

RESEARCH NOTE

The Comparative Study of the Government Spending on Nationwide Legal Aid System in Selected Countries: Australia, England and Wales, Finland and Ireland

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Abstract

Funding allocation plays the vital role for every public service. The sufficient and adequate legal aid funding provides the assurance of fairness in the justice system. In the realm of legal aid service, many countries struggle to balance between the need for fairness in the justice system and the austerity in spending of the service for disadvantaged people. In some cases, policy changes due to the austerity of the government's spending have led to the restriction in public resources including services for some vulnerable populations who are consumers of legal aid services. When governments prioritize to solve the burden of other issues by reducing the spending for legal aid service, policy development processes have some impact on their supporting roles in it. This study of four selected countries with the austerity measures put in place by the governments because of the global financial crisis of 2007-2008 reveals that the restricted legal aid budget has negative impact on the number of granted cases. The study analyzes the legal aid scope, financial data regarding the legal aid budget and the number of legal aid cases that were granted. The finding in this study about Australia's spending on legal aid delivery is a good example of using austerity policy during economic crisis in sustainability. It suggests policy development processes which can be useful as a means to strengthen their supporting roles of the governments in legal assistance services.

Keywords: legal aid, funding allocation, fairness in justice, legal aid budget

1. Introduction

One of the fundamental rights in the system of the legal status of a person is the right to qualified legal assistance prescribed by law. This right is specified and guaranteed by the Article 14(3)(d) of *United Nations International Covenant on Civil and Political Rights* (ICCPR)¹ that includes everyone with any criminal charge against him shall be entitled to have legal assistance in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it. *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*² (UNPG), 2012 recognizes the notion of legal assistance services expanded to all those involved in the legal cases and needed the service i.e., defendants, victims and witnesses and even to alternative dispute resolution mechanisms and restorative justice processes. It also provides a legitimate claim on the governments to make adequate and specific budget provisions for legal aid services that are commensurate with their needs by providing dedicated and sustainable funding mechanisms for the national legal aid system.³

Nowadays, many governments are struggling with the provisions of legal aid because of the increasing number of

people who need the legal assistance and the challenge of facing with budget cuts or reduction. In some cases, such as legislative or policy changes due to the austerity of the government's spending have led to the restriction in public resources including services for some vulnerable populations who are consumers of legal aid services. Then, it leads to the negative impact on the number of granted cases resulting in the degradation of the quality of legal assistance and access to justice. Without having legal aid or equal access to justice, other social rights become merely imaginary, and the underprivileged members of society are at high risk of having their rights overlooked or disrupted. In this case, governments' funding allocation for legal aid services plays the vital role and outlines their ability to support the public.

Government funds usually contribute most to all the legal aid services spending. In most countries, those services are funded by the national government. However, in some countries, legal aid services are supported by the local governments or by the local government together with the national government. Countries with civil legal aid programs apply criteria for prioritizing cases for which counsel is provided. In most Western countries, the authorities set the changes in the legislation that the legal aid claimants, particularly in civil cases, have to offer some financial contributions. Nonetheless, legal aid in criminal cases is subject to the means testing upon the claimant's income or assets and thus, upon eligibility, involves no repayment for the service.

Although it has been the time that *UN Principles and Guidelines* recognize the international acknowledgement of the importance of legal aid since its enactment in 2012, it has also been the time that many governments in the world were facing the burden of debt and hence, legal aid systems were facing budget cuts and the services got restricted. Much of this is due to austerity measures put in place by governments following *the global financial crisis of 2007-2008*⁴. The global economic crisis limited public resources more than ever and legal aid services have not been exempted (Flynn & Hodgson, 2016). Governments have made clear that its priority is to reduce the burden of debt by reducing public spending (Logan, 2016). The trend of limited legal aid funding was kept a decade after the global economic crisis (Preloznjak, 2017). Hence, this study examines the conference⁵ reports of *the International Legal Aid Group* (ILAG)⁶, makes comparisons across countries and finds out the austerity measures after the crisis.

2. Research Problem

The problem under the investigation of this study is determined by the fact that the economic slowdown of some of the countries such as England and Wales, Finland, Republic of the Ireland and Australia prioritized to solve the economic burden by reducing the spending in public services including legal aid. Because of such austerity measures put on the legal aid, there is a need to examine if there is any impact on the services for the improvement of the management of state-funded legal aid system which aims at strengthening the social protection of low-income citizens and ensuring their access to justice.

3. The rationale of the Study

The primary objective of the study is the assessment of the situation of state-sponsored legal aid systems with austerity of the spending in four selected countries that comprises of the following aims in details:

- To investigate that the government's policy response on financial support for the legal aid system in selected four countries after the global financial crisis
- To study how the legal aid system are implemented during that time

4. Methodology

The research relies on the desk review by using the available information from the books, website, brochures and previous investigations done by scholars and researchers. Method of formal logic is used as the research method that includes the description, comparison and analysis. The internal structure of the legal aid systems of four selected countries are examined by the descriptive way while the comparative method is used for comparing the proportional funding allocations of those countries in the recent years after global financial crisis and finally, analyzing the impact of those funding allocations to the implementation specifically the number of granted cases for legal aid in those years. Accordingly, this study firstly investigates the spending of all other countries with legal aid systems in the ILAG network. Then, four countries are chosen upon the findings which show the restricted legal aid budgets after 2008 and examine if they have the impact on the implementation by analyzing the scope, financial data and number of legal aid cases that were granted.

5. Public Funding of the Nationwide Legal Aid System

5.1. Summary Description of Diverse groups of Legal Aid Systems

Before the sort of the diverse group of legal aid system, a brief explanation about legal aid can help for the understanding of the implementation of the system. In general, the terms "legal aid" or "legal assistance" apply to the legal services provided by the state for the indigent or the disadvantaged. Thus, legal aid or legal assistance services are usually funded by the government and implemented by the independent legal aid entity for the welfare of the people. "Legal aid" or "Legal assistance" covers all types of cases i.e., criminal, civil, administrative and even in international law. Legal aid has come to serve as an umbrella term that covers free or low-cost legal assistance from lawyers, paralegals and other legal professionals.

However, it can also somewhat vary in the differences of country's context. For example, "public defense" or "indigent defense" services generally apply to services for criminal matters, while "legal aid" generally applies to services for civil matters in the United States. In the Australia's context, it is differentiated as follows:

Legal aid services: Commonwealth funded legal services are delivered by state and territory legal aid commissions through the *National Partnership Agreement on Legal Assistance Services* (NPALAS) and the *Expensive Commonwealth Criminal Cases Fund* (ECCCF).

Legal assistance services: all of the sector-wide legal service providers, including legal aid commissions, community legal centres (CLCs), Aboriginal and Torres Strait Islander legal services (ATSILS) and family violence prevention legal services.⁷

The first international instrument on legal aid, the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* (UNPG) affirms the wide aspect of legal aid.

- **Definition of Legal Aid:** "legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require."
- **Legal Aid is Not Just for Defendants:** The Guidelines contemplate not only counsel for those accused of crimes, but also, where appropriate, for others who may be involved in the legal system, such as "victims and witnesses." (Principles 4 & 5).
- **Legal Aid is Not Just Representation:** The Guidelines include a wide sphere of activities within the concept of

legal aid, including "the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes."

- **Legal Aid is Not Just for Criminal Courts:** The Guidelines discuss not only the representation of counsel in criminal courts, but also "alternative dispute resolution mechanisms and restorative justice processes."⁸

However, studies show that economically disadvantaged persons who are accused of criminal offenses are among the more marginalized and vulnerable members of the population, and often suffer from other issues, such as low literacy, low education, mental health issues, or addictions. These issues prevent these litigants from being able to effectively advocate for themselves, and many are incarcerated as a result of not being represented by legal counsel (Buckley, 2010; Department of Justice Canada, 2012; Matthews, 2012 as cited in Schnell, 2018).

In this case, legal aid can help meet the costs of legal consultation, advice and representation for those disadvantaged people for their cases in courts or tribunals. Nonetheless, the government use the public funding for the state-sponsored legal aid schemes and the legal aid claimants need to pass eligibility test such as means or merit test to get the access to legal aid services. Usually, means test is used to test the claimant's income if the income level is eligible for the service or not. The claimants may be able to get legal aid if they are on a low income and the problem is serious. Legal aid can help the eligible claimants to pay for some or all legal costs. For example, a claimant could get legal aid if he or she is at risk of losing the property or home, or he or she is at risk of abuse or serious harm such as domestic violence.

The organizational patterns of the legal aid systems of countries around the world vary from each other depending on the national or local level administration only or in conjunction with both. Moreover, the private sector can also be comprised of in the system in some countries. Flores (2014) provided those categorizations and revealed the international consensus on the fundamentals of legal aid even within the context of the diversity of local legal frameworks, and government austerity had posed severe challenges to the fulfilment of those fundamental obligations. His categorization depicts the administrative level at which legal aid systems operate in each of the countries that are included in his paper, namely; (1) National level only; (2) National in conjunction with state/provincial level (for instance, US: National level for federal cases and state/county levels for cases in state and local justice system); (3) Only state/provincial and/or local levels; (4) Public-private partnership, mutual oversight; and (5) No legal aid administered by the government.

5.2. Comparison on the Public Funding of Nationwide Legal Aid Systems

Allocation of sufficient and adequate budget for legal aid service is crucial for its service providers. The challenge is about ensuring that the system receives the sufficient budget from the national budget without having to compromise on its autonomy and independence. Without adequate funding, the implementation work cannot provide legal aid to meet the demand of people in need of legal services.

United Nations Principles and Guidelines, Guideline 12, stated that:

"Recognizing that the benefits of legal aid services include financial benefits and cost savings throughout the criminal justice process, States should, where appropriate, made adequate and specific budget provisions for legal aid services that are commensurate with their needs, including by providing dedicated and sustainable funding mechanisms for the national legal aid system."

As mentioned in the UN guideline above, the government of the country fundamentally need to provide the funding of legal aid services. Numerous factors merchandise the relative "need" among countries for legal aid services, including the nature and volume of granted cases and the economic situation of legal aid claimants. Still, a

standard formula that has been developed to determine the funding needed or a framework for measuring the degree to which these services are provided are not yet established in the international level of legal aid. However, some comparative assessment can be made by studying legal aid funding in a country as a percentage of Gross Domestic Product (GDP) of that country. Although the amount of funding may vary from country to country depending on the national context, the proportional measurement can be useful to this assessment.

In this sense, the available data from the country reports submitted to the International Legal Aid Group conferences that have been held biannually are assessed to compare the public spending of countries from the legal aid systems of the diverse group of countries. In this study, to be able to determine the government spending on legal aid after the global financial crisis in 2007-2008, the amount of public spending on legal aid as a percentage of the GDP of twelve countries are compared to those of the countries for which the information was readily available in Flores's paper. However, the countries that data matches on the availability are only eight countries as the biannual conference had been held was three times in total after the year 2008. Those eight countries are Australia, Brazil, England and Wales, Finland, Hong Kong, Ireland, Japan and South Africa. The information for Belgium, Chile, United States and Zambia is not available in the previous study in Flores's paper because of the non-availability of data in 2012 conference.

The following chart (Figure 1) illustrates that the comparison of public spending on legal aid as a percentage of GDP after the global financial crisis in twelve countries. It indicates that funding to legal assistance services in four countries, England and Wales, Finland, Republic of Ireland and Australia, are decreasing while Brazil, Japan and South Africa have a steady funding allocation on legal aid and Hong Kong has the increasing figure.

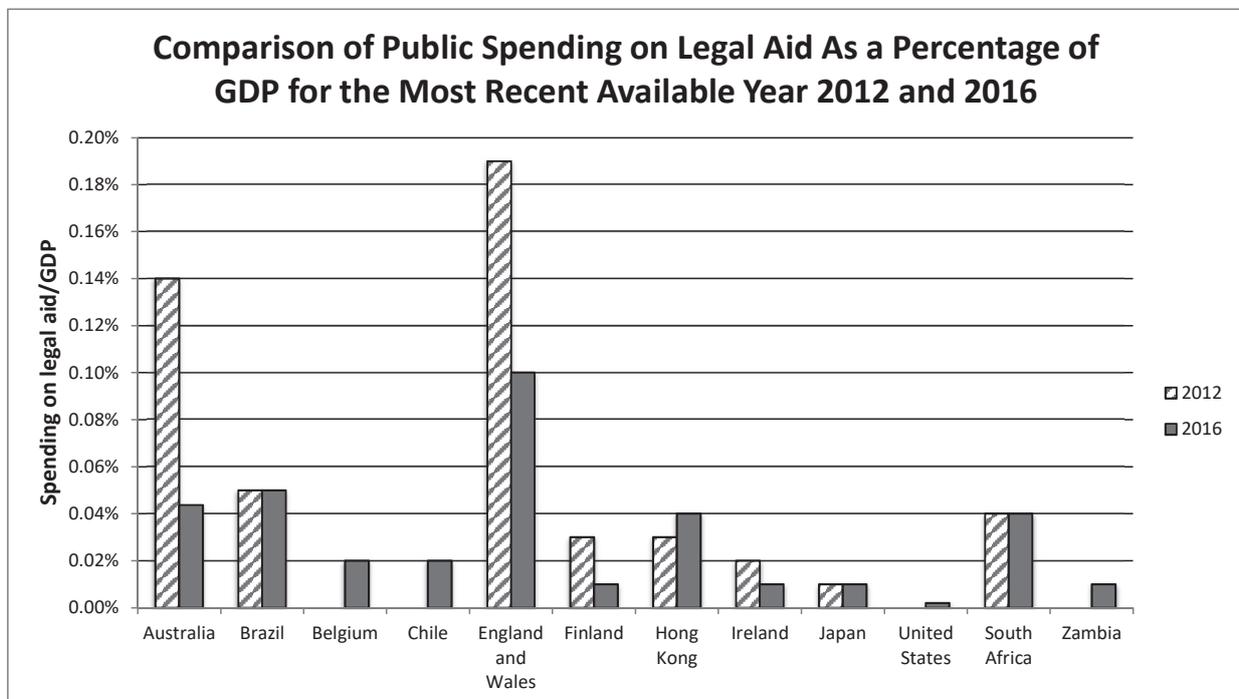


Figure 1: Comparison of Public Spending on Legal Aid as a Percentage of GDP in 2012 and 2016

6. Baseline Understanding of Legal Aid Funding in Four Selected Countries

6.1. Selection Method

Based on the decreasing of funding trend of the year 2012 and 2016, those four countries, Australia, England and Wales, Finland and Republic of Ireland are chosen to comprehend the relation between legal aid budget and the number of granted legal aid cases.

6.2. Overview of Legal Aid Funding Arrangements in Selected Countries

In Australia, there are eight independent Legal Aid Commissions (LACs) of every State and Territory. They are the primary legal aid service providers and receive most of the government funding. The funding of LACs comes from the three main sources, namely; the Commonwealth of Australia; State or Territory governments; and public purpose/statutory interest on trust funds. The Commonwealth's financial contribution to legal assistance is allocated between the States and Territories using Commonwealth funding allocation models. These allocation models take account of a range of factors, such as population, but are applied to fixed and limited sums of money. (National Report to ILAG, 2017)

The legal aid system in England and Wales is administered as the national system and the legal aid budget is fully funded by the central government. (National Report to ILAG, 2019) The Minister for Justice and Equality of Ireland established the Legal Aid Board in 1979. Legal Aid Board receives a lump sum grant on an annual basis from the national government. (National Report, 2017) In Finland, legal aid is granted and provided by the state legal aid offices and it is administered by the state legal aid offices and courts because it is a sub-national system. The Ministry of Justice is responsible for the overall management and supervision of the legal aid offices. Accordingly, the funding of legal aid comes from the budget via the Ministry of Justice. (National Report, 2017)

6.3. Legal Aid Profiles of the Selected Countries

This section briefly describes the Legal Aid System of the selected countries. These countries belong to the different administrations of legal aid. Australia and Finland have the federal administration of legal aid and the other two countries (England & Wales and Ireland) have the national administrative system.

Formal legal aid system in Australia was started since 1918. As a federation consists of six States and two Territories, the federal system is exercised by which most of the criminal legal aid cases are provided at the subnational, States and Territories levels. Those States and Territories legal aid commissions in are funded by the Commonwealth and State or Territory Governments to provide legal assistance to disadvantaged people. Most of the civil legal aid cases are provided at the national level. In Australia, there are four main groups of legal aid service providers, namely Legal Aid Commissions (LACs), Aboriginal and Torres Strait Islander Legal Service (ATSILS), Family Violence Prevention Legal Services (FVPLS), Community Legal Centers (CLCS). Those providers receive funding from either or both Commonwealth and respective subnational government. All employ mixed service delivery models and there are also volunteering and pro bono services. The governing law for the legal aid system is Commonwealth Persons Law, 1973 but it has gone through the extensive reform.

The legal aid origin of England and Wales started in 1945. The country has the national legal aid system and the executive body of the Ministry of Justice is the Legal Aid Agency (LAA). It was established in April according to the

Legal Aid Sentencing and Punishment of Offenders Act, 2012. Legal Aid Agency makes contracts with private legal firms who provide legal services since there are small numbers of salaried Public Defenders.

Two acts in Finland govern legal aid, namely, Act on Legal Aid and Public Guardianship Districts and the Legal Aid Act. Although State legal aid offices and Courts administer legal aid, the State legal aid offices grant it. Hence, State legal aid offices have two tasks to provide and allow legal aid. The service providers are legal aid attorneys and private attorneys. The Ministry of Justice is responsible for overseeing the legal aid offices.

The Republic of Ireland created the civil legal aid and advice scheme in 1980. The system is the national system of legal assistance services. The Legal Aid Board started the provision of legal aid in 1996 according to Civil Legal Aid Act, 1995. It is responsible for the majority of civil legal assistance services. The governing law for the criminal legal aid cases is Criminal Justice Legal Aid Act, 1962.

The overview of the systems is presented in the Table 1 below.

Table 1. Summary Profile of the Legal Aid Systems in Selected Countries

Country	Organization of Legal Aid System	Service Provider	Delivery Model	Governing Law
Australia	Federal System with most criminal legal aid at the subnational level and most civil legal aid at the national level	Ministry of Justice, Legal Aid Commissions(LACs), Aboriginal and Torres Strait Islander Services (ATSILS), Family Violence Prevention Legal Services (FVPLS), Community Legal Centres (CLCS)	Mixed of salaried Lawyers and private lawyers	Commonwealth Persons Law, 1973
England and Wales	National System	Legal Aid Agency	Public Defenders and Private Attorneys who are reimbursed by the government	Legal Aid, Sentencing and Punishment of Offenders Act, 2012
Finland	Subnational (State System)	State Legal Aid Offices oversight by the Courts	Mixed of salaried Lawyers and private lawyers	Legal Aid Act, 2002 and Act on Legal Aid and Public Guardianship Districts
Ireland	National System	Legal Aid Board(Civil), Courts(Criminal)	Public and Private Attorney(Civil),Private Attorney (Criminal)	Civil Legal Aid Act, 1995 and Criminal Justice Legal Aid Act, 1962

Source: ILAG reports and Legal Aid Organization websites from respective countries

6.4. Findings from the Selected Countries

As legal aid systems in different countries may vary from one another, the scopes of legal aid that covers also may differ. European Judicial Network in civil and commercial matters (2004) explains the two systems of legal assistance as follows:

“Primary legal assistance” means legal assistance in the form of practical information, legal information, an initial legal opinion or referral to a specialized body or organization. Primary legal aid is available both for individuals and for bodies corporate.

“Secondary legal assistance” means legal assistance to an individual in the form of a detailed legal opinion or legal assistance, whether in the context of formal proceedings, and support with court action, including legal representation.

Since the primary legal aid has a precautionary function of the dispute out of the court, it can prevent unnecessary legal proceedings and relieve the burden of courts and administrative bodies. As the secondary legal aid includes formal legal proceedings and representations in court cases or dispute resolutions, it can be granted under the special regulations such as means or merit testes. Availability of both types of assistance depends on the economic status of the claimant and the household members of the claimant. Hence, the approval for the secondary legal aid needs the screening of financial status of the claimant or beneficiary. In this selected four countries, both types of legal assistance services are available as the legal aid systems in those countries have already had the long history of the establishment and legal aid expenditure were generously spent in their past.

After the global financial crisis 2007-2008, those countries with generous legal aid systems have the constant fall of funding allocation. It indicates that the governments have made significant budget savings and ignores the cost of legal aid. The economic restrictions in legal aid funding can cause real harm to the individuals and communities that rely on legal aid services (Preloznjak, 2017). Such kind of situation is explained by a study report of Access to Justice Committee of the Canada Bar Association (2013) as the legal problems tend to cluster, multiply, and have an addictive effect and this pattern of cascading issues disproportionately impacts people living in marginalized conditions. For every additional problem experienced the probability of experiencing more problems increased. It means that restricted legal aid funding not only makes the insufficient means to solve the legal problems but also creates those issues bigger. The negative trend of public spending on legal aid in four selected countries can destruct the individuals and communities that rely on it. Hence, the public spending on legal aid in these four countries are examined and compared in the Table 2 below by using the available data of ILAG conference reports. It illustrates details of the comparison of legal aid spending in 2012 and 2016.

Table 2. Comparison of Financial Data on Public Spending of Legal Aid in selected four countries in 2012 and 2016

			2012	2016
	GDP (2016)	Funding for Legal Aid (2016)	Proportion of funding (%)	Proportion of funding (%)
Australia	1.20804E+12	5.E+08	0.14%	0.04%
England and Wales	2.6E+12	3.E+09	0.19%	0.10%
Finland	2.38678E+11	2.E+07	0.03%	0.01%
Ireland	3.04819E+11	4.E+07	0.02%	0.01%

Source: World Bank, ILAG and Flores,S. (2014)

Reduction of the legal aid funding is followed by the decreasing number of cases in which legal aid was granted from the applications. In Australia, 140,407 cases were granted in 2012 and 148,114 cases were granted in 2016. The numbers of granted legal aid cases are 483,906 in 2012 and 359,869 in 2016 in England and Wales. In Finland, total numbers of granted cases are 50,369 and 44,432 in 2012 and 2016 respectively. The Republic of Ireland granted 16,870 and 15,490 legal aid cases for the year 2012 and 2016. The comparison of the legal aid granted cases in 2012 and 2016

of four selected countries is illustrated in figure 2. As we can see that the difference of the legal aid spending in the years of 2012 and 2016 in all the four countries has big gaps as seen in the Figure 1, accordingly, the differences of the numbers of granted cases in these years are also supposed to be big in those years. However, there was no decrease number of granted legal aid cases in Australia as other three countries. That will be discussed in the next section.

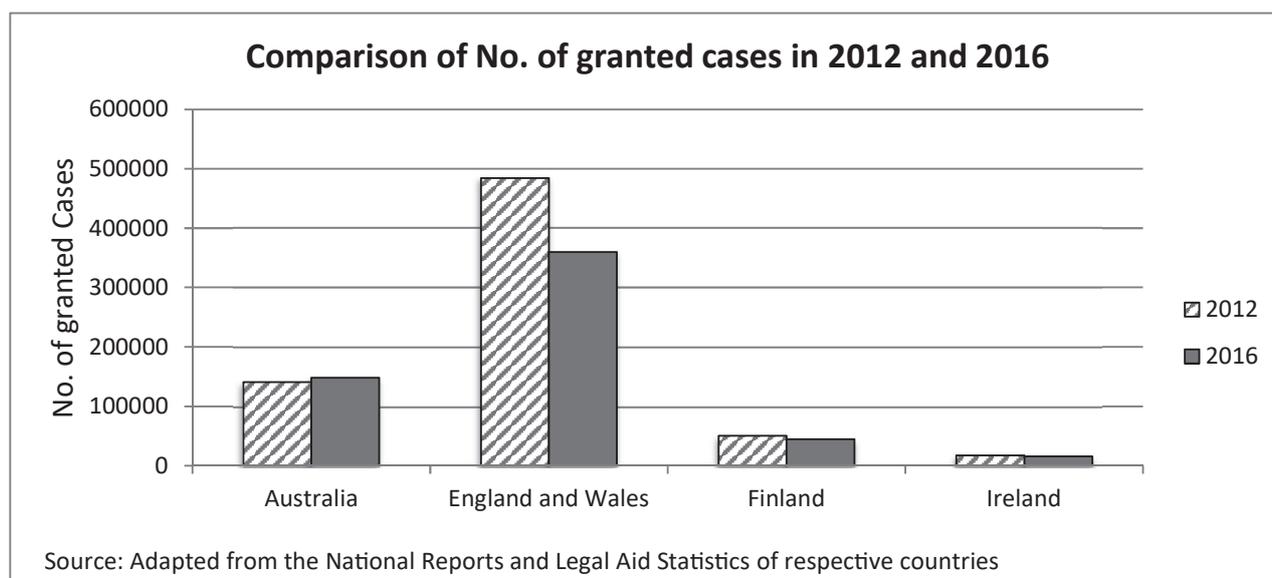


Figure 2: Comparison of Granted Legal Aid Cases of selected four countries in 2012 and 2016

7. Discussions

Legal aid is affected by the various factors such as the international obligations, the national structure, the constitution, financial resources, mean of service delivery, etc. As we can see in the Figure 2, the gap between the numbers of granted cases in the years of 2012 and 2016 in Australia does not decline as the other three countries. That means although the government spending for legal aid was reduced as the consequence of the global financial crisis, there was no huge impact on the legal aid services of Australia. To assure this fact, we look back the number of the application of legal aid cases in these two years. According to the national legal aid statistics of Australia, total legal aid applications in 2012-2013 is 172,772. Since the number of accepted cases is 140,407, 81.3% of the applied cases were accepted. In 2016-2017, 177,022 cases were applied for legal aid service and 148,114 were accepted. Hence, 83.6% of applied cases were accepted for providing legal aid. In that case, the number of accepted cases in 2016 is higher than that of in 2012 and it is reflected in the Figure 2. In terms of proportion, the accepted cases in the year 2016-2017 is even 2.3% higher than that of in 2012-2013. The reason why reduction of legal aid funding had no effect is not yet clear in this stage.

Then, we collected the data from the original available data sources such as World Bank for GDP and the official legal aid websites of respective countries for the legal aid spending where the data is not available in the country reports. Hence, the government's total spending for legal aid from the official website of national legal aid of Australia is used for the calculation. The result was different from the Flores's paper and it can be seen as in Table

3 and 4 below. Figure 3 is the result from the calculation of the readily available data for the government's spending on legal aid in 2012 from Flores, S.'s paper, however, the data for 2016 was calculated by the author's own. It shows that a big difference between the government's spending in these two years has been seen. After collecting the original secondary data from the national legal aid of Australia, the result of the calculation shows that there was no difference in the government's spending in terms of proportion with GDP in the year 2012 and 2016. It may be because of the error of typing in the Flores's paper.

Table 3: Comparison on legal aid as percentage of GDP in 2012 and 2016 (Readily available data of 2012)

			2012 (Flores, S.'s Data)	2016 (Own Calculation)
	GDP (2016)	Spending for Legal Aid (2016)	Proportion of funding (%)	Proportion of funding (%)
Australia	1.20804E+12	5.E+08	0.14%	0.04%
England and Wales	2.6E+12	3.E+09	0.19%	0.10%
Finland	2.38678E+11	2.E+07	0.03%	0.01%
Ireland	3.04819E+11	4.E+07	0.02%	0.01%

Source: World Bank, ILAG and Flores,S. (2014)

Table 4: Comparison on legal aid as percentage of GDP in 2012 and 2016 (Legal Aid Australia's data of 2012)

			2012 (Own Calculation)	2016 (Own Calculation)
	GDP (2012)	Funding for Legal Aid (2012)	Proportion of funding (%)	Proportion of funding (%)
Australia	1.54341E+12	7.E+08	0.04%	0.04%
England and Wales	2.66209E+12	4.E+09	0.14%	0.10%
Finland	2.56706E+11	8.E+08	0.03%	0.01%
Ireland	2.25572E+11	N/A		0.01%

Source: World Bank, ILAG, National Legal Aid Australia

Finally, we can see that there was difference of the legal aid spending in the years of 2012 and 2016 in Australia as seen in the Figure 1, and on the contrary, the differences of the numbers of granted cases in these years even 2.3% higher. International comparisons of legal aid funding are complex because of not only differences in legal system, political, cultural and religious traditions but also the varying data quality across sources of data collection.

Australia government started the National Partnership Agreement on Legal Assistance Services (NPALAS) to provide legal aid funding to its States and Territories in 2010. The term of the agreement is for five years and it was ended in 2015. At that time, most of the funding provided by the Australian government to support the delivery of legal assistance services to disadvantaged Australians is provided through the NPALAS. The current NPALAS commenced on 1 July 2015 and expires on 30 June 2020. Unlike the former NPALAS which covered only legal aid services, the present NPALAS provides the funding also for community legal centers (CLCs) which means, according to the Australia's context on legal aid and legal assistance service, distributes the government's funding also for the

sector-wide legal services for the people who are in need of legal assistance services. The NPALAS, the funding arrangement was extended to CLCs in this case while maintaining the legal aid spending during the time of austerity. This case of Australia shows how responses to recession can result in durable conversions to legal aid delivery and becomes the good example of government's effort of emphasizing the inevitable work of the legal assistance sector in addressing the legal needs of vulnerable and disadvantaged people.

The essential aspect to contribute the service to the citizens in a democratic society is the strong political will. To address the unmet need of citizens for a country's legal aid, it is generally necessary to increase the fund for critical legal aid programs. Advanced effort is implementing the mechanism for sustainable way of providing legal aid because it will allow most needy citizens to have the benefit of a lawyer, thereby providing them with the meaningful access to justice. Moreover, investment in legal assistance service will result in savings to the state, benefits to its low-income citizens and overall, economic benefits to the state while increasing access to justice for most needy citizens.

Several economic impact analyses concluded that early resolution of legal problems could relieve financial pressure on other areas of public spending by preventing much bigger legal issues before they become more difficult and expensive to resolve.⁹ Since the fiscal and economic benefits generated by legal aid services are significant, the government's supporting role to legal aid should be strengthened in every country. In addition, increasing efforts in legal aid will help alleviate the county's economy by avoiding citizen's risks of facing bigger legal problems due to inability to get access to legal aid as the effect of the country's response to the global financial crisis. It suggests as an example of policy development process which can be useful as a mean to strengthen their supporting roles of the governments in legal assistance services.

The investigation in this study is determined by the fact that there is a need to magnify the management of legal aid with the prospect to improve the legal aid system after the global financial crisis that will lead to ensuring the access to justice of the underprivileged citizens and the improvement of social protection to them.

8. Conclusion

The interest of this study is the government funding for the state-sponsored legal aid systems in four selected countries and precisely, the funding allocation by the governments to the people who need the legal assistance and access to justice, and the policy responses on the funding during the time of austerity. This study provides the background and context of the situation after global financial crisis regarding the services, finance, austerity policy of service delivery to the claimants and the society and highlights its effect to the granted number of legal aid cases. At first, the finding in this study tried to explain about Australia's austere spending on legal aid delivery. Nonetheless, it could not be realized due to the varying data quality across sources of data collection. In fact, a good implementation of austerity policy during economic crisis in sustainability was found indeed.

Legal aid systems often improve in an ad hoc approach over time and the policy measures are often driven by social, economic and political backgrounds of the country. Although those limits decide the implementation of the entire system, the proper practice of overcoming the challenges and obstacles in delivering justice to the public and the learning of international practices for a lesson if it is a successful and good practice and also the transferability assessment if the lesson is good enough to adopt are needed to find out for the implementation. Perhaps, crises often allow governments to make changes that would be resisted in better times. Example of Australia shows how responses to recession can result in durable conversions to legal aid delivery.

Notes

- ¹ *The International Covenant on Civil and Political Rights* (1976) 999 UNTS 171. Adopted by the General Assembly resolution 2200A(XXI) of 16 December 1966 and entered into force 23 March 1976.
- ² *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, Adopted by the General Assembly resolution 67/187 in December 2012.
- ³ *Ibid*, *Guideline 12, para 60*.
- ⁴ It began in 2007 with a crisis in the subprime mortgage market in the United States and developed into a full-blown international banking crisis with the collapse of the investment bank Lehman Brothers on September 15, 2008. Excessive risk-taking by banks such as Lehman Brothers helped to magnify the financial impact globally. Massive bailouts of financial institutions and another palliative monetary and fiscal policies were employed to prevent a possible collapse of the world financial system. The crisis was nonetheless followed by a global economic downturn, the Great Recession. The European debt crisis a crisis in the banking system of the European countries using the euro followed later.
- ⁵ ILAG began by holding biannual conferences, with the first being organized in 1992 in The Hague, by Vouter Meurs of the Dutch Ministry of Justice and Professor Alan Paterson, of Strathclyde University. From November 2008, it has published a periodical newsletter on developments around the world and, from February 2010, it established an online presence.
- ⁶ ILAG is the network of legal aid specialists including Chief Executives and Managers from Legal Aid Commissions, High Ranking Civil Servants and leading academics in over two-dozen countries.
- ⁷ *Parliament of Australia*
- ⁸ *UNPG is the principles and guidelines for criminal justice systems, however, does not leave the essence of the whole scope and perspective of legal aid.*
- ⁹ *Society launches the survey on the impact of legal aid*, Law Society of Scotland, cited in Preloznjak (2017) article, p.53.

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