

What is Administrative Justice? And why is it so important to society, and its legal system?

At its core, administrative justice is about **ensuring that public bodies and those who exercise public functions make legally supportable, reasoned, timely, procedurally fair, and intelligible decisions about cases involving citizens' and businesses' individual circumstances and affairs.** Administrative justice is also about how such decisions are communicated to people and how they are treated in the administrative process. Finally, while administrative justice concerns appeals of such decisions to higher government authorities (including the courts), the focus is on the work of *front-line (i.e., first instance)* decision-makers, i.e., rank and file officials at the *district level*.

Given that administrative cases in any modern regulated society, including those in Rwanda, dwarf the number of cases in the criminal or civil judicial systems— the way such cases are handled exerts a major influence on the way ordinary people and businesses perceive the rule of law and what can be called *everyday justice*. In other words, administrative justice has a disproportionate impact on the quality of government service delivery and on perceptions of government effectiveness and commitment to fair treatment of citizens under the law. A key hallmark of administrative justice is the extent to which the state, despite being a party to administrative disputes, nevertheless has a special, affirmative responsibility to protect the basic rights of individuals – to offset the inherent power imbalance in resources and information between the state and its citizens.

Research has shown that the *procedural* dimension of justice systems matter greatly to citizens. When citizens have a basic understanding of their rights and how the decision-making process works, when they are treated with courtesy and respect, given an opportunity to describe their situation and present evidence on their behalf, and provided with a written decision with supporting reasons, they are likely to view an administrative process as fundamentally fair – and less likely to feel that they have to appeal to the courts, politicians, or other forums for redress. Ultimately, a sound system of administrative justice enhance public trust in state institutions, as well as investor confidence in regulatory governance.

There is a delicate balance and tension in administrative decision-making between issues of efficiency, regularity, and the mechanical application of rules (often public administration priorities) and those of quality, individualized fairness, and appropriate decision-maker discretion (emphasized by those with a more legal or justice orientation). There are also important questions about the training and supervision of those who make administrative decisions: whereas many see such decision-making as a simple, straightforward, and somewhat lowly enterprise, others see the need for improved professionalization as a means of enhancing both citizen confidence and the job satisfaction and stature of public servants. In the latter view, capacity to render administrative justice (alongside issues such as official remuneration and provision of other resources) can be enhanced in the following skill/responsibility areas: (1) knowledge of law, regulations, and policy; (2) clear and respectful communications with the public; (3) proper collection and management of information/evidence; (4) assessment and weighing of evidence and the generation of supportable findings; (5) the application of law and the giving of proper reasons; and (6) the capacity to learning from those who review their decisions (including higher authorities in the public administration, the ombudsman office, and the courts).