



HiIL POLICY BRIEF

From Smart Ideas to Impactful Actions: Incentives and Disincentives for Political Commitment to People-Centred Justice

"I just think the real key question for PCJ is, is how you turn this movement into actual policy reform. And I think that that's the element that the movement is struggling with a little bit at this point. In four years, are we still going to be doing this and have something to show for it?"

- Justice Expert

"Policy is what is done, not what is said."

- Peter Drucker

Executive Summary

The political commitment of the key justice actors is vital for People-centered justice (PCJ). To achieve its potential, PCJ needs irreversible political will. Several factors facilitate commitment. Visionary leaders who see the value of PCJ and want to "leave a legacy" are critical components. An environment of people-focused inclusive institutions and policies such as health care, education, security and social services makes PCJ easier. A clear understanding of the benefits of PCJ helps to see its practical value and promote it further.

Numerous factors challenge the commitment to PCJ and favour the status quo. Lack of funding and expertise is a significant concern. The justice sector is not a unified political system. Diverse institutions, professions, and interests compete for resources. Unifying this diversity in the direction of PCJ is not easy. Resistance emerges from zero-sum political and organisational attitudes. Putting the users central could be

perceived as a detrimental strategy from a power distribution perspective. Justice actors could see their business models jeopardised by a shift towards PCJ. Short-term political horizons require quick results, whereas PCJ is a long-term promise. Lastly, there still needs to be more clarity about what PCJ is, how it happens, and its benefits. Comprehensible, pointy and visceral examples of PCJ will help tremendously in countering that risk.

Securing political commitment is challenging, but with the right strategy and concerted efforts, it is achievable.

Introduction

The idea for this policy brief originated from simple but impactful observations. In the past 5-6 years I attended many conferences, workshops and online events dedicated to PCJ. I heard many high-level justice actors passionately endorse the idea of putting the users at the centre of the justice system. I heard many different interpretations of PCJ. All this contrasted with the sober assessment of what has actually been done.

This contrast between talk and reality made me think how committed to PCJ the justice actors are. I got the sense that some believe in it, others give the impression of believing but resist it, and a third category seems confused about what PCJ is. Lastly, there are those who completely deny it.

All that raises the question of political commitment to PCJ. What motivates and what discourages justice actors from committing to PCJ? What does commitment look like? What are the results that committed actors achieve and non-committed actors do not achieve?

In this piece, I look at the incentives and disincentives that play a role in political commitment. To extend and validate my understanding, I spoke with 10 experts from the justice field. In this diverse group were former high-level officials, justice providers, and experts from national and international organisations working on justice, specifically on PCJ. The interviews took place in October and November 2024. Quotes from these interviews are in italics in the text, and the identities of the interviewees are preserved.

This piece aims to explore the complex issues of political commitment to PCJ without assuming it can provide definitive answers. Its primary goal is to initiate a discussion on strategies for fostering and sustaining political support for PCJ.

Incentives for political commitment to People-centered justice?

PCJ is Shaped by the Context

Justice does not function in a vacuum. It is an integral element of the social, economic, political and cultural structures that frame societies. Complex constellations motivate or discourage the justice actors to see and act primarily by people's interests and needs. The question is when actors see incentives for PCJ and when they prefer to protect the status quo. What makes them truly commit? For instance, how likely is it to witness political commitment to PCJ when education, healthcare, welfare, culture, public order and other major policy fields are dominated by non-people-centered ideologies?

System embeddedness posits that institutions and their leaders are in a sort of equilibrium. All justice actors operate in a specific political environment: *"The office bearers in the justice sector, even if they are highly qualified and educated, are influenced by the political course that the country has chosen"*. PCJ is most likely to occur when there is an **enabling political environment** – strong leadership from within the justice system supported by the required technical and financial resources.

Hence, a minister of justice is likelier to commit to PCJ when operating in an environment where key policies are oriented towards the users. If the police are primarily focused on the security of the communities and healthcare providers in delivering health to their patients, it will be more likely that justice actors will be compelled to follow a similar course. Reversely, PCJ is unlikely to gain commitment if the schools are entirely preoccupied with the needs of teachers, principals and trade unions. PCJ is a systemic change and is part of the larger systems that define political processes and structures.

Transfer of people-centricity is not easy, nor is it guaranteed. If there are good examples from other areas, they rarely, if ever, come from the justice field. *"I think justice has not made that leap [towards people-centricity]."* However, the examples from other fields have the potential to inspire and push the people-centric agenda.

"And I think that's also tied to an understanding that health and education are really important. I think justice has not made that leap."

Gaining the support of policy actors is easier when there is a genuine commitment to people-centred governance. However, it is challenging to estimate the depth of the commitment. We regularly observe a lot of supportive statements during conferences and public meetings. Signs of real commitments are actual policies, activities, and budget allocations.

"I think it's related to many factors also and different and depending on each context and culture and some in some country, most of them, they think that they cannot change anything and the system is as rooted with corruption and if they will try, they will have resistance from all the people around them because it's the, it's linked to the ecosystem of corruption."

Sense of urgency

A sense of urgency that there is a big problem with justice contributes to establishing political commitment to PCJ. Leaders and practitioners who see the urgency are more likely to commit to PCJ as a strategy to address the problem.

However, a sense of urgency is not universally distributed. *"The justice system is very good in saying that its settings, storyline, and narrative are unique and can't be measured. There's less pressure on justice to adjust."*

Some observers attribute this lack of urgency to the legal profession: *“The legal profession lives in a total bubble in so many ways”*. A vivid example is the opinion of a judge in Washington, DC, according to whom the problem with access to justice has been resolved by organising pro-bono legal aid: *“We in DC have solved [the problem with access to justice] it. That’s because we have all these big law firms and they provide pro bono”*.

The Utilitarian Value of PCJ

Justice that works for the people and businesses has undeniable utilitarian value. Policy actors are drawn into political commitment when this value chain is apprehensible and accepted. An incentive for commitment to PCJ is its efficiency potential. *“When justice sector actors think about people-centred justice, it’s efficiency.”* PCJ can bring results and improve the legitimacy of public action in the field of justice. *“So it’s the new political agenda to demonstrate and ensure legitimacy by improving [design and delivery of justice and legal services].”* Such arguments bode well with justice actors who embrace process and outcomes-oriented goals.

Digitalisation and the adoption of AI in particular, are strong motivators for people-centred justice as far as service transformation is facilitated by technological enablers. Justice actors in general like to be seen as pioneers in adopting technological solutions.

The Power of Leadership

Leadership matters immensely in large structures such as the formal and informal justice systems. Most justice organisations are large bureaucracies in which hierarchical leadership sends strong messages. *“It matters when the top leadership repeats certain buzzwords and those buzzwords will be repeated”*. When the leadership frequently talks about resolving the justice problems

of people and businesses, the operational levels in the organisation listen. The administrators and service providers are alerted when the leadership incorporates talks into policies, indicators and budgets. Commitment grows when leaders link PCJ objectives to performance indicators, funding, career development and other tangible factors.

“I think there are those that do see [justice and the justice gap] it differently and you will find these kind of champions and people who are sold on the idea and recognise it...But I wonder sometimes how much this really soaks in on a more general level”.

Leadership can come from personal experience and vision. It is critically important that the leader thoroughly understands the PCJ idea. *“Justice leaders must really understand how the business’s usual approach differs from the PCJ approach. That’s one of the first key obstacles we face.”* A leader who sees justice beyond the operational level is likelier to commit. This process takes time. *“So we also have quite a lot of discussion around that in the dialogues itself. So all of these are attempts to break through the barrier of a mind, a trained mind, and a leader’s mind.”* Unlearning “things” is part of this process.

At the top of justice leadership, people often talk about the need to “leave a legacy”. Such legacy could be expressed as development goals: *“My vision is to help Ogun State [of Nigeria] become the next Singapore of Africa.”* Others link PCJ to ambitions related to a growing movement seen as morally and ethically sound. The active work of international actors and networks such as HiiL, Pathfinders, OECD, JAC, and others are tangible incentives for commitment to PCJ. This later incentive is not very solid and tangible.

Lastly, leadership-driven commitment to PCJ emerges from the belief that putting the users first is an external but promising concept. *“All public servants want to look good. They want to make it look like they’re doing a good job and depending on their incentives*

they might want to bring in something new and something fresh and something transformative.” Sensing the urgency of the justice gap is critical. A respondent reflected on how some justice actors feel intimidated, perhaps feeling the pressure of justice not performing. If this is the case, PCJ is one of the strategies to look current and ambitious. “All these important international organisations like the OECD are talking about about these. And they have demonstrated that this works with people.”

Pressure to join the growing international movement can also lead to empty commitments. Justice actors may feel compelled to endorse an ambitious theory publicly, even while harbouring doubts or opposing it internally. *“And when we approach them by saying that OECD and many other international organisations are adopting this approach and you need to do that. They [justice actors] feel really intimidated and they feel that there is a pressure that if they do not follow the trend or they will left behind. This is why they directly, they will say, “Yeah, we work like you for the people”.*

Disincentives for political commitment to people-centered justice

Where funding and expertise will come from?

A particular barrier to committing to PCJ is the open and ambiguous need for more funding. Leaders in judiciaries and executive branches everywhere struggle to mobilise the necessary resources for the regular operation of the justice system. Adding a new and unclear element to their mission conveys that more resources are needed. The undetermined parameters of the PCJ programmes could be overwhelming for justice actors.

“When [justice actors] come back to their countries or their daily life and they see that they don’t have the resources to do [PCJ] or they don’t have human capacities or expertise, or they are overwhelmed with the daily tasks that they have. They think that this will lead to a failure. And you need to manage their expectation and your expectations.”

“It takes quite a lot to be able to integrate new priorities that aren’t funded for, planned for, that don’t fit into an agreed strategy document that multiple stakeholders have already invested heavily in pulling together... We need to show how people-centered justice may overlap with existing projects so that they don’t have to set aside or think about extra funds to make it happen. ”

One of the respondents asked rhetorically, *“Who is going to fund all this?”* A particular risk for the PCJ is that it is positioned as a responsibility of international partners and donors. In this mindset, the focus on the users comes from the outside and, in a way, negates the core premise of PCJ, which is that there is a genuine commitment on the part of the national justice actors. The externalisation of the PCJ values is one of the most significant challenges for the movement.

“And when we come and parachute in from the outside, we are working on the assumption that that cycle that works methodically from one year to the next can accommodate new priorities, working with an outside partner. And that is something we have to get better and better at helping leaders figure out how to do so.”

Diverse and often competing interests

The justice sector incorporates many different institutions, professions, and interests. Although touted as elements of a loosely specified and connected justice system, these parts are far from homogeneous. There is no one hierarchy

with agreed vertical and horizontal relationships. Often, the different institutions do not trust each other, compete for resources and play zero-sum games.

“They don’t often trust each other. They don’t often talk to each other, which makes it much more complex for you to get that kind of, you know, concerted action, I believe, on the ground on people-centred justice.”
A common reason for lack of commitment is the difference in interests and priorities. Criminal justice actors are naturally focused on crime. The people-centred focus somehow appears when victims’ rights are discussed but is difficult to generate comprehensive and lasting interest in PCJ among prosecutors, police officers and criminal judges.”

“When you are in the executive branch, like in the Ministry of justice, you have to manage a lot of actors so they align with your decisions. You need to convince the judicial branch... And you have to convince the parliament because you need a law to have a public policy that can be sustainable. Also the National Development Plan.”

Diverging priorities and competition makes political commitment to PCJ challenging. The political focus is on topics such as the independence of the judiciary, the war on crime, anti-corruption, adoption of technologies, constitutional or legislative reforms, awareness raising etc. *“A lot of money goes into crime and that’s what motivates politicians, at least in many parts of the world. It sells well to be tough on crime, right?”* Divergent priorities are reinforced by donors who tend to prioritise institutional strengthening and narrow priorities. As a result, justice actors embrace some of these priorities and seem almost exclusively entrenched in them.

Zero-sum Mentality

Often, politics is perceived and practised as a zero-sum game of distributing power. The proposition that justice and legal services should be user-friendly is an intuitive and appealing concept. Still, peeling it further raises concerns about power, reputation, and business models. In the minds of many justice actors, the PCJ proposition of putting the users at the centre sounds like bringing the justice institutions and legal professionals into the backseat. In the real political world, not many sacrifice their narrow interests for the public interest. It takes a lot of leadership and commitment to leap from the personal to the public interest.

“I think if you can set justice institutions on a trajectory of understanding that you’re providing a public service and everyone benefits when this service is delivered efficiently and that includes taking into account people’s needs. It’s not going to change overnight, but if you change the mindset that we’re not just about the buildings and issuing decisions and building separate bathrooms for judges, but it’s also about how people are going to interact with you. It’s really a change of mindset.”

“The idea that people-centred means that you’re serving the people, but I don’t think that the justice institutions grew up with that approach. They were serving the state.”

It’s the Economy, Stupid

A zero-sum mentality is even more poignant when money enters the conversation. Legal professionals are particularly sensitive to changes that might endanger their business models and livelihood. A simplistic but not entirely fictional [mis]interpretation of PCJ might sound like this: **if** PCJ makes justice easy, accessible and cheap for the users, **then**: there will be no need for my professional services, **then**: my business model is at risk. Making justice and legal

services user-friendly, easy to use and accessible sends a chilling message to professionals whose business model is wholly or partially based on inefficient, complex, inaccessible rules and processes. In the ears of some lawyers, PCJ sounds like a threat of redundancy. Who will pay the intermediaries if the justice journeys are easy to use, understandable, responsive, inclusive, and cheap?

“Most people would agree to the [PCJ] theory but would think carefully about where it impacts their job security. That’s where it is, kind of, selfish interests.”

“In India, there are lakhs of students graduating from law schools every year. It takes them 5-6 years to earn enough money to sustain a family. If we create parallel legal service providers in the country, these young lawyers will lose their income source.”

Political Short-Termism

For a political appointee, the long-term perspective of PCJ is a particular concern. Changing the culture and purpose in large and diverse systems is risky and time-consuming. A political appointee has a 1-3-year time horizon; 4 years is perhaps the maximum for most ministers, deputy ministers, chairpersons of parliamentary committees, etc. If results do not appear in this short time frame, the likelihood of political commitment is low.

“It takes a long time to show results, so we need quick wins for justice ministers to sell [PCJ] politically. It will take time to make it into a systemic approach. When you’re going for an election next year or talking to the Finance ministry next year, you can show results.”

“You can find public officers that don’t bother about if [PCJ] a long-term result. But it’s better if you can show two or three short-term results.”

Commitment is far from guaranteed when justice actors hear that the returns on investment will arrive in the long term. This means that you make high-risk investments with the clear expectation that somebody else will reap the eventual benefits. Very few justice actors have such patience and benevolence. Most would commit to efforts that will yield short-term results. One, a maximum of two years, is the investment space for most justice actors.

Status Quo Bias

Conservatism and risk aversion are known features of the justice system. PCJ is a massive change that could be considered a risk. Trying new things could lead to failure, and the risk of failure has more weight than the potential benefits of PCJ. Risks are particularly concerning when success is not certain, and there is only a vague idea about how success might look.

“I think first is the fear of failure of trying a new approach. Most people from the justice are used to it, accept that the system is slow, and that there is no absolute justice or that it’s not cheap or accessible.”

“If they are not familiar with [PCJ], there is also a sense of nervousness what exactly do you mean and I think they get very worried about what this means for their accountability. What this means for them? Are they able to say what they’re doing is successful or not? Whether it gives, in their view, too much voice to people to complain about poor services or influence, or have some voice in the design of new service net services?”

Compelling in theory, still needs practical examples

People-centred justice is an appealing concept and yet needs strong policy and programming frameworks. There is an urgency to translate it into an intuitive narrative indicating success.

“You must translate PCJ into language that [justice actors] understand. PCJ should address their priorities.”

Beyond the solid principles, there is a need for clear and comprehensive guidance on programming PCJ from start to finish.. One only needs to attend a few conferences to hear the many different incarnations of PCJ. In the best-case scenario, everything with a positive angle will be called people-centred. We should not blame the national actors or the international PCJ community. It takes practice to generate convincing examples of the value of the change. Convincing stories and compelling results already emerge but more efforts are needed. “The other side of PCJ is, you know, everyone shows up there and says, “Yes, we’re doing people-centred justice”. There’s a mismatch between what they’re saying when they go to an event and what they’re actually doing at the country level around implementation.”

The justice sector is subject to much scrutiny, and successful changes require a great degree of *ex ante* clarity. Actors will only engage when all elements of a programme—requirements, content, expected results, and potential side effects—are thoroughly and transparently defined. It is not surprising to see leaders pay lip service to PCJ when they don’t see the narrative clearly. There are serious concerns that without an explicit identity, PCJ might lose the battle with the next reform promise, which will inevitably appear in the arena of public attention and resources.

“So for politicians, we need to show quick wins. [...] You know, your game changes when you come up with some of those ideas and you can now sell it to your constituences by saying: we resolved X number of disputes, or you don’t have to travel long distances to get advice, or you can go to a community justice center for support. That is something tangible.”

“But once you’ve done it with a few countries and are able to say ‘this is what worked in Uganda; that’s what was different in Nigeria, and this is what Tunisia did’. Then you can share these learnings with UNDP, with different countries, and to work with OECD, and then take it from there.”

The power of evidence and examples is needed internationally and within the countries to gain support and commitment from other actors.

“And when you have data and you have evidence is easier to promote before Parliament, for example, a long-term public policy based on access to justice, you know, as well as to achieve budget allocation.”

“What are the benefits? The very, very concrete benefits that he can take from the PCJ policy?”

The Way Forward

Securing political commitment to PCJ is undoubtedly challenging, but it remains a crucial component of the change process. This policy brief highlights that effective strategies exist to ensure justice actors’ active engagement and commitment.

- Political commitment to PCJ is not guaranteed; it requires persuading leaders, practitioners, and institutions of its value and relevance.
- PCJ is neither overly complex nor overly simplistic. It requires a profound transformation of sectoral and

organisational culture, a shift the OECD describes as a “change in culture and purpose.” Achieving this transformation demands clarity, practical examples, adequate funding, and specialised expertise to guide the process effectively.

- Deep inside it, PCJ is a cultural and political change. It will not happen without changing ingrained cultural beliefs and structures.
- Leadership plays a pivotal role in advancing PCJ. Visionary justice leaders who embrace and commit to PCJ are powerful catalysts for driving irreversible change.
- It is easier to promote PCJ in ecosystems with inclusive political and economic institutions; it is more difficult but not impossible to promote it in environments dominated by extractive institutions.
- A sense of urgency helps, but urgency often needs to be created. Solid data highlighting the gap between the demand for justice and the available supply is an excellent starting point for creating a sense of urgency.
- PCJ has significant promise to improve the efficiency and effectiveness of the justice systems. Political commitment is likelier to emerge when this potential is demonstrated in understandable and compelling ways.
- The PCJ concepts, narratives and examples must address the existing concerns and biases and demonstrate positively that PCJ has a potential for system actors and users alike.
- To achieve its potential PCJ needs a good narrative and examples. To be successful, it needs to demonstrate results. Short and mid-term results are most critical.

Author:

Dr. Martin Gramatikov
Knowledge and Research Director
martin.gramatikov@hiil.org

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www.hiil.org
dashboard.hiil.org

