ISSN Online 3108-026X, ISSN Print 3139-4833
International Multidisciplinary Research Journal Reviews (IMRJR)
A Peer-reviewed journal
Volume 3, Issue 11, November 2026 | DOI 10.17148/IMRJR.2026.031102

Insufficient Legal Awareness Leads to Delayed Justice: The Role of Legal Literacy and Alternative Dispute Resolution in Improving Justice Delivery in Eastern Uganda

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Abstract: Delay is one of the most persistent complaints levelled against justice systems in developing countries, and Uganda is no exception. This article argues that delayed justice in Eastern Uganda cannot be explained by court congestion alone; it is also shaped by the limited legal awareness of ordinary citizens, who often do not recognize a legal problem, do not know the options open to them, or do not know where to turn until the dispute has hardened. Using a qualitative, doctrinal and integrative review of twenty scholarly, policy and institutional sources organized through a literature review matrix, the study examines how legal literacy and alternative dispute resolution (ADR) can work together to improve justice delivery. The analysis shows that access-to-justice barriers are economic, procedural, informational and institutional; that ADR reduces cost, delay and court congestion when it is properly structured and facilitated; and that Uganda's judiciary continues to face case backlog and resource constraints even as a national ADR policy framework is being developed. The article concludes that ADR will deliver its promise only where citizens are legally literate enough to use it, and it recommends a coordinated program of community legal education, institutionalized and court-connected ADR, strengthened local justice actors, and transparent performance measurement.

Keywords: legal literacy, access to justice, alternative dispute resolution, mediation, case backlog, Eastern Uganda

I. INTRODUCTION

A right that cannot be exercised in good time is a right only on paper. Across much of Uganda, ordinary people with land disputes, family disagreements, debt claims and employment grievances wait years for resolution, or abandon their claims altogether. The usual explanation points to the courts: too few judicial officers, too many files, too little money. That explanation is true as far as it goes, and the Uganda Judiciary (2023) itself acknowledges that case backlog and resource constraints undermine efficiency. Yet it tells only half of the story. Long before a file reaches a registry, a person must first understand that what has happened to them is a legal problem, must know that a remedy exists, and must know which door to knock on. Where that understanding is missing, disputes arrive late, arrive badly prepared, or never arrive at all.

This article examines that earlier and less visible stage of the justice chain. Its central claim is that insufficient legal awareness is a significant, and under-addressed, driver of delayed justice in Eastern Uganda, and that legal literacy and alternative dispute resolution (ADR) are best understood as complementary rather than separate reforms. Legal literacy equips people to recognize and act on their problems; ADR gives them faster, cheaper and less adversarial ways of resolving them. Neither is sufficient alone. A mediation service that nobody knows about relieves no congestion, and an informed citizen with no accessible forum remains stranded.

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The article is guided by three questions. First, what does the existing scholarship tell us about the barriers that prevent people from obtaining justice and about the capacity of ADR to lower them? Second, what does the available institutional evidence show about the performance of Uganda's judiciary and the state of its ADR framework? Third, how might legal literacy and ADR be combined into a practical strategy for improving justice delivery in Eastern Uganda? The sections that follow review the literature, explain the method, present the empirical evidence drawn from Uganda's judiciary and policy institutions, discuss the findings and their limits, and close with recommendations.

The topic carries real weight beyond the courtroom. Access to justice is closely tied to social trust and economic participation (Organization for Economic Co-operation and Development [OECD], 2019), and strong legal institutions are associated with development and stability (World Bank, 2017; World Justice Project, 2023). Delay and exclusion, by contrast, erode the confidence on which the rule of law depends.

II. LITERATURE REVIEW

2.1 Access to justice and its structural barriers

The modern study of access to justice begins with Cappelletti and Garth (1978), whose comparative research identified economic and procedural obstacles that keep individuals from enforcing their rights. Their central insight, that formal rights mean little without practical means of claiming them, still frames the field. Rhode (2004) developed the point in the context of inequality, showing that many citizens go without legal representation simply because they cannot afford it, and she argued for expanded legal aid. Sandefur (2014) added a sociological lens, demonstrating that low-income groups encounter the heaviest barriers to civil justice and that addressing inequality is therefore integral to improving access.

Other writers have shown how those barriers are reinforced by the way legal systems operate. Galanter (1974) explained why repeat litigants, with their resources and strategic experience, tend to come out ahead of one-time users, a finding that carries obvious implications for rural claimants facing institutional or well-resourced opponents. Hadfield (2010) turned to the supply side, observing that demand for legal services is rising while regulatory restrictions limit innovation and keep services unaffordable. Taken together, these studies describe a system in which cost, complexity and structural advantage combine to screen out those with the least power.

The consequences of exclusion extend well beyond the legal sphere. Pleasence et al. (2010) found that unresolved civil legal problems damage mental and physical health, which suggests that delay is not a neutral inconvenience but a source of cumulative harm. Their work also points, implicitly, to the importance of recognizing a problem as legal in the first place, since people cannot seek help for a difficulty they do not identify as justiciable.

2.2 Court performance, delay and governance

A second body of work evaluates how courts actually perform. Dakolias (1999), in a cross-country quantitative analysis, found that delays, inadequate resources and inefficiency depress court performance and argued that reform should be anchored in measurable indicators. The World Bank (2017) and the World Justice Project (2023) extend this reasoning by linking governance quality and rule-of-law performance to development outcomes and to economic and social stability. Institutional accountability, in this literature, is a condition of effective justice rather than a luxury.

Corruption sits uncomfortably within this picture. Transparency International (2022) reports that corruption reduces both public trust and the accessibility of justice, which means that people who doubt the integrity of formal institutions may be less willing to use them. This links to Tyler's (2006) empirical work on legitimacy, which found that procedural fairness increases voluntary compliance with the law. If citizens perceive the process as fair, they are more likely to engage with it and to accept its outcomes; if they do not, they stay away or comply grudgingly.

2.3 Alternative dispute resolution and the multi-door approach

The ADR literature offers a constructive response to these difficulties. Sander (2000) proposed the multi-door courthouse, arguing that different disputes call for different resolution processes and that justice systems should offer several pathways rather than one. Brown and Marriott (2011) concluded that ADR mechanisms operating alongside the formal courts reduce backlog and improve efficiency, while Nolan-Haley (2013) found that ADR lowers litigation costs and encourages collaboration, and should complement rather than replace litigation. Moore (2014) cautioned that results

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depend on quality: mediation is highly effective only when it follows a structured negotiation process and is facilitated by skilled mediators.

International guidance reflects the same position. The United Nations Office on Drugs and Crime (2011) found that ADR improves the efficiency of dispute resolution and urged governments to institutionalize it, while the United Nations Development Program (UNDP, 2004) observed that community justice systems improve accessibility in developing countries and called for integrated reform strategies. Both are directly relevant to a setting such as Eastern Uganda, where many disputes are first aired in community forums rather than in courtrooms.

2.4 The Ugandan literature and the research gap

Two Ugandan institutional sources anchor the local discussion. The Uganda Judiciary (2023) reports that case backlog and resource constraints affect efficiency and calls for judicial reform and expanded ADR. The Uganda Law Reform Commission (2022), for its part, documents the absence of a comprehensive national ADR framework, finds that ADR reduces court congestion, and recommends legislative and institutional reforms to expand its use.

Two gaps emerge from this review. The general access-to-justice literature, though rich, is largely comparative and rarely addresses legal awareness as a driver of delay in a specific sub-national setting. The ADR literature, meanwhile, concentrates on design and efficiency and tends to assume that parties already know ADR exists and how to use it. Neither strand fully explains how legal literacy and ADR interact. This article addresses that gap by bringing the two together in the context of Eastern Uganda.

III. METHODOLOGY

The study adopts a qualitative, doctrinal and integrative review design. Doctrinal analysis is appropriate because the research problem concerns how legal and institutional arrangements work and how they might be reformed, and an integrative review allows conceptual, empirical and policy sources to be considered together.

A literature review matrix was used as the primary analytical instrument. Twenty sources were selected purposively for their relevance to access to justice, court performance, ADR, governance and the Ugandan justice sector. They comprise foundational scholarly texts, peer-reviewed articles, international policy reports and Ugandan institutional documents. For each source, the matrix recorded the full APA citation, the research problem addressed, the research gap, the research design, the key findings and the author's conclusion. Recording these elements side by side made it possible to compare how different studies defined the problem and what methods they used, and to identify where their findings converged.

The analysis proceeded in three steps. First, each matrix entry was read closely and coded according to recurring concepts such as cost barriers, delay, inequality, legitimacy, corruption, ADR efficiency and institutional reform. Second, the codes were grouped into broader themes. Third, the themes were interpreted against the Ugandan institutional evidence, with particular attention to the Uganda Judiciary (2023) and the Uganda Law Reform Commission (2022). The argument that legal awareness mediates between access barriers and ADR uptake is an analytical inference drawn from this synthesis, and it is presented as such rather than as an empirically tested relationship.

Because the study relies exclusively on documentary sources, it did not involve human participants and raised no direct ethical risks. All sources are cited in full and attributed to their authors.

IV. EMPIRICAL EVIDENCE FROM UGANDA'S JUDICIARY

4.1 Backlog and resource constraints

The clearest institutional evidence comes from the Uganda Judiciary's (2023) annual performance report, which assesses the operational performance of the courts through institutional data analysis. Its principal finding is that case backlog and resource constraints continue to affect efficiency, and its conclusion is that judicial reforms and the expansion of ADR are needed. The report also identifies limited transparency and performance metrics as a gap, a point that echoes Dakolias's (1999) argument that courts cannot be improved unless their performance is measured against clear and standardized indicators.

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For Eastern Uganda, these national findings have particular significance. The region's population is largely rural and spread across numerous districts, and many residents live far from the courts that serve them. Distance adds travel cost and lost working time to the expense of litigation, which compounds the economic and procedural barriers described by Cappelletti and Garth (1978) and Sandefur (2014). Although the sources reviewed here do not disaggregate data by region, the general pattern of backlog and limited resources is plainly relevant to the courts that serve eastern districts, and region-specific data would be a valuable next step for empirical work.

4.2 The state of ADR policy

The Uganda Law Reform Commission (2022) provides the second pillar of evidence. Through policy development and stakeholder consultation, it identified the absence of a comprehensive national ADR framework and found that ADR reduces court congestion. Its recommendation that legislation and institutions be reformed to expand ADR aligns closely with international guidance urging governments to institutionalize ADR (United Nations Office on Drugs and Crime, 2011) and with the multi-door model proposed by Sander (2000).

Uganda's legal order is not hostile to ADR. The Constitution of the Republic of Uganda (1995) directs courts to promote reconciliation between parties, and court-connected mediation operates under the Judicature (Mediation) Rules of 2013. The difficulty identified by the Commission is therefore not the absence of any ADR provision but the lack of a comprehensive and coherent national framework that brings the scattered provisions, forums and practitioners together. Fragmentation of this kind makes ADR harder for the public to understand and harder for institutions to resource.

4.3 Legal awareness as the missing link

Neither Ugandan source treats legal awareness as its main subject, and this silence is itself informative. Backlog and resource analysis describes what happens once disputes enter the system; ADR policy describes the forums that could receive them. Between the two lies the question of how citizens come to use either. Here the wider literature supplies the connecting logic. Pleasence et al. (2010) show that unresolved legal problems carry real health costs, which implies that people who do not recognize or act on problems pay for it in other parts of their lives. Sandefur (2014) and Rhode (2004) show that the least affluent are least likely to obtain help. UNDP (2004) shows that community-level justice mechanisms improve accessibility. Read together, these findings suggest that where legal knowledge is thin, disputes are likely to be reported late, pursued inefficiently, or left to escalate, and that each of these outcomes adds to the delay and the burden on the courts.

4.4 Trust, integrity and legitimacy

Finally, the evidence on integrity and legitimacy bears on whether people will use any mechanism at all. Transparency International (2022) links corruption to reduced trust and reduced accessibility of justice, and Tyler (2006) shows that perceived procedural fairness drives voluntary compliance. For ADR, this has a practical implication. Mediation and similar processes depend on the voluntary participation and good faith of the parties, and Moore (2014) emphasizes that skilled facilitation is what makes the process work. Where trust in institutions is low, well-trained and credible mediators, and citizens who understand how the process protects them, become all the more important.

V. DISCUSSION OF THE FINDINGS AND LIMITATIONS OF THE RESEARCH

5.1 Discussion of the findings

Four findings stand out. First, the barriers to justice are layered. The literature identifies economic and procedural obstacles (Cappelletti & Garth, 1978), unequal bargaining power (Galanter, 1974), unaffordable legal services (Hadfield, 2010; Rhode, 2004) and socioeconomic inequality (Sandefur, 2014). The argument advanced here adds an informational layer: even where cost and procedure are manageable, people who lack legal awareness cannot take the first step. The informational barrier is not a substitute for the others but a precondition for overcoming them.

Second, ADR is well supported as a means of reducing delay and cost, but its benefits are conditional. Brown and Marriott (2011), Nolan-Haley (2013) and the United Nations Office on Drugs and Crime (2011) agree that ADR improves efficiency, and the Uganda Law Reform Commission (2022) confirms that it eases congestion. Moore (2014) reminds us that the quality of facilitation determines the result. Delivered poorly, ADR could simply move delay from the court to the mediation room.

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Third, legal literacy and ADR reinforce one another. Informed citizens are better placed to choose an appropriate process, which is exactly what the multi-door model (Sander, 2000) presupposes. Conversely, accessible and visible ADR gives legal education a concrete destination, since there is little point teaching people about their rights if no affordable forum exists in which to assert them. Legal literacy should therefore be seen as part of the infrastructure of ADR rather than as an optional extra.

Fourth, legitimacy conditions success. Tyler's (2006) findings suggest that people will embrace both courts and ADR to the extent that they regard the processes as fair, and Transparency International (2022) warns that corruption undermines that perception. Anti-corruption measures, procedural fairness and public education should therefore advance together. This reading is consistent with the World Bank (2017) and World Justice Project (2023) emphasis on institutional accountability as a pillar of the rule of law.

It follows that the delay observed in Uganda's courts is partly self-reinforcing. When citizens are unaware of ADR and of their legal options, more disputes default to litigation or are brought late; this adds to backlog and resource strain (Uganda Judiciary, 2023); and long delays then discourage others from approaching the system at all. Breaking the cycle requires intervention at the point of awareness as well as at the point of adjudication.

5.2 Limitations of the research

Several limitations should be acknowledged. The study is a documentary review and does not rest on primary data such as interviews, surveys or court-file analysis from Eastern Uganda. Its conclusions about the region are therefore inferential: they apply national institutional findings and general scholarship to a regional context, and they cannot establish how widely legal awareness is lacking or how strongly it affects delay locally.

Second, the proposition that insufficient legal awareness contributes to delay is derived from the synthesis of the literature rather than tested directly. Few of the reviewed sources measure legal awareness as a variable, and none was designed to isolate its effect on case duration.

Third, the source set, while purposively chosen, is limited to twenty items, and much of the older literature originates in high-income jurisdictions whose institutional conditions differ from those of Uganda. Findings from those settings should be transferred with caution. Fourth, the Ugandan institutional documents were analyzed at the level of their reported findings and conclusions, and they do not report results disaggregated by region.

These limitations point to an agenda for future research: household legal-needs surveys in eastern districts, analysis of case-duration data from courts and mediation registries, and comparative evaluation of community-based legal education programs.

VI. CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

This article has argued that delayed justice in Eastern Uganda is as much a problem of awareness as of capacity. The literature shows that barriers to justice are economic, procedural and structural; that ADR is an effective, though quality-dependent, way of reducing cost, delay and congestion; and that Uganda's judiciary still contends with backlog and limited resources while its ADR framework remains incomplete. The missing connection, between citizens and the mechanisms meant to serve them, is legal literacy. Without it, even well-designed reforms will reach only those who already know how to use them. With it, ADR can become what Sander (2000) envisaged: a genuine range of doors, each open to the people who need it.

6.2 Recommendations

On the basis of the analysis, the following recommendations are offered.

1. **Invest in community legal education.** Government, the judiciary, civil society and local leaders should deliver sustained, plain-language legal awareness programs in the languages commonly spoken in Eastern Uganda, using radio, community meetings, schools and religious institutions to explain basic rights, common legal problems and the available forums for resolving them.

2. **Complete and institutionalize the national ADR framework.** Consistent with the Uganda Law Reform Commission (2022) and the United Nations Office on Drugs and Crime (2011), Parliament and the responsible institutions should enact the legislative and institutional reforms needed to consolidate ADR provisions, set standards and secure stable funding.
3. **Adopt a multi-door approach.** Courts should screen and direct disputes to the most suitable process, as proposed by Sander (2000), and provide information on ADR at the first point of contact with the justice system.
4. **Professionalize mediation.** Following Moore (2014), training, accreditation and supervision of mediators should be prioritized so that ADR delivers on its promise of quality and fairness.
5. **Strengthen community justice mechanisms.** Drawing on UNDP (2004), local justice actors should be trained and linked to the formal system, so that disputes are resolved close to home and complex cases are referred upward appropriately.
6. **Address cost and representation.** Expand legal aid and explore regulatory reforms that enable affordable legal services (Hadfield, 2010; Rhode, 2004).
7. **Measure and publish performance.** The judiciary should report regionally disaggregated indicators on case duration, backlog and ADR outcomes (Dakolias, 1999; Uganda Judiciary, 2023), which would also support the empirical research this study calls for.
8. **Protect legitimacy.** Anti-corruption measures and procedural fairness should be treated as integral to justice reform (Transparency International, 2022; Tyler, 2006).

Justice delayed has long been described as justice denied. The evidence reviewed here suggests that, in Eastern Uganda, part of the delay can be reduced by helping people understand their rights and by giving them credible alternatives to the queue for the courtroom.

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