

*Commentary*

# Procedural justice: Evaluating the fairness of different procedural systems

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## ABOUT THE STUDY

Procedural justice is the concept of fairness in the procedures used to settle disputes and distribute resources. Talk about how justice is administered and how court proceedings are conducted is one component of procedural justice. Due process, fundamental justice, procedural fairness, and natural justice are all related to procedural justice in this sense, but the concept of procedural justice can also be used in non-legal circumstances when a process is used to settle disputes or distribute benefits and obligations. Sociology, organizational psychology, and social psychology all investigate various facets of procedural justice.

## Evaluating the fairness of different procedural systems

The outcomes model, the balance model, and the participation model are the three basic ways to assess whether a specific judicial system is fair.

**Outcomes model:** According to the outcomes model of procedural justice, a fair process depends on obtaining the desired results. For instance, the just result in a criminal trial would be the conviction of the guilty and the exoneration of the innocent. If the process were a legislative one, it would be fair to the extent that excellent law was created and unfair to the extent that bad legislation was generated. This has a lot of restrictions. In general, this concept states that two procedures are equally just if they resulted in similar results. However, there are additional aspects of a procedure that determine whether it is right or unjust, as the following two sections demonstrate. One common objection is that a benevolent dictatorship is not equally just as a democratic state.

**Balancing model:** Costly procedures exist. A fair procedure is one that represents a fair balance between the costs of the procedure and the benefits it delivers, according to the balancing model. Thus, the balanced approach to procedural fairness may be

willing to put up with or accept false positive judgements in some situations in order to prevent unneeded (political) expenses related to the administration of the criminal process.

**The participation model:** According to the participation model, a fair process is one that gives people who will be impacted a chance to participate in the decision-making process. The participation model, for instance, would demand that the defendant be given the chance to attend the trial, submit evidence, cross-examine witnesses, and other related activities.

**Group engagement model:** Additionally, models have been put forth to comprehend the psychological roots of justice. The group involvement model is one of these more modern models. This concept contends that a group's procedural justice system affects members' identification with the group, which in turn affects their type of participation within the group. It is based on social identity theory and relational models of procedural justice.

The paradigm views participation in groups as either obligatory or optional behaviour. Discretionary behaviour, on the other hand, is driven by internal values, is viewed as more cooperative, and is hence ideal within a group. The social identities of the members will be influenced correspondingly and different values will be emphasized depending on the procedural justice processes of the group. A member will identify with their group more strongly if they share its form of procedural justice. The group member internalizes the values and attitudes of the group as a result of their enhanced identification. This leads to a vicious cycle whereby the procedural justice systems of the group will influence group members' levels of identification and, in turn, this level and type of identification will influence the group members' individual perceptions of what is fair and unfair. As a result, how the people interact with their group will change, with higher identification resulting in more independent and desirable behaviour.

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