction in this Process	8.645	3	0.034
Reduce the caseloads of Judiciary and Decrease Burden * Increase Social Inclusivity and Diversity	13.338	2	0.001
Effective ADR Process Led to More Reporting Incidents * Ensure Peaceful Environment in Society	26.184	4	<0.001
Effective ADR Process Led to More Reporting Incidents * The working Process of ADR is very Inclusive	49.108	6	<0.001
Affordable, Low-Cost, Budget-Friendly Process * Increase Social Inclusivity and Diversity	23.536	4	<0.001
Affordable, Low-Cost, Budget-Friendly Process * Concerning Parties get Satisfaction in this Process	25.400	6	<0.001
Make sure of Repentance of the Offender * Helps to Keep Social Harmony	15.717	6	0.015
Make sure to Repair Harm of Victims and Community * Helps to Keep Social Harmony	20.020	4	<0.001
Make sure to Repair Harm of Victims and Community * Increase Social Inclusivity and Diversity	12.529	4	0.014
Uphold Norms and Customs among the Members of Society * Ensure Peaceful Environment in Society	21.582	4	<0.001
Uphold Norms and Customs among the Members of Society * The working Process of ADR is very Inclusive	41.494	6	<0.001
<i>H2d: There is an association between creating social capital and impact of ADR process. (Only some associations found)</i>			
Speedy and Easy Procedures motivates people to Participate * Ensure Community Participation in all level of society	4.744	1	0.029
Reduce the caseloads of Judiciary and Decrease Burden * Consciousness to Prevent Further Offences	10.521	2	0.005
Reduce the caseloads of Judiciary and Decrease Burden * All Participated Parties can have their Own Voice	6.001	2	0.050
Effective ADR Process Led to More Reporting Incidents * Ensure Community Participation in all level of society	6.268	2	0.044
Effective ADR Process Led to More Reporting Incidents * Make Win-Win Situation for All Parties	12.401	2	0.002
Effective ADR Process Led to More Reporting Incidents * Consciousness to Prevent Further Offences	28.479	4	<0.001
Effective ADR Process Led to More Reporting Incidents * Effective ADR process can Decrease in Crime Rate	22.146	4	<0.001
Effective ADR Process Led to More Reporting Incidents * All Participated Parties can have their Own Voice	23.664	4	<0.001
Affordable, Low-Cost, Budget-Friendly Process * Effective ADR process can Decrease in Crime Rate	18.242	4	0.001
Equal Power Practices in all Level of Community * Repair Relationships and Build Positive Relation among People	6.541	2	0.038
Equal Power Practices in all Level of Community * Make Win-Win Situation for All Parties	8.580	2	0.014
Equal Power Practices in all Level of Community * Consciousness to Prevent Further Offences	13.290	4	0.010
Equal Power Practices in all Level of Community * Effective ADR process can Decrease in Crime Rate	14.896	4	0.005
(continued)			

Table 9. Continued

Indicators (DV * IV)	(χ^2)	df	Assm. Sig.
Equal Power Practices in all Level of Community * All Participated Parties can have their Own Voice	10.899	4	0.028
Make sure of Repentance of the Offender * Effective ADR process can Decrease in Crime Rate	14.028	6	0.029
Create Social Bonds and Peace in Society * Effective ADR process can Decrease in Crime Rate	19.860	4	0.001
Create Social Bonds and Peace in Society * All Participated Parties can have their Own Voice	15.792	4	0.003
<i>H2e: There is an association between challenge of ADR process and impact of ADR process (Only some associations found)</i>			
Reduce the caseloads of Judiciary and Decrease Burden * This Process is Informal than other Systems	8.092	3	0.044
Effective ADR Process Led to More Reporting Incidents * Lack of Transparent Mechanism in Operating	7.204	2	0.027
Effective ADR Process Led to More Reporting Incidents * Lack of Skilled Manpower in this Process	17.148	6	0.009
Effective ADR Process Led to More Reporting Incidents * This Process is Informal than other Systems	13.183	6	0.040
Make sure of Repentance of the Offender * Lack of Training or No Training about ADR	18.340	9	0.031
Make sure to Repair Harm of Victims and Community * This Process is Informal than other Systems	19.325	6	0.004
Uphold Norms and Customs among the Members of Society * This Process is Informal than other Systems	42.162	8	<0.001
Uphold Norms and Customs among the Members of Society * Lack of Rules and Regulations Maintained in this Process	37.528	6	<0.001
Uphold Norms and Customs among the Members of Society * Lack of Budget to Conduct ADR smoothly	16.286	6	0.012
Uphold Norms and Customs among the Members of Society * Lack Logistic Support to run this process Effectively	22.572	8	0.004
Source(s): Table by authors			

All these associations from the hypotheses signify that the role of ADR has positively impacted the justice seekers and the people from the community. The ADR practice in Hulhulia is impacting through the role of reducing complexity, access to justice, creating peace and harmony and building social capital.

Discussion

This study explores and describes the roles, challenges and impacts of ADR from a successful ADR practice model in Hulhulia, Bangladesh. Using a Likert scale, the roles of ADR was measured across four variables. These findings affirm the findings in other literature about the role of ADR to reduce complexity, access to justice, creating peace, harmony, social capital and make a participating and inclusive community (Uddin, 2019; Siddika, 2021). ADR's impacts include social, economic, legal and cultural benefits, with mean satisfaction scores ranging from 4.41 to 4.84. Respondents emphasized affordability, speed, legitimacy and participatory practices, which are also similar as the earlier researches (Faruque and Khaled, 2010; Islam and Alam, 2018). Challenges identified include lack of logistical support, lack of skilled personnel and political interference. These findings are as same as the prior studies highlighting the need for greater awareness, structured regulations and skilled manpower

(Alam, 2014; Islam and Alam, 2018). Raising awareness can increase ADR participation and make easy access to justice. Skilled manpower, legal expertise and logistical support can enhance efficiency. Updating rules, fair execution and eliminating political interference can further strengthen ADR. Expanding ADR in other regions can increase access to justice, and efficiency for other communities.

The ADR process conducted by HSDC has shown consistent success over the years, with no cases being reported to the formal justice system for further proceedings. In the village of Hulhulia, ADR practices have made an environment in the community where justice seekers are fully satisfied with this process. Particularly, no cases have remained unresolved in this process, which highlights the effectiveness and reliability of the system in addressing disputes within the community. The community in the village of Hulhulia has been witnessing ADR practices for quite some time. All individuals in this community have their pride in this unique initiative within their village. The community in this village shares the same culture and several common customs, which they embrace with happiness and unity. In Hulhulia, both males and females are treated equally. In the HSDC primarily civil cases, such as land disputes and conflicts among neighbors has been reported, which are mostly filed by male individuals. Women primarily file cases related to marital disputes and divorce, which justifies their lower participation in the process. Also, ADR practices in Hulhulia have strengthened social capital, which is contributing to the reduction of crime rates in the community. Both men and women feel a sense of safety and security, enriched by their shared culture and customs.

Gender and culture are some vital elements of a community which is significant to understand a society as a whole. The process of ADR in this community has a far-reaching impact in the community through the intersectional perspectives. This community has been practicing the ADR process for a long time which has made an inclusive culture in this community. This inclusiveness is inspiring women to participate in this process. Especially, in some cases which involve multiple plaintiffs, women serve as the primary plaintiff which indicate that the case was filed by a woman within a plaintiff group comprising both female and male participants. This has shown the inclusivity and equity in this community while seeking justice. Moreover, this process has ensured equal access to justice to every member of the community regardless their culture or gender. This indicates good practice of ADR process in this community which has been making a more sustainable and inclusive society.

Hypothesis tests have showed significant relations between the indicators of ADR roles, challenges and impacts. ADR reduces stress, complexity and judicial workload with improving access to justice, social harmony and offender repentance. This process is inclusive, affordable and the community participation increase peace. These findings perfectly aligned with Peacemaking Perspectives which represents making and keeping peace in society. The peacemaking process ensures community participation that includes dialogue, communication, power balancing and community-based solutions (Burton, 1993). The study also aligns with Conflict Transformation Theory, which indicates the role of informal justice system in resolving conflicts and addressing root causes to prevent further disputes. The alternative processes build empathy, understanding and shared responsibility for social harmony through inclusive dialogue, community empowerment and addressing power imbalances (Galtung, 1996; Lederach, 1997). Sustainable peace is achieved by transforming conflict through social change and promoting justice. This highlights the potential of ADR to create a peaceful society by transformative conflicts into sustainable peace.

Recommendations

This study examines the existing ADR practices of HSDC, which have been successful for over 200 years. However, certain challenges frequently arise that require proper attention and mitigation. The following recommendations have been implemented at the policy level to increase the effectiveness of ADR practices:

- (1) Increase awareness among the public to encourage them to report or participate in the ADR process, allowing access to justice without complexity and increasing community involvement.
- (2) Address concerns about confidentiality as many people hesitate to participate due to fears of public exposure. Ensuring transparency while maintaining confidentiality can encourage broader participation.
- (3) Modernize laws to address contemporary issues and increase legal literacy among the public. Providing accessible information will help individuals understand how to effectively navigate the ADR process.
- (4) Eliminate political interference from the ADR process. Politically motivated decisions can be biased, so adopting a non-political approach would improve the integrity of ADR practices.
- (5) Expand ADR practices to other regions and communities to provide justice at the community level, ensuring easier and more efficient access to justice.

These recommendations aim to address the challenges within the ADR framework and also improving the effectiveness and expanding its reach across other regions.

Conclusion

ADR has been an effective method to resolve dispute among the parties. This process helps people to get justice without any complexities. In Bangladesh, there are several practices that have been continuing for a long time to resolve disputes in communities. These practices get popularity for the accessibility, effectiveness and transparency of this process. There are different types of practices that exist in different regions of Bangladesh which are aligned to ADR. The practice that exists in HSDC is one of the successful ADR practices in Bangladesh. In HSDC, the roles of ADR have created a positive impact in the life of people and community. People are getting benefit even if they cannot participate in this process as justice seekers. Only being part of the community is bringing them peace, harmony and social capital to strengthen their social bond. Moreover, ADR practice in the village of Hulhulia is benefitting the whole community.

In Bangladesh and in several countries, there have been overloaded caseloads on the judiciary. Backlog of cases are creating several never-ending complexities. People are not getting proper responses from the formal justice system. Taking ADR as an alternative initiative can resolve all this challenges and get extra-benefit to the justice seekers and to the communities. The formal justice system can also take ADR as an alternative to speedy execution of justice.

Multiple kinds of ADR methods have been taken as village court initiatives, legal aid initiatives in Bangladesh to reduce the burden of judiciary and get justice in time to the justice seekers. However, those initiatives did not get properly executed due to poor strategic planning. In this case, the ADR practice in Hulhulia can be taken as a model and replicated in other areas to get positive response in getting justice.

Area for further studies

This study primarily focuses on the roles, impacts, challenges and outcomes of ADR practices in the village of Hulhulia. Also, many other villages and communities across Bangladesh have adopted similar kind of measures. Researchers interested in Criminal Justice and Alternative Justice Systems can explore these communities where informal and alternative justice practices exist. The areas of building social capital, fostering peace and ensuring harmony through ADR practices are also some critical topics that can be studied individually to provide deeper insights into each aspect of the process. Also, this study didn't find any gender or cultural disparities in the ADR practices. This study can be conducted in another region and in

another culture to explore more on the relation of ADR practices with gender disparities and other socio-economic factors.

Abbreviation (In Likert Scale Analysis)

SD	Strongly Disagree
D	Disagree
N	Neutral
A	Agree
SA	Strongly Agree

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