

ACCESS TO JUSTICE: AN EPISTEMOLOGICAL GUIDE FOR FUTURE RESEARCH

ACESSO À JUSTIÇA: UM GUIA EPISTEMOLÓGICO PARA PESQUISAS FUTURAS

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facilitadores. A metodologia utilizada é uma revisão crítico-metodológica da literatura. Uma pesquisa analítica e categorizante é realizada para estabelecer as dimensões de abordagens e concepções, bem como a categorização das variáveis usadas para medir o acesso à justiça e os principais achados da pesquisa empírica revisada. Com base nisso, temas pertinentes foram identificados e questões de pesquisa foram formuladas para investigações sobre o assunto. Como resultado da investigação, é apresentado um guia epistemológico para estudos empíricos sobre o acesso à justiça, juntamente com uma agenda de pesquisa.

Palavras-chave: Acesso à Justiça. Pesquisa empírica. Indicadores. Barreiras e Facilitadores. Agenda de pesquisa.

Abstract: The present study aims to propose an epistemological guide for empirical research on access to justice, based on three dimensions of analysis: a) approaches and conceptions; b) variables and measurement indicators; and c) barriers and facilitators. The methodology used is a literature review, with a critical-methodological approach. Analytical and categorizing research is conducted to establish dimensions of approaches and conceptions, as well as the categorization of variables used to measure access to justice and the main findings of the reviewed empirical research. Based on this, pertinent themes were identified and research questions were formulated for investigations into the subject matter. The investigation culminated in the development of an epistemological guide for empirical studies on access to justice, accompanied by a research agenda.

Keywords: Access to Justice. Empirical Research. Indicators. Barriers and Facilitators. Research Agenda.

Resumo: O presente estudo tem como objetivo propor um guia epistemológico para a investigação empírica sobre o acesso à justiça, baseado em três dimensões de análise: a) abordagens e concepções; b) variáveis e indicadores de medição; e c) barreiras e

1. INTRODUCTION

At the center of the 2030 Agenda for Sustainable Development, adopted by the United Nations, is the vision of a just, equitable, tolerant, open and socially inclusive world, in which the needs of the most vulnerable are met (UNITED NATIONS, 2015). The Sustainable Development Goal 16 (SDG 16) aims to promote peaceful and inclusive societies, by building strong, transparent, effective, and accountable institutions, and with equal access to justice for all (UNITED NATIONS, 2015; OECD; OPEN SOCIETY FOUNDATIONS, 2019).

However, despite access to justice being a central component of modern democracies, the theme has received little attention and global funding when compared to other social demands, such as health and education (MALDONADO, 2020). Despite the efforts of governments and civil society organizations to modernize their justice systems and make them more accessible to the population, there is still a long way to go to achieve universal access to justice, especially for the most vulnerable people (SARACENO, 2018, OECD; OPEN SOCIETY FOUNDATIONS, 2019; MOORE, FARROW, 2019).

On the global stage, gaps in justice reveal structural inequalities and power disparities, as around 5.1 billion people do not have meaningful access to justice, either because they live in extreme conditions of social injustice, lack civil documentation, or simply cannot resolve their everyday issues with justice (TASK FORCE ON JUSTICE, 2019). Such a violation of the guarantee of access to justice represents a harmful problem for society, as it creates an unfair hierarchy among citizens and undermines the legitimacy of the State in the face of its inability to fulfill one of its fundamental objectives (CAPPELLETTI, GARTH, 1988; SANDEFUR, 2019).

In the field of knowledge, limited access to justice requires new forms of understanding, which involve theoretical and practical elements (MALDONADO, 2020). It is necessary to consider the current scenario of access to justice to develop assertive public policies that can somehow universalize access, passing through the need to know and address the different dimensions and variables related to the phenomenon to understand how people deal with their justice problems, how legal services are provided, and what are the possible paths for inclusive access to justice (DUSSÁN, AVELLANEDA, 2018; GABBAY, COSTA, ASPERTI, 2019).

The development of research on access to justice can be notably challenging. The sparse literature, its multifaceted nature, and the lack of empirical research imply profuse difficulties, as well as the lack of constructs and categories to explore how the phenomenon limits the advancement of methodological paths. In addition, the topic poorly explored in the social sciences, still consisting of a multidisciplinary challenge. Based on such gaps, the article summarizes an initial effort to leverage access to justice as a field of knowledge, translated into an invitation for researchers from different areas to occupy space in this discussion.

Therefore, this article assumes the challenge of exploring access to justice in a broader and interdisciplinary approach, with a scientific focus. The goal is to address issues that transcend geographic boundaries and are transversal across different fields of knowledge, such as law, administration, sociology, and political science. By adopting an interdisciplinary perspective, a more complete and meaningful understanding of the implications of access to justice in various contexts can be obtained. This may contribute to the formation of new researchers interested in studying the topic and to the methodological advancement of the field.

In this context, the present study aims to propose an epistemological guide for empirical research on access to justice, using three dimensions of analysis: a) approaches and conceptions; b) variables and measurement indicators; and c) barriers and facilitators. The methodology used is the literature review, with a critical-methodological approach. Based on this, analytical and categorization research is carried out to create dimensions of approaches and conceptions, as well as the categorization of variables used to measure access to justice, the main results found in revised empirical research. From this, based on a topical approach, the aim is to identify relevant themes and formulate research questions for investigations on the subject.

2. APPROACHES AND CONCEPTIONS OF ACCESS TO JUSTICE

A recurring issue in academic studies is the lack of clarity or consensus on what ‘access to justice’ means. In general, the phenomenon has been related to two aspects of the legal system: one procedural and the other substantive. The first concept, based on the procedural character of the term, is linked to the process of obtaining justice. In other words, it refers the system that allows people to claim their rights and/or resolve their disputes under the tutelage of the State, regardless of their social class, economic status or ethnicity. On the

other hand, the substantive aspect is linked to the very achievement of justice, that is, to the necessary conditions for the system to produce socially fair results (CAPPELLETTI, GARTH, 1988).

In addition to these two aspects, the concept of waves of renewal is explored in an attempt to temporarily mark the evolution of access to justice. It is an allusion to classification of the three waves of renewal (CAPPELLETTI, GARTH, 1988): 1st wave: of legal assistance to the poor (breaking down economic barriers); 2nd wave: of representation of diffuse and collective interests (promoting representation of groups); 3rd wave: reforms of the justice system, to make it simpler and more accessible, and adoption of alternative methods of conflict resolution (overcoming procedural delays). Along the same lines, a fourth wave could be understood as the new challenges of legal education and the training of legal professionals (ECONOMIDES, 1999); and a fifth wave could be represented by the use of big data technology in the enforcement of rights (LARA, ORSINI, 2017).

In the context of family courts, Salem and Saini (2017), define access to justice as the ability of litigants to seek and obtain a remedy through formal or informal institutions and services to resolve disputes. On the other hand, Viegaz and Guimarães (2018), understand access to justice as emancipatory, meaning not only the protection of legal or constitutional rights, but also concrete mechanisms that involve historical, sociological, and legal aspects to overcome barriers of inequality.

The present study is based on the premise that meeting the demands of access to justice, as provided for in the Federal Constitution, and the elaboration and implementation of public policies that expand this access require, initially, a detailed understanding of what 'access to justice' means. Based on an analytical and categorization investigation, the table below was developed to present different approaches (Table 1). It is noted that the perspectives are often intertwined-evidencing the complexity and breadth of the phenomenon.

Table 1 - Approaches and respective relationship with access to justice

Approach	Relationship
Constitutional Guarantee	The access to justice is guaranteed among the most solemn normative acts and Constitutions of the countries. For example, in Brazil, article 5th XXXV of the Federal Constitution of 1988 ensures that: "the law shall not exclude from the Judiciary's assessment any injury or threat to the right".

Approach	Relationship
Social inclusion	Access to justice refers to the possibility for citizens to resort to judicial services and be treated in the same way, without suffering threats of any kind, constituting a means of social inclusion, a gateway to participation in the goods and services of a society.
Democracy	Access to justice is fundamental to the democratic 'Rule of Law', recognizing that without the right to seek justice, all other rights can be harmed. Therefore, barriers to access to justice become barriers to the exercise of active citizenship and the democratic functioning of society.
Human Rights	Access to justice is closely related to human rights by acknowledging one's rights, giving an effective voice in a neutral and non-discriminatory process, and having a fair chance to be heard, regardless of social class and/or economic situation. It is assured and recognized in international conventions and declarations, such as the Universal Declaration of Human Rights (UN).
Justice System	Access to justice means the possibility for individuals to denounce or defend themselves before the competent court, using the channels of recognition of rights, seeking institutions that aim at the peaceful solution of threats or impediments to rights by judicial system, and institutions essential to justice, such as Public Defender's Office, Public Prosecutor's Office, and Advocacy.
Extrajudicial	Access to justice is linked to the search for extrajudicial institutions: community justice centers, police stations, women's care units, tutelary council, social security, registry office, etc.
Economic	Access to justice is central to the discussion of economic development, involving aspects such as equal economic opportunities, social benefits, and equitable income distribution. In this sense, justice systems, when successful, can be considered sources of revenues converted into social and economic benefits.
Fair legal order	A more comprehensive role of the Judiciary is expected in the solutions to the problem of access to justice, including the formulation of public policies.
Path of rights	It refers to the broader notion of citizenship, in the right of each individual to be and to belong, enabling the participation and configuration of the law itself, creating recognition of new categories of rights, and assuming redistribution to combat economic injustice and recognition to combat cultural injustice.

Source: prepared by the authors (2023), based on Cappelletti, Garth (1988); Shelton (2015); Sadek (2014); Pedroso, Trincao, Dias (2002); Santos (2016); Satterthwaite, Dhital (2019); Oliveira, Cunha (2016); Seng (2020); Task Force on Justice (2019); Bonini *et al.* (2014); Watanabe (1988); Arendt (1989); Avritzer, Marona, Gomes (2014), and Fraser (2006).

It is observed that the issue of access to justice has been gaining attention over the last few years and that, despite the predominance of discussion in the legal field, other areas have joined the debate, indicating the need for new delineations of the phenomenon in the face of the complex needs of public, both from a theoretical and empirical point of view. It is understood that to expand the concept of access to justice, it is necessary to consider

approaches in a complementary way, which is capable of providing structural diagnoses of the problems and promoting systemic action to achieve inclusive access to justice.

In this sense, a broad understanding of access to justice as a multifaceted phenomenon is essential, so that strategies and the formulation of public policies are targeted and properly developed. Therefore, considering the multiple dimensions of the phenomenon, the challenges imply the broadening of the understanding of access to justice (ALBISTON, SANDEFUR, 2013). Resignifying the agenda in the light of the context, time, and reality (GABBAY, COSTA, ASPERTI, 2019), as well as the search for new ways to manage justice with efficiency and quality (GUIMARÃES, GOMES, GUARIDO FILHO, 2018). As an organic, dynamic, and adaptable phenomenon, access to justice must continually evolve with the advancement of society and public agendas.

3. VARIABLES AND INDICATORS USED TO MEASURE ACCESS TO JUSTICE

Metrics are essential for improving understanding of access to justice, as they can guide strategies for effective public policies (MOORE, FARROW, 2019). In this sense, geographic factors can influence access to justice, as revealed by Schultheis (2014), understanding that the distance between legal service providers and potential users can affect the use of the service differently. In addition, past negative experiences with the criminal justice system may influence the decision to seek help for civil justice problems, as presented by Greene (2016). In turn, Lichand and Soares (2014) found that the implementation of special civil courts led to an increase in entrepreneurship among individuals with higher levels of education in São Paulo. Table 2 presents the variables and the main results found in the empirical studies reviewed.

Table 2 - Variables used to measure access to justice and the main results found in the empirical research reviewed

Author(s)	Objective	Variables	Main results
Cuesta, Madrigal and Skoufias (2018)	Explore the determinants behind unequal access to justice services among poor Indonesians.	(i) legal, opportunity, and transportation costs; (ii) lack of information and knowledge; (iii) availability of services; (iv) beliefs, preferences, and perceptions about justice.	Access to justice depends on several factors in addition to financial ones, such as education, gender, family status, and marital status of individuals.

Author(s)	Objective	Variables	Main results
Schultheis (2014)	Propose an integrated method to assess the accessibility of civil legal assistance services, exploring the determinants of spatial, social, and organizational accessibility.	(i) geographic relationship between client and law firm; (ii) organizational characteristics of law firms; (iii) social characteristics of the potential customer population.	The spatial relationship influences the way people use legal aid services. The only significant organizational feature of the law firms was the number of employees.
Lichand and Soares (2014)	To assess whether entrepreneurship grew faster in areas that received special civil courts, using data from the São Paulo state census between 1970 and 2000.	(i) socioeconomic variables: age, sex, education, presence of water, sanitation, and electricity; owning a car, etc. (ii) entrepreneurship: employer status or employee status.	The implementation of special civil courts has led to an increase in entrepreneurship among individuals with higher education, mainly driven by the reduction of the risk of expropriation of physical assets.
Meçe (2016)	Assess the accessibility of the justice system in Albania, based on the perceptions of Roma located in nine districts of the country.	(i) profile of participants; (ii) information on the level of knowledge about the law, rights before the law, and the justice system.	The main barriers are low levels of information, lengthy bureaucratic procedures, corruption, discrimination, and low-quality services.
Moreira and Cittadino (2013)	Discuss the democratization of access to justice for poor community (<i>favela</i>) residents, based on the historical and spatial analysis of civil cases in the Court of Justice of Rio de Janeiro.	(i) individual and collective access to the judicial system; (ii) the position of magistrates in their decisions on the demands proposed by <i>favela</i> residents.	Possible links between (a) greater access to the judiciary by <i>favela</i> residents and improvements in social development indices; (b) low incidence of collective demands and negligent treatment of this type of action by the magistrates; (c) lack of coherence between judicial decisions and social reality.

Source: prepared by the authors (2023).

Efforts have been made to map the studies and methodologies used to construct behavioral indicators of access to justice (OLIVEIRA, CUNHA, 2016) in order to understand how accessible, the justice system is for certain groups (MEÇE, 2016), to elucidate the social exchange between litigation and access to justice (SARACENO, 2018), and to propose new ways of measuring the stages of real-life problems leading up to the final resolution of justice (BEDNER; VEL, 2010). However, the absence of official civil justice indicators in the Sustainable Development Goals (SDG 16) –2030 Agenda, widely discussed by Satterthwaite e Dhital (2019), highlights a latent research agenda in ways of measuring access to civil justice.

4. BARRIERS AND FACILITATORS TO ACCESS JUSTICE

While the lack of access to justice afflicts societies around the world, its consequences disproportionately affect vulnerable groups such as the poor, ethnic minorities, and women (SANDEFUR, 2015). Lower-class individuals, even aware of legal problems, are much more hesitant to go to court. Inaction is even more pronounced among poor black people (GREENE, 2016). Considering the barriers faced by certain groups, Brinks (2019) brings the perspective of indigenous peoples, with the main focus on expanding and strengthening alternative community-based justice systems to overcome barriers to access.

From the perspective of Iranian women's access to justice (BAHAR et al., 2018), reveal low levels of legal awareness, feminization of poverty, and low self-esteem due to the country's hegemonic male structure. In turn, unequal access to justice services may also be perceived among poor Indonesians, considering that inequality involves the financial and infrastructure costs of the community (CUESTA, MADRIGAL, SKOUFIAS, 2018). Therefore, if the design of public policies and judicial reforms do not adequately consider the impact of access to justice for disadvantaged groups, there is a risk of perpetuating inequality of access for certain classes, such as ethnic minorities (SUU, HANH, 2023; HUGHES, 2013). Table 3 presents the barriers to accessing justice.

Table 3 - Barriers to access to justice

Barriers	Argumentation
Financial	Financial expenses can be a significant barrier to access to justice, especially for those with limited financial resources. This may include expenses for lawyers, court costs, document fees, transportation, and other expenses related to the judicial process.
Cultural	This includes a lack of understanding of laws and the justice system due to linguistic differences, as well as mistrust or resistance to seeking help due to cultural or religious beliefs.
Gender, race, and/or ethnicity	Barriers related to gender, race, and ethnicity involve perpetuation of stereotypes and biases in judicial decisions, institutional violence, and lack of trust from individuals to seek legal help due to experiences of discrimination and exclusion.
Unfamiliarity	The population's lack of knowledge, especially vulnerable groups, about their rights is one of the main barriers to accessing justice.

Barriers	Argumentation
Complexity	The complexity of the laws, allied to a pluralistic and fragmented political system, spreads conflicting norms and diverse possibilities of interpretation, contributing to a complex judicial system.
Legal language	Legal language can be understood as a significant barrier to access to justice, specifically <i>'juridiquês'</i> , a Portuguese expression used to characterize abuses and excesses in legal language unnecessarily.
Geographic	The distance that litigants must travel to claim their rights can be a significant barrier to accessing justice.
Institutional	Excessive bureaucracy, lack of resources for legal aid services, slow judicial processes, and lack of training for professionals involved in the administration of justice.

Source: prepared by the authors (2023), based on Carneiro (2018); Sandefur (2019); Sadek (2014); Gordon (2019); Bortolai (2016), Hughes (2013), and Suu, Hanh (2023).

Therefore, the challenge of making justice more accessible is twofold. It encompasses both the reduction of barriers to entry into a legal system and the development of institutional, legal, and political arrangements that allow for equalization of conditions – which becomes much more complex as the world changes rapidly, bringing different transition scenarios, risks, and uncertainties (BRINKS, 2019; TASK FORCE ON JUSTICE, 2019). In this sense, classic access to justice efforts seeks to reduce entry barriers, facilitate access and bring justice closer to citizens, whether through free assistance to disadvantaged people, simplification of procedures, or the creation of outposts in communities (SANDEFUR, 2019). Table 4 explores different facilitators of access to justice.

Table 4 - Facilitators of access to justice

Facilitators	Argumentation
Small claims courts	They can help resolve conflicts effectively, flexibly, and quickly, without the need for formal and costly legal proceedings.
Free legal aid	Providing free assistance is essential for people who would otherwise be unable to obtain legal representation and access to the justice system.
Simplification of the language legal	Simplifying language is a means of gaining clarity and increasing understanding of laws, impacting accessibility and the ability to defend rights.
Pro bono advocacy	Provided voluntarily and free of charge by lawyers, it can be understood as an important tool for addressing problems of access to justice.

Facilitators	Argumentation
Community justice	Judicial systems can be strengthened with non-formal operators and/or community agents close to the community.
Legal empowerment	It is a way to alleviate various economic and social obstacles, strengthening the mechanisms of justice and citizenship.
Itinerant courts	They aim to bring judicial services to remote or hard-to-reach areas, such as rural zones, indigenous communities, or peripheral urban areas.
Human rights protection agencies	They can act as intermediaries between civil society and the justice system, receiving complaints and offering legal guidance, referring cases to competent agencies, and monitoring the progress of legal proceedings, as well as contributing to educational actions about human rights
Public policies for representativeness	They aim to ensure the inclusion and participation of vulnerable groups in decision-making processes and the development of policies and strategies aimed at their specific demands, such as affirmative action policies based on race or gender.

Source: prepared by the authors, based on Lillo (2016); Saraceno (2018); Roznai, Mordechay (2015); Maldonado (2020); Dussán, Avellaneda (2018); Suu, Hanh (2023); Ferraz (2017), and Teremetsky et al. (2021).

Considering that the dynamics of modern public administration offer opportunities to promote social equity (JOS, 2016), facilitating access to justice requires strategies that consider structural, institutional, and contextual barriers. Thus, it is possible to articulate more effective proactive policies and actions to ensure equitable access to justice (HUGHES, 2013). Facilitators include mechanisms that reduce costs, bring the judiciary closer to communities, and facilitate communication and legal understanding. In addition, enabling mechanisms should be discussed with community members to build a solid and legitimate justice system (DUSSÁN, AVELLANEDA, 2018). The promotion of facilitating mechanisms is therefore essential to advance effective policies on access to justice.

5. EPISTEMOLOGICAL GUIDE FOR EMPIRICAL RESEARCH ON ACCESS TO JUSTICE

Considering the mapping of the literature review, the multifaceted character of access to justice, the lack of consensus on terminological aspects, and the different existing approaches, a guide for empirical research on access to justice was prepared (Table 5). The guide can be used both as a support for researchers and as a protocol of methodological rigor for articles, aiming at transparency and robustness in the studies. The guide is exemplary and

non-exhaustive, as it is understood that there may be dimensions that will not be applied in the studies, as well as that several attributes can be identified in each dimension.

Table 5 - Epistemological guide to empirical research on access to justice

Dimensions	Guiding questions	Examples
Constructs	What constructs are investigated in the research? What is the interconnection between them?	Access to justice and governance
Knowledge area	What is the area of knowledge that permeates the study? Are there intersections with other disciplines?	Law, Social Sciences, interdisciplinary
Approach	What is the (macro) approach to access to justice used in the research?	Accessibility, procedural, substantive, path of rights
Operationalization	What is the (micro) focus of access to justice used in the research? How is it operationalized? Are there indicators or variables? Are there analytical categories?	Creation of categories or variables
Sphere of justice	What is the sphere of justice addressed? Inside the selected sphere, will there still be other clippings?	Criminal, civil, labor
Side	Is the demand for access to justice (needs, gaps), the side of available offers (services, policies, structures), and/or intermediaries (such as law firms, and NGOs) addressed?	Demand, supply, intermediaries
Locus	What is the geographic scope of the search? What is the territorial context? Is it possible to compare or expand the results?	Global, regional, and local
Actors and Institutions	Which actors and institutions are involved in the study?	Public, private, social
¹Target Audience	Access to justice for whom? Individually or collectively?	Women, immigrants, homeless people, middle class
Method (Strategy, research design, data collection and analysis techniques)	Is it a qualitative, quantitative, or mixed-method research? What are the data collection techniques? What are the data analysis techniques?	Qualitative study using non-structured interviews and participant observation, employing content analysis
Contribution	What is the main contribution? And how does the study advance in the scientific field?	Theoretical, empirical, practical, social

Source: prepared by the authors (2023).

¹ Observe the criteria of ethics committees involving research with human beings.

After understanding the focus of access to justice is addressed, it is essential to determine for whom it is addressed. In this regard, it is necessary to pay attention to the intertwined vulnerabilities, based on the following questions: What rights and to whom are they denied? What are the barriers that reach this audience? How to promote facilitating mechanisms? Public policies need to be thought through from the perspective of inequalities, which includes starting from a basic legal understanding enabling easy, fast, and effective conflict resolution mechanisms.

As the judicial system becomes digital, those who have the necessary means and tools can assert their rights, but this can also create a scenario of inequality, given that individuals may not have a computer, be digitally illiterate or not have access to high-speed internet (HUGHES, 2013; MATTIOLI, 2018). Therefore, it is understood that it is necessary to prioritize the digitally excluded in the processes of digital innovation, because, otherwise, there is a risk of increasing the inequality of access to justice.

Public managers are in a strategic position to expand the representation of marginalized groups and support actions that mitigate power imbalances, involving policies, mechanisms, and procedures capable of influencing the dynamics of access and effectiveness in the provision of services (JOS, 2016; OSORIO, O'LEARY, 2017). Therefore, one way to advance access to justice is to have targeted and personalized strategies for certain groups, particularly vulnerable ones. Understanding access to justice is, above all, understanding the lack of access to justice, and, in this sense, it is expected that an increasing number of studies will give voice to these silenced groups.

5.1 PROMISING TOPICS

Based on the results of this review, at least three promising topics for the field of access to justice can be identified: a) people-centered legal services; b) innovation and technologies; and c) networking. In the following paragraphs, each of the topics is discussed considering its potentialities.

People-centered legal services are a user-focused public service model that encourages an iterative process between managers and users, with constant planning and correction. Furthermore, solutions are designed with people's legal needs in mind, considering that they know what they need, and the difficulties encountered (TOOHEY et al. 2019; HAGAN, 2019). When the focus is centered on government or institutions, users are only passive recipients of services; however, from the people-oriented perspective, they

can express their demands authentically, contributing to the formulation of public policies and evaluation of service delivery (OECD; OPEN SOCIETY FOUNDATIONS, 2019).

In this sense, it is understood that society should play an active role in the design, implementation, and evaluation of legal services. In empirical terms, a promising path is the use of participatory community research, i.e., developing partnerships between universities and community members to deal with complex social problems (KAPUCU, 2016). Based on the premises of Feix (2004), it is envisioned that the third sector organizations can establish themselves as intermediaries of access to justice, stimulating the State and civil society partnership to face the weaknesses of citizenship and human rights in the country. Therefore, access to justice policies needs to be built collaboratively with communities to better understand social demands and adequately map problems, promoting quality diagnoses and effectiveness of actions.

Another promising topic regarding access to justice involves innovation and new technologies. Innovations have been encouraged in Justice organizations, especially in the Judiciary, by the creation of several innovation laboratories. Information and communication technologies, on the other hand, have been incorporated into different sectors of the judicial system, such as digitization processes, online systems, artificial intelligence, lawtech and legaltech, videoconferencing or electronic communication, among others (BAILEY, BURKELL, REYNOLDS, 2013).

New technologies can be used to improve transparency, disseminate legal information and reduce the backlog of court cases. However, it is not possible to assume a symbiotic relationship in which the process of technological modernization of the judiciary necessarily improves access to justice, as such efforts may reflect the interests of the courts and lawyers, and not the needs of the judiciary nor of the people the innovations should serve (HAGAN, 2019). Therefore, it is understood that new legal technologies can bring several benefits, such as procedural speed, efficiency in the judicial provision, greater understanding of rights, reduction of bureaucracy, conflict prevention, and democratization of access to justice. However, policies need to be developed taking into account the barriers to technological access and aspects of the digital divide, to avoid widening inequalities in access to justice.

Finally, networking represents a new way of understanding access to justice from a systemic perspective, since the effective and comprehensive provision of legal services is a commitment not only to the judiciary but also to a series of other institutions public and

private, such as academia, social organizations, the third sector, communities, the family, and the individual himself (DUSSÁN; AVELLANEDA, 2018; FEIX, 2004; TASK FORCE ON JUSTICE, 2019). Despite its prominent position, the Judiciary alone would not be able to meet all the needs, so it is essential to engage other actors such as the Ministries of Justice, Public Prosecutors, Public Defenders, Specialized Centers, and Private Legal Service Providers (ELENA, MERCADO, 2019). The lack of coordination, collaboration, and communication between the different sectors compromises the quality of the services provided, implying overlapping services, expenditure of resources, and lengthy procedures (MEÇE, 2016). Therefore, thinking holistically about access to justice means developing a sense of collectivity and a proactive vision in which the challenge of justice belongs to everyone.

5.2 RESEARCH AGENDA

Considering the need for studies that relate to law and public administration (OSORIO, O'LEARY, 2017), it is essential to understand how legal, public, and civil actors understand access to justice and whether theoretical assumptions are evident in the real world. The discussion is also expected to address serious social issues and current trends in addressing the challenges of injustice around the world. In this sense, other emerging issues on the rise in the selected studies stand out, which can alert authorities, researchers, and public policymakers to the challenges of access to justice, namely, violence against women, and the invisibility of the homeless population, the vulnerability of immigrants, the judicialization of environmental issues, and the judicialization of health.

In addition, it is understood that universities can play an important role in students' worldviews and instill values for inclusive access to justice. In the face of complex social challenges, limited resources, and growing demands from citizens, universities have the potential to be the link for engagement with communities, promoting democratic participation, and seeking solutions to social and economic problems (KAPUCU, 2016). Based on the vision of Economides (1999), and on the still current need to rethink legal education and the training of legal professionals, questions relevant to this discussion follow: What is the vision of law students on access to justice? Are curricula designed considering responsive training in the face of social injustices? What to expect from future lawyers in the face of inequalities in access to justice? Therefore, because of the challenges, collaborative

work between institutions of the justice system and academics is sought. Studies exploring the role of the universities in promoting access to justice, whether through teaching, research or extension, are welcome.

Under the methodological approach, it is recommended to develop other types of reviews (narratives, systematics, meta-analyses) that help to consolidate knowledge and point out gaps, such as in criminal justice, health judicialization issues, or even in civil justice, focusing on the family or specialized justice, for example. Far beyond bibliographic reviews, the agenda is open to empirical studies that use new methods of data collection and analysis. In addition, longitudinal and/or comparative studies can improve the understanding of access to justice, whether across groups, regions, or countries. It is also proposed that studies with secondary data use local data (municipal or regional), which allows a detailed understanding of the reality of access to justice. Ethnographic studies can explore symbolic aspects and help to understand aspects of access to justice qualitatively. In any case, robustness is expected in the methodological structure of the articles, so that research on access to justice advances in the replicability and reliability of the results.

Furthermore, it is necessary to advance in the ways of measuring access to justice: What are the explanatory factors? What are the antecedents and consequences? What indicators can be formulated? What strategies and mechanisms can be used? In addition, promisingly, it is suggested to expand the field of study by interrelating innovation and access to justice, especially with social innovation, open innovation, and innovation in services. In addition, there is an imminent gap in studies with different vulnerable groups and the 2030 Agenda (UNITED NATIONS, 2015). In light of the discussion, as relevant as understanding the 'lack', is understanding the 'excess of access to justice', so that studies can delve into the excess of litigation and overcrowding in the judiciary, and how this ends up interfering with the dynamics of legal services.

6. FINAL CONSIDERATIONS

The present study aimed to propose an epistemological guide for empirical research on access to justice, using three dimensions of analysis: a) approaches and conceptions; b) variables and measurement indicators; and c) barriers and facilitators. The methodology used is the literature review, with a critical-methodological approach. Based on this, analytical and categorizing research was conducted to establish dimensions of approaches and conceptions,

the categorization of variables used to measure access to justice, and the main results found in reviewed empirical research. From this analysis and using a topical approach, relevant themes were identified and research questions were formulated for investigations on the subject.

It is assumed that access to justice is a fluid, organic, dynamic, and moldable concept and that it must constantly evolve as society and public agendas develop. In a promising field, the literature review indicates that innovation and technology can contribute to the promotion of access to justice, but it is necessary to pay attention to the vulnerability of social groups and digital exclusion. Faced with complex challenges, networking, and people-centered action can represent a new way of understanding access to justice from a systemic perspective.

The field of access to justice still represents a phenomenon to be explored, and understanding its multifaceted nature and developing a holistic view is, above all, a complex social challenge. Indeed, overcoming barriers and inequalities will require the collaborative work of various actors, both public, private, and social. It is expected, therefore, that the epistemological guide for empirical research on access to justice reaffirms the need for the commitment of different actors to engage reflexively in this debate.

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