



# Interaction of State and Public Structures in The Field of Legal Aid

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**Abstract:** The article presents an analysis of the interaction between state and public structures in the field of legal assistance to ensure access to justice for socially vulnerable groups. In this article, the mechanisms of cooperation, barriers, and strategies to enhance effectiveness under conditions of intensified social stratification and legal complexity will be examined. The relevance of this work can be attributed to the enormous scale of the problem: 5 billion people lack access to justice, and 92% of low-income Americans face unresolved legal issues. The methodological framework employed here comprises a comparative analysis of three legal systems (India, the USA, and Australia), conducted through a systematic review of 13 sources (international acts, statistics, and cases), supplemented by content data evaluation. It was observed that state aid governed by statutes provides fundamental support. However, it comes with bureaucracy and underfunding. Key findings underscore the need for reforms that can fundamentally eliminate systemic barriers. Major issues include gender differences, significant delays in immigration courts, and insufficient free assistance. The successful plans that halted large evictions by teaming up in the Right to Counsel program in New York City reveal something else. Suggestions include more cash, online help, law school, and focused things for weak people (like migrants and ethnic groups). This article is useful for attorneys, human rights advocates, lawmakers, and

scholars who want to promote justice, access, and social fairness.

**Keywords:** legal assistance, government agencies, public organizations, access to justice, vulnerable groups, gender disparities.

**Introduction:** Legal aid is one of the most crucial components of access to justice, which has been incorporated into various provisions of international legal instruments through the channels of the Universal Declaration of Human Rights (Article 10) and the European Convention on Human Rights (Article 6) [1, 2]. In today's reality, characterized by growing social stratification and complex legal systems, the relevance it previously held now reaches much higher levels. This holds particularly for the most vulnerable segments of the population - people with low incomes, migrants, and people who have faced human rights violations. Approximately 5 billion people lack fundamental access to justice worldwide [3].

At the national level, the situation also shows grave troubles. For instance, low-income Americans get no or inadequate legal help in 92% of their major civil legal issues [4].

Formed human rights groups in public, such as the ACLU and the Law Center within the United States, or Liberty in the UK, play a great role in solving these problems by offering free legal advice and representation in court. Their work not only resolves individual cases but also brings about systemic change through strategic litigation and advocacy for reform.

A study into the value of legal aid and the ways to deliver it remains relevant, as it helps identify ways to improve the efficacy of legal systems and ensure equal justice. A consideration of such interactions has tangible consequences for creating public policies that focus on eliminating obstacles and enhancing legal services for every segment of society.

## **MATERIALS AND METHODOLOGY**

The interactions between the state and public structures concerning legal aid were studied based on 13 binding international legal instruments, statistical reports, scientific articles, case law, and media publications. Forming the theoretical base were fundamental

documents, including the Universal Declaration of Human Rights [1] and the European Convention on Human Rights [2], which enshrine the rights to a fair trial and access to legal aid. Size of the global problem-information from Namati [3] and The Justice Gap Report [4]. This study was conducted methodologically by comparing the legal systems of various countries based on their respective models of legal aid. Public-private partnerships expand the reach of services in India [8, 9] and New York [12]; however, they also require sustainable funding. A paper by A. Mukherjee [5] has confirmed that legal organizations and online platforms help close the 'legal gap' for vulnerable groups, and R.P. Khubalkar's paper [6] has shown that digital adaptation is necessary for traditional schemes. Statistics and case data - information from NSW Legal Aid [11] and IAALS [13] revealed gender and ethnic disparities in accessing aid. At the same time, materials on the overburdened US immigration courts [10] highlighted the roles of NGOs in alleviating the burden on state institutions. The study, which combines information from global legal tools, country actions, and scholarly works, demonstrates that despite the success of public-private teamwork and digital methods in increasing access, the link between the government and public bodies in the area of legal assistance still faces fundamental issues.

The research methodology employed here involves a comparative legal analysis of the various models of legal aid in different countries, which facilitated the identification of shared trends and typical features. A case study examining New York programs [12] and Indian initiatives [8, 9] was conducted to evaluate the effectiveness of public-private partnerships, considering their funding structure, service coverage, and beneficiary feedback. Statistical analysis of report data [3, 4, 11, 13] and judicial practice evidence helped quantify the disproportions in access to legal aid by gender and ethnicity.

## **RESULTS AND DISCUSSION**

It encompasses the activities that ensure the protection of the rights and legitimate interests of individuals and entities before judicial or other bodies, as well as in the course of other legal actions. They include consultations and court representation, document drafting, and other forms of support [5]. The two main divisions are state

legal assistance and public legal assistance. State legal assistance forms part of the state mechanism that provides provisions to citizens through budgetary expenses organized by state bodies. It comprises assistance provided at various stages of the court process, such as free legal advice, help with drafting claims, and offering legal support in court to those who cannot afford to hire private lawyers. A key point about government legal aid is that it is typically enshrined in legislation and available to all citizens, regardless of their financial situation, provided such actions are permitted by the applicable laws [6]. On the other hand, private legal aid is provided by non-governmental organizations, various human rights organizations, public associations, and individuals who offer legal assistance. This private aid can be organized on both voluntary and charitable grounds; it is not financed by the government and may be rendered either freely or with partial payment. Public legal aid is usually intended to rescue citizens who belong to vulnerable categories. This will include the impoverished, refugees, ethnic minorities, and disabled people. The fundamental difference between public and state legal aid is that the former typically plays a subordinate role within the legal system and only addresses aspects that may be inadequately serviced by government agencies at some point in time. For example, assistance regarding human rights or saving the rights of groups facing discrimination.

Legal aid can primarily be classified into state legal aid and public legal aid. Although their funding sources and organizations differ, they form essential components in the provision of justice through the law in any society. Therefore, it is essential to note that both forms of legal aid should work in close cooperation to ensure that complete and effective justice is attained, particularly for socially vulnerable groups within the population.

The state plays a significant role in providing legal aid as one of its duties, recognizing that all citizens must have equal rights before the law and access to justice. The primary instrument for this is the establishment and maintenance of a state legal aid system, which provides services to citizens who lack sufficient resources to hire private attorneys. In many places, laws in statutory acts control state legal aid. Such acts not only legislate the criteria upon which an individual can be eligible for aid but also outline the procedure for granting it. Equally

important is that these programs will include financing for lawyers and attorneys who will represent citizens in court, in addition to organizing advisory services and establishing other avenues of assistance to ensure the availability of legal services to every population segment.

The provision of legal aid by the state forms an important aspect of state functions. If a citizen cannot afford to pay for a lawyer, the relevant state bodies have an obligation to ensure that he/she is provided with a defender. This function considerably extends not only the rights of citizens but also the fundamental principle of justice that underpins democratic legal systems. State legal aid covers not only criminal cases but also civil and administrative disputes, enabling citizens to secure their rights when taking or prohibiting actions. Public human rights organizations shall also play a significant role in this system, providing citizens with access to human rights protection and support. These may fill in the state's legal aid functions and thus can directly impact human rights policy development. The public organizations are most likely to protect the rights of vulnerable and marginalized groups of the population, such as ethnic minorities, refugees, people with disabilities, etc., and other categories in need of special protection. Unlike state legal assistance, which may be limited by the framework of regulatory legal acts, public organizations often direct their activities toward solving specific social problems that are not always considered in legislative initiatives. Human rights organizations can provide legal aid, but they can also work in advocacy, improve legal education, and monitor human rights compliance. These organizations have active cooperation with international human rights structures, which gives them an opportunity to influence the national legal system through raising important issues and drawing attention to violations of citizens' rights. It should be acknowledged that public organizations also participate in reforming the legal system by demanding improvements in legal norms and conditions for the protection of human rights. In this way, state and public human rights organizations complement each other in providing legal assistance. The state lays the foundation for creating and maintaining a legal assistance system through financing and regulating its services. At the same time, public organizations play an active role in the

development of human rights practices and the protection of citizens' rights, particularly those who, due to certain reasons, do not receive adequate support from the state system.

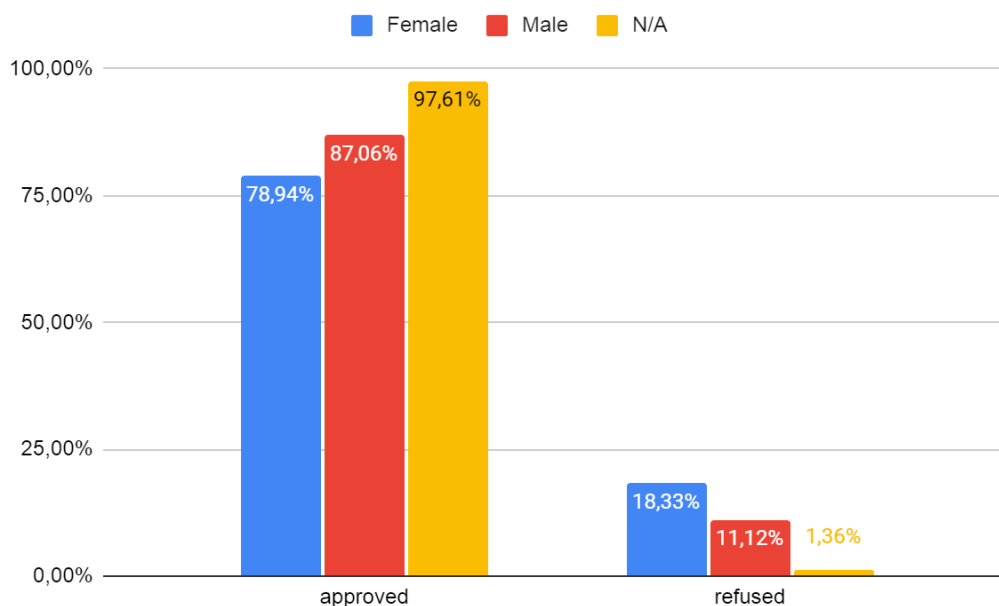
Interactions between government agencies and public human rights organizations involve a multifaceted process, comprising cooperation, partnership, and control as its fundamental components. The degree to which these forms of interaction are manifested not only determines the nature of relationships between the parties but also their effect on the effectiveness of legal assistance rendered to citizens. In some instances, cooperation manifests in joint projects and initiatives aimed at improving human rights situations, developing recommendations, and participating in legislative changes. Such cooperation includes participation by public organizations in creating and improving legal frameworks, such as those related to legal assistance, and preparing or disseminating information necessary to enhance citizen and legal literacy. A partnership between the government and public human rights organizations should be viewed as creating sustainable, long-term relationships, where each party invests efforts towards attaining a common objective: improving the level of legal assistance and protection accorded to citizens' rights. This may involve supplying public organizations with resource support to implement their programs, while human rights groups offer expert assistance either in developing legal acts or monitoring their implementation. In such partnerships, strengths are shared; government agencies have authority and resources, whereas public organizations have flexibility, direct contact with target groups, and somewhat independent actions [7].

Control, as part of interaction, involves watching and assessing the actions taken by government agencies and public organizations regarding legal assistance. Therefore, it is necessary that both interacting parties follow the established standards and norms, which

would help ensure the efficiency and justice of the aid rendered. Government agencies may exercise control over human rights organizations through legal regulation and oversight of their adherence to established rules. Similarly, public organizations may exert control over government action through independent investigations and reports, as well as utilize the mechanisms of public pressure to improve state institutions.

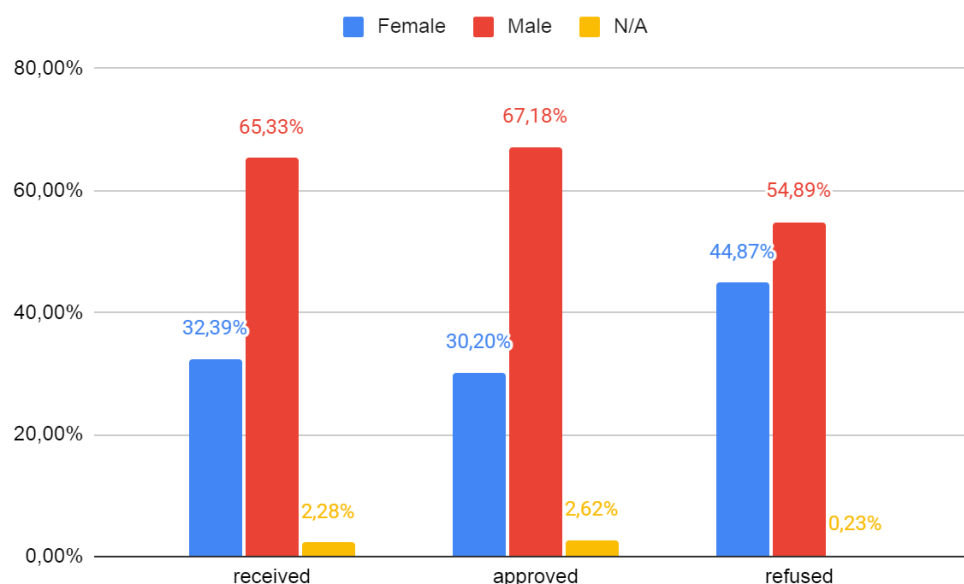
Therefore, the forms of interaction that include cooperation, collaboration, and coordination are fundamental aspects in organizing an effective system of legal assistance. They contribute to ensuring higher quality and accessibility in the protection of human rights for the citizenry, while also sustaining relations between government agencies and public organizations, which will further strengthen the rule of law and human rights protection.

The interface between government and civil society concerning legal aid is an important aspect through which justice can be effectively ensured. Although numerous legal, financial, and organizational impediments exist to the effectiveness of this interface, in India, the provision of legal aid is governed by the Legal Services Act of 1987 [8]. Major impediments comprise a lack of legal awareness and education. Another study [9] found that more than 80% of the population in India (1.3 billion) was entitled to avail of free legal aid; however, only 15 million took advantage of this, which is significantly less than the number during the same period since NALSA started functioning, which came into existence in 1995. Additionally, financial constraints play a significant role. The U.S. immigration courts currently have a backlog of 3.7 million cases across the country, which symbolizes systemic inefficiencies [10]. In Australia [11], for example, a total of 18.33% of requests made by women were rejected between 2024 and 2025, compared to men, whose rejection rate was only 11.12% (Figure 1).



**Fig. 1. Percentage of requests accepted and rejected out of all requests submitted by gender (compiled by author based on [11])**

At the same time, out of the total number of applications, women constituted only 32.39%, while men formed 65.33%. However, the ratio of approved applications roughly corresponds to the ratio of applications submitted; the situation with refusals is different: of refusals, 44.87% were female and 54.89% male (Figure 2) [11].

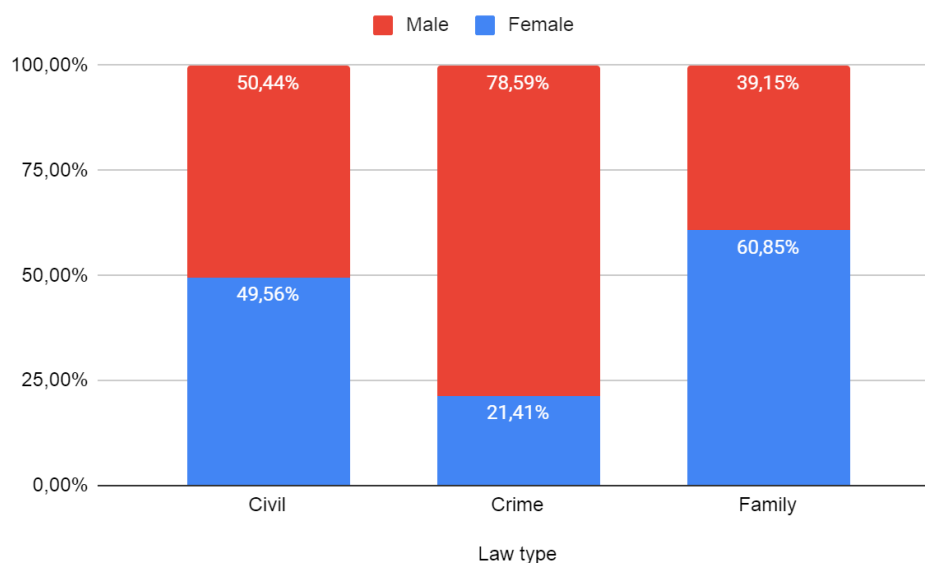


**Fig. 2. Received, accepted, and rejected requests by gender (compiled by author based on [11])**

The study [10] classified legal aid recipients in Australia into three broad categories: civil, criminal, and family law. The distribution within civil law is quite equitable, with men making up 50.44% and women 49.56%; hence, access to legal aid in this regard can be considered balanced. Males predominantly accessed criminal law, accounting for 78.59% of the recipients, and females for 21.41%; this may correspond to their higher involvement in such cases. The females were predominant among family law legal aid recipients,

comprising 60.85%, with males accounting for 39.15% (Figure 3). This research aligns with the nature of family

disputes, where the female is typically either the plaintiff or the primary party involved in the dispute [11].



**Fig. 3. Distribution of legal aid recipients by category of law and gender (compiled by author based on [11])**

Legal aid partnerships are beneficial to citizens, although they have some accompanying disadvantages. The major advantage is increasing access to legal services for different strata of society, especially vulnerable groups. For instance, this initiative has saved thousands of New Yorkers from eviction, enabling them to stay in their homes during the economic turmoil caused by COVID-19 [12]. However, this drawback limits its effectiveness. Regulatory barriers against lobbying and class actions hinder systemic reform, depriving organizations willing to accept such funding of resources. The high demand for services remains unmet, with 120 million legal problems occurring each year, underscoring the magnitude of the issue [13]. Pro bono work can be uneven in quality; if such work is viewed as an opportunity for professional development rather than a means to secure justice, expertise will be lacking. Geographic barriers, more pronounced in rural areas, further limit service access and create inequities in the distribution of legal aid. These factors have also highlighted the need for further reforms to eliminate systemic barriers and enhance interaction effectiveness. Human rights organizations, though involved in human rights work, advocacy, education, and monitoring through legal activities, are primarily engaged in litigation. These organizations submit complaints and

appeals not only to national courts but also to international fora for protecting citizen rights. These organizations protect the right to freedom, the right to a fair trial, and other fundamental rights. Advocacy, as one form of activity, serves the purpose of soliciting legal changes and developing legislation that can thereby improve living conditions for specific categories of citizens. Human rights organizations are also engaged in legal education, informing the public about their rights and the available avenues for protection. An important element of the work of these organizations is monitoring the legal situation in the country, which enables them to identify human rights violations in a timely manner and submit appropriate appeals to government agencies or international human rights structures.

The mechanisms and programs of human rights organizations are guided by the principles of legal aid for citizens facing rights violations. These may include free legal consultations, organizing defenses in court, assistance in preparing legal documents, and information campaigns on human rights protection. Other related activities include setting up hotlines and consultation centers for helping victims of violence, discrimination, or other forms of legal violations. The programs offered by human rights organizations assist



individual cases, but they also strive for broader changes within the legal system that will benefit refugees, migrants, and other priority groups. Such organizations also provide important services in helping to change existing legislation through cooperation with government agencies and international human rights structures. Several criteria determine the effectiveness evaluation of a human rights organization in providing legal assistance. These include the availability and quality of services, results of impacts on legislative changes, and raised levels of legal literacy among citizens. Other aspects are the effectiveness of human rights NGOs based on outcomes resulting from their intervention in specific cases, as well as the number of completed positive court cases. However, there is a degree to which citizens trust these human rights organizations to effectively protect the population's interests. According to research, countries with active human rights organizations have high legal awareness among their citizens, which in turn ensures better access to justice for the protection of citizens' rights. Their effectiveness varies, however, with the country's political circumstances and the degree of cooperation they offer to state agencies. In some instances, political or legal impediments may restrict the actions of human rights organizations in advocating for citizens' rights. Even under conditions where access to justice is severely limited, the human rights organization continues to assume an indispensable role in providing legal protection to the at-risk segments of the population. They thus form a significant part of the legal aid system, through which human rights organizations provide citizens with access to rights and protection via their various activities, mechanisms, and programs. An assessment of their effectiveness will not only highlight the successes and achievements they have recorded but also identify possible measures through which improvement in the area of human rights protection can be achieved.

## CONCLUSION

The partnership between the government and civil society in legal aid provides access to justice primarily for the vulnerable social groups. This study demonstrates that the legal aid provided by the government and civil society complements each other due to their differences in funding and organizational structures. While the

government provides basic support through its legally regulated systems, Civil Society Organizations (CSOs) protect marginalized groups, and legislative reforms bring legal education.

But the effectiveness of this collaboration is limited by many barriers. Inadequacies, like a lack of enough money and bureaucracy, lower the level of services available. Social biases, such as gender biases, increase the disparities. There are also institutional issues, such as services being geographically inaccessible in rural regions, that limit access to legal aid.

The fruits of collaboration are evident in one of the successful initiatives, the Right to Counsel program in New York City, which successfully prevented mass evictions during the pandemic. However, reforms are necessary due to systemic shortcomings resulting from lobbying bans and a lack of pro bono expertise. A distribution analysis of legal aid by law category reveals a vulnerable group that requires focused attention. To make interaction more effective, it is imperative to: raise funding for government programs, remove regulatory restrictions on public organizations, and introduce quality control mechanisms for services. Increasing legal education and digitalizing the services can help break geographic barriers. Future studies should focus on developing resource-saving models, examining the influence of advocacy on changing laws, and investigating the long-term impacts of human rights projects. Strengthening the connection between the government and the public remains a key requirement for establishing a just and inclusive legal system.

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