

Perspective

Analysing the fairness of various procedural justice

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ABOUT THE STUDY

Procedural justice is the idea of fairness in the processes of dispute settlement and assigning resources. Discussions about the administration of justice and judicial proceedings are one part of procedural justice. Due process, basic justice, procedural fairness, and natural justice (in other common law jurisdictions) are all related to procedural justice, although the concept can also be used to non-legal circumstances in which a process is used to resolve disagreement or divide benefits or burdens. Social psychology, sociology, and organisational psychology all examine aspects of procedural justice.

Procedural justice is concerned with the fairness and transparency of decision-making procedures, and is distinguished from distributive justice, which is equity in the distribution of rights or resources; and retributive justice, which finds fairness in the punishment of wrongs. Hearing all sides before making a decision is one step that would be considered appropriate to perform in order for a process to be labelled procedurally fair. Even if the prerequisites of distributive or restorative justice are not met, some procedural justice theories claim that fair procedures lead to equitable outcomes. This may be due to the higher quality interpersonal contacts present in the procedural justice process, which have been demonstrated to have a bigger impact on the perception of fairness during conflict resolution. The outcomes model, the balance model, and the participation model are the three basic approaches to determining whether a certain judicial system is fair.

Outcomes model

The outcomes model of procedural justice is based on the premise that the fairness of the process is contingent on the method achieving proper outcomes. If the procedure is a criminal trial, for example, the correct result would be conviction of the guilty and exoneration of the innocent. If the procedure were a legislative process, it would be fair to the

extent that excellent law was created and unjust to the extent that bad legislation was generated. This has a lot of flaws. In general, according to this concept, if two approaches generate similar results, they are equally just according to this model. However, as the following two sections demonstrate, there are additional aspects of a procedure that determine whether it is equitable or unjust. Many people would argue that a benign dictatorship isn't the same as a democratic state (even if they have similar outcomes).

Balancing model

Some procedures are costly. The balancing model proposes that a fair procedure is one that represents a fair balance between the costs of the procedure and the benefits it generates. As a result, the balanced approach to procedural fairness may be willing to tolerate or accept false positive judgments in some cases in order to avoid unwanted (political) costs connected with the administration of criminal process.

The participation model

The participation model proposes that a fair approach is one that allows individuals who are affected to participate in the decision-making process. For example, in the context of a trial, the participation model would necessitate that the defendant be allowed to be present at the trial, submit evidence, and cross-examine witnesses, and so on.

Group engagement model

To comprehend the psychological basis of justice, models have also been proposed. The group engagement model is one of the most modern of these concepts. This takes into account previous psychological theories in order to understand the psychological processes that underpin procedural justice. This model, which is based on social identity theory and relational procedural justice models, suggests that the procedural justice process of a group influences members' identification with the group, which determines their type of participation within the group.

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