JIBAS (The International Journal of Islamic Business, Administration and Social Sciences) (Quarterly) Trilingual (Arabic, English, Urdu) ISSN: APPLIED FOR (P) & (E)

Home Page: http://jibas.org

Approved by HEC in Y Category

Indexing: IRI (AIOU), Australian Islamic Library,

Euro Pub.

PUBLISHER HABIBIA RESEARCH ACADEMY Project of JAMIA HABIBIA INTERNATIONAL,

Reg. No: KAR No. 2287 Societies Registration

Act XXI of 1860 Govt. of Sindh, Pakistan.

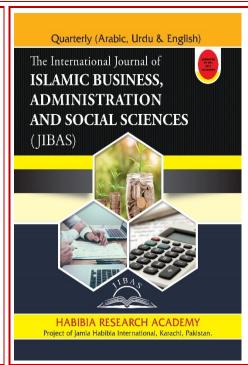
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TOPIC:

VIDEOCONFERENCING FOR JUSTICE IN PAKISTAN: EXPLORING OPPORTUNITIES AND CHALLENGES.

AUTHORS:

- 1. Aliya Saeed, Research Scholar PhD(LAW), School Of Law, University Of Karachi, Email ID: aaliasaeed@yahoo.com
- 2. Dr. Abdullah Jumani, Deputy District Attorney Law/ Solicitor, Government of Sindh Email ID: Abdullahjumani1@gmail.com
- 3. Abid Akhter, Officer/Visiting Faculty School of Law, University of Karachi

How to Cite: Saeed, Aliya, Dr. Abdullah Jumani, and Abid Akhter. 2024. "VIDEOCONFERENCING FOR JUSTICE IN PAKISTAN: EXPLORING OPPORTUNITIES AND CHALLENGES". International Journal of Islamic Business, Administration and Social Sciences (JIBAS) 4 (3):35-47.

URL: https://jibas.org/index.php/jibas/article/view/136.

Vol. 4, No.3 || July –September 2024 || P. 35-47 Published online: 2024-09-30



VIDEOCONFERENCING FOR JUSTICE IN PAKISTAN: EXPLORING OPPORTUNITIES AND CHALLENGES.

Aliya Saeed,

Dr. Abdullah Jumani,

Abid Akhter,

ABSTRACT:

The utilization of videoconferencing (VC) innovation in court proceedings has been extending in recent times. However, there has not been much research done on how utilizing VC in court proceedings affects many aspects of procedural justice. The court settings and procedural justice aspects of sessions when the detainee attended in person in contrast to hearings where they participated through VC were compared using systematic observations made in 365 extension-of-detention proceedings. After adjusting for a number of variables, examination shows multivariate regression that the neutrality, voice, and respect components of procedural justice are substantially lower in virtual hearings versus in-person trials. In order to further promote acknowledgment and fulfilment of courts' decisions, the findings suggest that legitimate entities should take steps to improve procedural parity during VC hearings.

KEYWORDS: Videoconferencing, justice, human rights, virtual hearings.

1. INTRODUCTION:

A crucial component of judicial decision-making, legal hearings are also a defendant's constitutional right (Bannon and Keith, 2020; Ashford, 2021). The defendant or inmate is often present in person during the majority of court hearings. The usage of videoconferencing (VC), which enables hearing participants to participate from distant places, has increased in legal settings as well as other fields due to technology advancements over the past few decades (Patel et al., 2020; and Lederer, 2020).

Procedural justice is characterized extensively as decency in how authority-holders practice their position and how debates are taken care of by the courts, as mirrored in procedures like regard and pride, welcoming residents' feedback, and straightforward and unbiased direction (Pangan and Dausan (2024); Legg and Melody (2021); Bannon and Adelstein (2020)). With regards to procedural justice in legitimate cases, that's what studies demonstrate "how individuals and their concerns are overseen when they are managing the courts has more impact than the result of their case," and, for sure, that "procedural justice affects whether individuals acknowledge and keep the choices made by the courts, both right away and after some time" (Valchev (2020)).

A feeling of being treated in accordance with standards of procedural justice could prompt more viable restoration and lessen the probability of an individual promising further offenses, hence helping guilty parties as well as the more extensive public (Sossin and Yetnikoff (2007)). Thus, it is fundamental to comprehend the effect of videoconferencing on procedural equity in legitimate hearings. Notwithstanding, apparently, the scholarly

community has only just started to examine the relationship between the utilization of VC and procedural justice in judicial proceedings.

The use of videoconferencing technology has revolutionized the global legal system with the goals of lowering waiting periods, expanding access, and guaranteeing judicial effectiveness (Scherer, 2020). Videoconferencing has become a standard practice in court procedures in affluent nations like the US and EU members, simplifying case administration and increasing efficiency (Torres et al., 2024). likewise, to solve case backlogs and logistical issues in court procedures, Asian nations like Malaysia and India have implemented judicial videoconferencing (Wong, 2022). Systemic inefficiencies, such as significant case backlogs, restricted connectivity for rural communities, and logistical limitations, have long plagued Pakistan's judiciary (Kamber, 2022).

In order to address these issues, Pakistan modernized its legal system by implementing e-justice programs, such as judicial videoconferencing. When the COVID-19 pandemic forced the need for alternatives to in-person court appearances, this strategy gained a lot of popularity (Pires and de Ayala, 2022). Although videoconferencing has great promise, its use is still restricted due to a lack of infrastructure, a lack of digital literacy, and mistrust among legal experts (Forell et al., 2011; and Rossner et al., 2021). Few research concentrates on Pakistan's particular socio-legal dynamics and infrastructure limitations, despite the fact that global researches extensively analyze videoconferencing in the judiciary. Stakeholder viewpoints and the validity of virtual court procedures are not given enough attention in the literature, which mostly addresses technical viability and operational effectiveness (Ahmed, 2021).

Therefore, the present study draws on the exceptional opportunity that came with the COVID-19 epidemic, during which time countries around the world severely limited inperson interactions and social events. Following these limitations, Pakistani and international judges have expanded the use of VC in court proceedings, including extension-of-detention proceedings (Rossner and Tait, 2023; Graur, 2020; Laux and Kröger, 2022; Veale, 2018; Ariturk et al., 2020). During these sessions, only detainees would be linked in online; police officers, judges, defense attorneys, and prosecutors would remain in the courtroom.

There is a significant lack of understanding regarding the institutional, cultural, and regulatory factors that affect the adoption of videoconferencing in Pakistan's courts. This study aims to fill that gap by examining the experiences and challenges faced by stakeholders, offering practical insights to improve the implementation of e-justice in Pakistan. Consequently, this research poses the following questions: How do observations of procedural justice vary between in-person and videoconferencing (VC) extension-of-detention hearings in Pakistan? Can the insights gained from VC extension-of-detention hearings be applied to other court proceedings within the criminal justice system? What are the wider implications of utilizing VC technology in court hearings for procedural justice on a global scale? How does the use of videoconferencing in extension-of-detention hearings affect the perceived fairness and effectiveness of judicial processes? We contrasted

the court environments and procedural justice feedback between in-person trials compared to ones where the "presence" of those imprisoned was mediated by technological devices using organized observations of 365 extension-of-detention trials that were held in hearing rooms across the nation, of which slightly more than half relied upon VC.

The rest of the study is organized as: next section 2 explains previous research; section 3 discloses about methodology part; section 4 is all about result and discussion and finally section 5 ends up on conclusion.

2. LITERATURE REVIEW:

The literature features many benefits of VC in trials over customary face-to - face trials, like time and expense reductions (Bilevičiūtė (2022); Taylor (2022) and). However close by the benefits of VC, it has different constraints, together with the risk of specialized issues and correspondence boundaries (Graur (2020); Laux and Kröger (2022); Veale (2018)). Whereas the efficiency advantages of far-off hearings have frequently been more apparent to judges, the difficulties introduced by this innovation stand out (Yamkovyi et al., 2021; Zamir and Mujahid (2024; Johnson and Wiggins (2006)). Accordingly, there is worry that the utilization of such hearings may possibly abuse the privileges of the charged, especially their entitlement to fair treatment and generally speaking procedural equity. In this research, we center around the impacts of VC on procedural equity. This research exploits what is happening that arose during the Coronavirus pandemic, when government offices in numerous nations changed their guidelines to decrease contact between people in various households (Rossner and Tait (2023); Ariturk et al., 2020).

Given the qualities of detainment during examination, and the shortfall of any significant procedural distinction between the first and any ensuing confinement expansion hearings, this special circumstance fills in as a "characteristic trial" (Lulham et al., 2017) which permits us to look at what the utilization of VC in legitimate hearings means for procedural equity. In particular, we involved field perceptions to analyze components of procedural equity in expansion of-confinement hearings where the prisoner was available just basically, by means of VC, to those in hearings where the prisoner was available face to face.

Procedural justice has been a key topic in legal and criminological research, highlighting the importance of fairness, respect, and transparency in judicial processes. Tyler's (2006) finds that how people appraise procedural justice determines their acceptance of the law and their confidence in the courts. This focus has been expanded to consider the ways that procedural fairness affects detainees, an otherwise disadvantaged populace vulnerable to asymmetrical relations of power throughout the legal process. The significance of communication, voice and respect for shaping the detainee's justice perception has been researched recently emphasizing interpersonal communication of judges, attorneys and detainees for fair treatment (Kamber (2022); Laux & Kröger, 2022).

In the case of judicial systems, video conferencing is an intervention that has enriched procedural justice. As it has been stated earlier, convenience and access are the benefits of virtual hearings although there is evidence that indicates that it would reduce the detainee's appreciation for fairness and respect since there would little to no interpersonal

communication (Hillman, 2007, Afzal, 2024). A number of studies with regards to face-to-face and through-Skype or through other means hearings suggest that lack of physical presence makes it difficult for detainees to voice out their concerns and comprehend the legal proceedings fully. Further, there are contextual variables relating to place as well as kind of offenses that determine the perception of procedural justice, therefore suggesting that justice initiatives involving technology in the courts should be sensitive to the contextual probable cause of conviction. Increasing research has been done on evidencing the relation between technological usage and judicial principles including fairness and dignity alongside with technological use perverse practices (Johnson & Wiggins (2006)).

3. **Methodology**

The current paper aims to investigate the concept of procedural justice through an examination of court proceedings held in Pakistan, including both traditional face-to-face sessions and video-conferencing (VC). The data was collected through observation and self-structured questionnaires completed by detainees focusing on certain parameters like neutrality of a detention facility and ethnical treatment, and the freedom to express during judicial proceedings. Factor analysis was used to pinpoint essential elements related to procedural justice, while regression analysis helped assess the influence of detainee demographics, types of hearings, categories of offenses, and various contextual factors. Descriptive statistics provide an overview of participant characteristics, and t-tests along with Cohen's d are utilized to evaluate differences between the two hearing modalities.

We gathered information on hearings that took place in May 2020. The five major Pakistani magistrate courts including Islamabad, Lahore, Karachi, and Quetta, where the majority of extension-of-detention cases take place, were the sites of 384 systematic field inspections. Of these hearings, 175 took place in person, 190 took place via videoconferencing (VC), 19 took place without the detainee present, and seven involved the inmate participating over the phone. Only the proceedings held in person and through VC were included in the current analysis.

3. Results and Discussion

The factor analysis identified two key dimensions of procedural justice: F1 (Voice, Neutrality, and Respect): Items such as fairness, dignity, and detainee participation were strongly associated (e.g., "The detainee was treated fairly by the judge" = 0.799); F2 (Explanation and Comprehension): This factor included items focused on understanding the hearing process and its outcomes (e.g., "The detainee was informed by the judge of the hearing's conclusion" = 0.898).

Table 1: Factor analysis

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Item		F1	F2	ı

The detainee was treated fairly by the judge.	0.799	
The detainee was treated with dignity by the judge.	0.791	
During the hearing, the inmate and the attorney were permitted to communicate.	0.787	
The prisoner might take part in the conversation.	0.801	
Before rendering a decision, the judge gave the detainee a chance to voice his thoughts.	0.599	
The court attempted to ascertain whether the detainee comprehended the conclusion of the hearing.		0.778
When the prisoner requested to speak throughout the hearing, the judge was understanding.	0.751	
The prisoner comprehended the hearing.	0.691	
The judge gave the detainee an explanation of the procedure.		0.701
The detainee was informed by the judge of the hearing's conclusion.		0.898

The descriptive statistics shown in Table 2 offer valuable insights into the demographic, procedural, and contextual characteristics of detainees within the judicial system. Gender representation is fairly balanced, with females making up 49% of the sample. Video conferencing, a contemporary procedural tool, was utilized in just 6% of cases, suggesting a limited adoption of digital technologies in courtrooms. The ethnic and religious distribution is also a mixed one, for 49% of detainees are Pakistani Muslims, 53% of the persons are Hindus and 24% of the detainees do not speak Urdu; this shows that the population which seeks judicial help is multicultural. The experience also reflects the trend of an increased number of legal problems among younger people since 39% of the detainees were under 30 and 45% of the detainees were within the 30-40 age.

The kinds of offenses point to the fact that serious criminal activity is best describes it as the various offenses include Violence/sexual 48%, Drug 22% and Property 16%. Karachi is the hotspot for these cases since they account for 40% of all of them, while Islamabad accounts for 22% of all cases, Lahore and Quetta for 19% each. Family members' attendance at hearings mentioned in a half of the cases means that a moderate level of relatives' participation in legal procedures of detainees may influence the procedural justice perceptions. The average noise level recorded is 1.83, and the average duration of hearings (square root: 3.29 referred to the fact that there is a variation in settings during a court trial which might affect Detainee's attention and comprehension of proceedings. These form the basis for exploring variation in procedural justice in relation to the types of hearings and in relation to the characteristics of the participants.

Table 2: Descriptive Statistics

Variable	Mean	N	Range	Std. Dev

	1			1
Female	0.49	350	0/1	0.21
Videoconferencing	0.06	350	0/1	0.49
Origin				
Pakistani Muslim	0.49	335	0/1	0.48
Pakistani Hindu	0.53	335	0/1	0.49
Non-Urdu Speakers	0.24	330	0/1	0.46
Others	0.07	335	0/1	0.22
Age		360		
Under 30	0.39	360		0.48
30-40	0.45	360		0.49
40-55	0.14	360		0.34
55+	0.03	360		0.16
Offense				
Violence & Sexual Offense	S	365		0.48
Property-Related	0.16	365		0.39
Fraud/economic	0.03	365		0.13
Drugs	0.22	365		0.43
Traffic	0.02	365		0.13
National Security	0.03	365		0.15
Public Order	0.08	365		0.28
Traffic	0.02	365		0.13
Others	0.07	365		0.26
Agreement	0.16	359	0/1	0.37
Noise	1.83	365	1-6	1.23
Duration (Square root)	3.29	365	0-10.15	1.25
Family	0.35	363	0/1	0.47
City				
Islamabad	0.22	365	0/1	0.41
Karachi	0.4	365	0/1	0.48
Lahore	0.19	365	0/1	0.19
Quetta	0.19	365	0/1	0.39

The results of the procedural justice have been summarized in Table 3 for face-to-face and video-conferencing hearings. The results show that detainees had contrasting perceptions of neutrality, respect, and voice. A higher average of 3.29 was given to in-person hearings

while VC hearings received 2.75, differences being statistically significant (p < 0.01). This means that the face-to-face interactions are considered to be fairer, probably because of improved interaction. However, for PJ dealing with reliable intentions the mean scores are almost equal, with in-person hearing having mean of 0.89 and VC having mean of 1.83 which are not greatly different. These findings underscore the difficulty of doing justice to perceptions of justice in digital court settings suggesting the need to enhance VC protocols to overcome this condition.

Table 3: Outcomes of Procedural Justice

	In-Per	rson	VC-Mediated						
	N	Mean	St. Deviation	N	Mean	St. Deviation	P	Т	Cohen's
Procedural justice—neutrality, respect, and voice	179	3.29	1.09	183	2.75	1.19	<0.01	4.35	0.43
Procedural justice-reliable intentions	179	0.89	1.37	183	1.83	1.299	0.73	0.29	0.02

Table 4 supplies a regression analysis to examine the relationship between detainee characteristics, types of hearings, offenses, and contextual factors with procedural justice. The results show that videoconferencing has a negative impact on procedural justice with the value of -0.49 (p < 0.001) suggesting that it is challenging to reach the notion of fairness when hearings are conducted online. Pertaining to age and origin, no substantial differences are observed and a small tendency appears in the group of detainees aged 40-55. The type of offense plays a crucial role, as detainees involved in national security cases report much lower perceptions of procedural justice (-1.33, p < 0.01).

City-specific results indicate that detainees in Karachi and Quetta have higher perceptions of procedural justice (0.73 and 0.37, respectively), while those in Islamabad report a negative association (-0.55, p < 0.01). Additionally, contextual factors like noise levels adversely affect perceptions (-0.13, p < 0.01). The model accounts for 27% of the variance in procedural justice perceptions ($R^2 = 0.27$), highlighting how the type of hearing, case context, and geographic location influence detainees' experiences of justice. These results point to the necessity for focused improvements in virtual hearings and context-aware strategies to boost procedural fairness.

Table 4: Regression Analysis of Procedural justice—neutrality, voice, and respect by detainee, hearing type, offense and context characteristics.

B Confidence intervals (95%)	В	Confidence intervals (9	95%)
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Female	0.14	-0.29, 0.59
Videoconferencing	-0.49***	-0.72, -0.23
Age		
30-40	0.14	-0.13,0.41
40-55	0.34	-0.01,0.71
55+	0.27	1 20 0 01
Origin [†]	-0.27	-1.38,0.81
Pakistani Muslim	0.07	-0.19,0.35
Other	-0.10	-0.81,0.59
Non-Urdu Speakers	-0.21	-0.53,0.12
Offense		
National security	-1.33**	-2.27, -0.40
Property	-0.32	-0.65,0.06
Drugs	-0.18	-0.61,0.23
Violence & sex	-0.27	-0.64,0.07
Fraud/economic	-0.21	-1.53,1.08
Other	0.07	-0.45,0.61
Traffic	-0.21	-1.10,0.60
City		
Islamabad	-0.55**	-0.91,-0.20
Karachi	0.73**	0.25,1.20
Lahore	0.29	-0.03,0.61
Quetta	0.37*	0.02,0.71
Detainees	0.17	-0.09,0.45
Agreement	-0.25	-0.65,0.13
Family	0.07	-0.17,0.31
Noise	-0.13**	-0.21,-0.03
Public order	0.29	-0.14,0.73
Duration (square root)	0.03	-0.07,0.12
Constant	3.75***	3.09,4.40
Observations	325	
\mathbb{R}^2	0.27	

Note: *** signifies probability less than 1pc; ** P-Value less than 5pc; and * P-Value less than 10 pc.

3.1. Discussion:

The regression analysis presented in Table 4 reveals important insights into how detainees perceive procedural justice. Notably, videoconferencing predicted the perceptions of fairness, respect, and voice negatively ($\beta = -0.49$, p < 0.001), suggesting that virtual hearings may erode the fairness, respect, and voice that detainees feel they have. This creates a concern regarding whether or not the remote hearings guarantee important aspects of justice, likely because of factors such as; low interaction, or difficulties in technology. Moreover, the type of offense greatly affects the impressions received as national security cases are associated with receptions of significantly lower Procedural Justice ($\beta = -1.33$, p < 0.01). Such a suggestion need not be that such cases are considered more rigid or even biased in terms of procedure to require additional research in their unique aspects.

Geographical factors also come into play in a very big way. Self-generated procedural justice was higher in Karachi and Quetta compared to Islamabad (F = 17.60, p < 0.001). Such difference may be caused by differences in judicial system or in distribute of resources or in detainee population in those areas. Further, noise levels during hearings and similar contextual factors are perceived negatively as (β = -0.13, p < 0.01) which testifies that environmental context influences detainees' experience on a large scale. Albeit the aforementioned model explains only 27% variance (R² = 0.27), the results suggest that more efforts should be made to mitigate technological, contextual and regional challenges for the provision of fair justice though the utilization of videoconference.

4. Conclusion

The results show significant differences between procedural justice perceptions as the result of the type of hearing, the nature of the offenses, and with respect to several contextual facets. As has already been pointed out, video-conferencing may be a useful solution to increase the efficiency of judicial proceedings, but this solution decreases detainee's sense of justice, respect and voice. This means that the interpersonal relationships in a court hearing could not be well portrayed in remote hearings, especially where the cases as in this study involves national security offenses. On this basis, it is evident that even perceptions of procedural justice also vary across regions and this therefore helps to reinforce the call for comparability across different regions as a way of ensuring that justice is done in all the regions.

The principles of justice require that the policymakers should strive to integrate procedural safeguards in to the VC systems being adopted. This intervention calls for increased efforts to train judiciary and other legal players on how to handle various restrain in virtual settings. Technology investments in areas concerning the quality and availability of communications during hearings must be made. First, it is also imperative to design special policies concerning such cases as offenses threatening national security, for example, to minimize perceptions of prejudice. Lastly, the variation in the perception of procedural justice across the regional level implies the critical importance of having a common view of judicial procedures in order to maintain justice standards across all regions.

Subsequent studies should analyze the impact of videoconference on judicial performance and detainees' subsequent practices. Diversifying the comparison between different types

of legal systems and cultural peculiarities allows broadening the understanding of how effectively virtual hearings can be applied as well. Additionally, there is a lack of qualitative studies that focus on the detainees during remote proceedings as they might pick up on the subtle things that make them perceive legal proceedings as unfair. Refining the audio-visual systems may also reveal strategies for making the procedural justice of remote hearings better.

4. Conclusion

The findings highlight notable differences in how people perceive procedural justice, influenced by the type of hearing, the nature of the offenses, and various contextual elements. While videoconferencing serves as a practical means to enhance judicial efficiency, it tends to diminish detainees' feelings of fairness, respect, and having a voice. This indicates that remote hearings might not effectively capture the interpersonal dynamics present in face-to-face proceedings, especially in sensitive cases such as national security offenses. Additionally, the regional differences in perceptions of procedural justice point to the necessity for a more uniform approach across different jurisdictions to guarantee fair treatment.

Policymakers need to focus on incorporating procedural safeguards into videoconferencing systems to maintain the principles of justice. It's crucial to train judges and legal professionals to effectively manage the limitations of virtual platforms. Investing in technology to enhance communication quality and accessibility during hearings is vital. Additionally, creating specific policies that address the unique challenges of high-stakes cases, like national security offenses, can help reduce perceptions of bias. Lastly, the differences in how procedural justice is perceived across regions highlight the need for a consistent judicial framework to ensure fairness standards are upheld across all jurisdictions. Future research should investigate the long-term effects of videoconferencing on judicial outcomes and the rehabilitation of detainees. Conducting comparative studies across various legal systems and cultural contexts can yield broader insights into how well virtual hearings can be adapted. Furthermore, qualitative research that examines the lived experiences of detainees during remote proceedings could reveal subtle barriers to their sense of fairness. Exploring technological advancements, such as enhanced audio-visual systems or virtual reality environments, may also offer ways to improve the procedural justice of remote hearings.

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