

ONLINE DISPUTE RESOLUTION: TRANSFORMING ACCESS TO JUSTICE IN THE DIGITAL AGE

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Thesis Statement

Online Dispute Resolution is a new approach to justice, combining technology with ADR, that is more accessible, cost effective, fast and efficient than the traditional in-person format, and will require more extensive legal regulation, technological protections and international cooperation to be fair, transparent and enforceable in the digital world.

ABSTRACT

Online Dispute Resolution (ODR) is one of the most important progressions in the current justice framework and blends Alternative Dispute Resolution (ADR) with electronic technologies to tackle issues effectively, economically and in excess of geographical boundaries. As commerce, government and social relationships move more and more onto online platforms, the number of disputes online has grown, which has led to a growing reliance on the courts to resolve legal issues. Whereas traditional court-based litigation has proven to be inadequate to resolve legal issues in today's digital environment, the number of disputes has increased as commerce, government and social interactions increasingly move online. ODR is an innovative solution that leverages electronic negotiation, video conferencing, Artificial Intelligence, online mediation and arbitration to enable the resolution of disputes online. This study focuses on the transformative power of ODR in the digital era and its benefits to enhance access to justice. It examines the history of ODR, the legal and technical principles and the use of ODR in commercial, consumer, family and cross-border disputes. The study also reviews opportunities and limitations of ODR considering issues of digital inequality, cybersecurity, procedural fairness, confidentiality and enforcement of online settlements. The doctrinal and qualitative research methodology has been used by analyzing the legislation, international conventions, judicial developments and literature. The results indicate the great cost saving effect of ODR, its ability to speed up the dispute resolution process, its enhanced accessibility for vulnerable parties, and its greater judicial efficiency. However, this must be done through sound legal measures, technology, digital literacy and international cooperation.

Keywords: Online Dispute Resolution, Access to Justice, Alternative Dispute Resolution, Artificial Intelligence, Digital Justice, E-commerce, Online Mediation, Online Arbitration.

INTRODUCTION

Digital technology has revolutionized communication, business, government and legal services in the twenty first century in ways never before seen. Businesses are increasingly doing business on electronic platforms, government provides public services online and individuals do financial transactions across different countries without physically interacting with each other. The digitalization has created new economic opportunities but has also resulted in new types of conflicts and disputes that are not easy to settle in an efficient manner using traditional judicial institutions. The length of the court process, the tedious legal procedures, geographical restrictions and litigation costs have posed great challenges to the access to justice for individuals and small enterprises involved in online transactions.

Alternative Dispute Resolution (ADR) such as mediation, arbitration, conciliation and negotiation have been used as an effective alternative to traditional litigation for some time now. But, technology has continued to evolve even further in the way of ADR, with the development of Online Dispute Resolution (ODR). ODR combines traditional ADR forum with digital communication technologies to help resolve disputes remotely using various online platforms, virtual hearing, e-document exchange, Artificial Intelligence-based negotiation and digital case management systems.

ODR was originally created in the midst of the explosion of electronic commerce in the late 1990s, and has become a part of modern justice systems. eBay and others showed that millions of consumer disputes could be handled quickly and efficiently by automated systems of online negotiation. Since then, governments, international organizations, arbitration organizations, and private technology providers have increasingly been looking for ways to develop ODR systems to enhance judicial efficiency and to increase access to justice.

The COVID-19 pandemic has greatly expedited the global uptake of ODR. By forcing judicial systems globally to implement virtual hearings, online mediation and electronic filing, lockdowns and restrictions on physical court operations

challenged the judiciary. Lockdowns and restrictions on physical court operations challenged judicial systems around the world, forcing them to implement virtual hearings, online mediation and electronic filing systems. The whole concept of an emergency response has turned into a permanent aspect of legal practice. In many jurisdictions, courts are holding hearings on a regular basis via video, and international arbitration institutions have introduced the use of video case management into their practices.

The right to access to justice is more than the right to the courts. It covers the right of every person to get a fair, timely, cost-effective and effective remedy irrespective of their economic status, location or physical capabilities. ODR is a significant and important factor in achieving this goal because it eliminates geographic barriers, lowers attorney costs and allows parties to engage in dispute resolution without having to travel long distances to do so. These benefits are especially crucial for cross-border business activities, small business and persons with disabilities, as well as for rural residents.

There has been a growing appreciation by international organizations of the role ODR can play in the strengthening of justice systems. UNCITRAL has formulated technical guidance for cross-border electronic commerce in the context of online dispute resolution, and the European Union has set up an online dispute resolution platform for consumer disputes. The Singapore Convention on Mediation has also bolstered mediated settlements, boosting confidence in digital mediation processes, akin to the Singapore Convention on the Convention on the Recycling of Ships. Similarly, the Singapore Convention on Mediation has enhanced the enforceability of mediated settlements, thereby expanding confidence in digitized mediation processes, similar to the Singapore Convention on the Convention on the Recycling of Ships.

Pakistan has also made a number of reforms to modernize its ADR system. The Alternative Dispute Resolution Act 2017 promotes alternative dispute resolution procedures as a means of resolving disputes, rather than going to court. While no comprehensive nationwide legislation

on ODR has been passed, there has been significant potential for incorporating ODR into Pakistan's justice system with the progressive digitization of courts, electronic filing systems and virtual courts. ODR is fraught with legal and practical problems, but it has many merits. People who don't have access to a reliable internet connection or have technical skills continue to be digitally excluded. Legal frameworks must be carefully designed to address some of the concerns about the security of electronic communications, privacy, data protection, bias in algorithms used for decision-making and implementation of online settlements. Moreover, procedural justice and public trust are still major concerns in the current context of a growing trend toward virtual justice.

Literature Review

Academic studies prove that the need for a new, innovative process to address the needs of the new day has led to the emergence of Online Dispute Resolution as an evolution of Alternative Dispute Resolution. Scholars have various definitions of ODR, but typically it is regarded as the use of information and communication technology (ICT) in the negotiation, mediation, and arbitration of conflicts, where the conflict is resolved entirely or partially through an electronic medium.

Ethan Katsh is one of the first and most influential of these scholars, who believe that technology serves as a "fourth party" in dispute resolution, aiding in communication, information organization, negotiation, and procedural efficiency. Unlike traditional ADR, in which human neutrals carry out most of the administrative tasks, ODR takes place on a digital platform, which streamlines case management, automates routine tasks and saves on transaction costs.

Similarly, Pablo Cortés points out that ODR significantly enhances consumer protection by offering low-cost and easily-accessed means of resolving low-value disputes in relation to e-commerce. His research shows that many consumers do not engage in litigation due to the high cost of litigation compared to the amount of the transaction at issue. To overcome this

imbalance, ODR provides streamlined online processes that can efficiently and speedily settle conflicts.

In addition, UNCITRAL has recognized the increasing role of ODR in resolving cross-border commercial disputes. It has Technical Notes on Online Dispute Resolution which promote the use of structured online processes, which involve automated negotiation, facilitated settlement, and online arbitration, without sacrificing fairness, transparency, and party autonomy.

The development of ODR has been strongly supported by the European Union, which has set up a specific ODR platform for consumer disputes with the adoption of Regulation (EU) No. 524/2013. Research on the impact of digital complaint systems in the EU suggest that these systems can increase consumer confidence, lower litigation and boost the involvement in cross-border e-commerce.

The Organization for Economic Co-operation and Development (OECD) and the World Bank also see digital justice as a crucial element of sustainable judicial reforms. They research indicate that on-line justice providers decrease administrative burden, enhance transparency and make justice legal more accessible, especially in creating financial institution economies the place judicial assets are scarce.

There has been an increasing amount of scholarship that has been directed towards artificial intelligence in ODR in recent years. AI systems can help the parties by forecasting the settlement, conducting a legal risk assessment, suggesting negotiating strategies, and streamlining administrative procedures, according to the researchers. There are concerns about the transparency and accountability of algorithms, and the potential for bias to affect automated recommendations, however.

There is not much scholarly discussion about ODR within Pakistan. Research on ADR exists, but most of it is limited to the more general context of ADR and does not make an in-depth examination of online dispute resolution systems. Still, in recent years, there have been legal reforms and judicial digitization efforts which illustrate a growing understanding of the value of technology

to enhance access to justice. The uploaded ADR text also highlights that technology is a game-changing tool that is transforming dispute resolution, and that Online Dispute Resolution is playing a pivotal role in the evolving justice system of the future.

Research Methodology

The methodology used in this research is qualitative doctrinal research that is meant to analyze the role of Online Dispute Resolution (ODR) in changing the access to justice in this digital era. Doctrinal legal research is suitable to systematically analyze legal principles, statutory frameworks, judicial developments, international conventions and scholarly literature on ODR.

The study is largely based on secondary sources primarily peer-reviewed journal articles, books, international legal instruments, reports from international organizations and relevant legislation. The leading sources are publications of the United Nations Commission on International Trade Law (UNCITRAL), the European Union Online Dispute Resolution Regulation, the Singapore Convention on Mediation (2019), the Alternative Dispute Resolution Act, 2017 (Pakistan), and writings of prominent scholars like Ethan Katsh and Pablo Cortés. The uploaded ADR book is also relied upon as a supporting book, especially for the information on Online Dispute Resolution and the technological change of the ADR.

The research used descriptive and analytical approach. The descriptive element provides a description of the concept, development, processes and legal foundations of ODR. The analytical component assesses its effectiveness in the promotion of access to justice, based on its practical applications, institutional developments and legal challenges.

A comparative approach is also taken by analyzing the implementation of ODR in the European Union, the United States, Singapore, Canada and Australia. These jurisdictions offer rich examples of the use of digital technologies to support a dispute resolution process while keeping procedures fair and legal.

There is no empirical data collection in the study, that is, no survey or interviewing. Rather, it thoroughly examines and synthesizes information and legal resources to discover trends, issues, and opportunities. This approach allows for a comprehensive picture of ODR's role in the modern justice system whilst also being compliant with legal research accepted practices.

Results and Analysis

Through the analysis the research proves that Online Dispute Resolution has completely changed the concept of dispute resolution by providing access to justice, which is more affordable, efficient and flexible to the digital economy. The results have shown that ODR makes a positive impact on not only the parties involved in the dispute but also on judicial institutions, Governments, businesses, and society in general.

Improving access to justice:

The right to have access to justice is universally acknowledged as a right. But traditional litigation often restricts access due to costs, time, geographic location, difficulty, and complexity of the process. ODR can greatly mitigate these obstacles by allowing parties to be involved in the dispute resolution process from any location connected to the internet. There is no need for the parties to go to courts and arbitration centers, which results in savings in transportation, accommodation and loss of working time.

This benefit is especially important for: persons with disabilities, elderly people, rural people, small business, international commercial parties and consumers involved in e-commerce. Thus, ODR is contributing to the increased legal inclusion and increased access to justice for those who may otherwise have no opportunity to seek justice through legal avenues.

Reducing the time and cost:

The most important discovery is that ODR dramatically reduces the economic and time expenses incurred in dispute resolution. Typical litigation involves: numerous hearings, physical exchange of documents, heavy legal

representation, adjournments and delays in the process before judgment.

By contrast, ODR allows for: electronic filing, online evidence submission, video hearings, digital case management, automated scheduling and electronic settlement agreements. Online mediation cases can be resolved in days or weeks instead of months and years. This efficiency not only aids disputing parties but also judicial institutions by alleviating a backlog of cases. This new technology will help increase efficiency.

Modern ODR platforms combine cutting-edge technologies such as: Artificial Intelligence, Machine Learning, Automated Negotiation Systems, Secure Digital Communication, Cloud-Based Document Management.

By analyzing settlement trends in the past, recommending projected settlement ranges, identifying legal issues, automating administration tasks, and communication, artificial intelligence helps parties. These technologies do not replace human mediators or arbitrators but complement them to take their decision-making and making processes more effective and efficient.

Growth of Cross-Border Commerce:

International consumer transactions have significantly risen with the advent of global electronic commerce. Litigation in international disputes with small claims is often not feasible due to the cost of litigation being greater than the value of the claim.

ODR addresses these issues through: electronically filing complaints; communicating in multiple languages; conducting mediation from a distance; conducting arbitration electronically; and enforcing settlements electronically.

All these make people more confident on the international digital market. The Singapore Convention on Mediation enhances this framework by enhancing the enforcement of mediated settlements in international commercial disputes.

Judicial Modernization:

The results of the research suggest that ODR is a valuable tool in the judicial reform process. Today, courts use e-filing, virtual court hearings,

electronic evidence management systems, electronic mediation processes and online judgment delivery tools more and more.

The COVID-19 pandemic caused the courts across the globe to quickly embrace virtual hearings. These digital methods have been kept by many jurisdictions as they were effective in ensuring judicial continuity. ODR isn't a substitute for court, but is a supplement to traditional judicial proceedings to address appropriate cases beforehand.

Future of Online Dispute Resolution:

Online Dispute Resolution (ODR) has a bright future ahead with more focus on the integration of new technologies into legal proceedings, to make justice more accessible, efficient and user-friendly. With the rapid pace with which digital transformation is unfolding around the world, ODR is likely to become a part of judicial administration rather than the other option to conventional litigation.

Artificial Intelligence (AI)

AI is expected to be transformative in ODR, making it more efficient and assisting human decision makers, not replacing them. AI can process vast amounts of legal information, look for relevant precedents, foresee potential issues in a dispute, and help parties in negotiation. AI can generate settlement options in online mediation, which can include using past cases to suggest solutions, and can also help to identify the points of agreement among the parties. Additionally, automated chatbots can offer initial legal guidance, navigate users through legal processes, and offer answers to commonly asked questions. But, let's not forget that AI needs to be guided by humans. Fairness, accountability, and transparency are essential for legal rulings relating to rights and obligations, and this can't be achieved with automated systems. Ethical standards and regulatory protections are, then, a must in order to avoid algorithmic bias as well as ensure procedural justice.

Blockchain Technology

The use of blockchain technology can enhance the trustworthiness of ODR by offering secure, transparent, and tamper-proof documentation of dispute resolution processes. It is widely used for: digital evidence storage, electronic signatures, verifying settlement agreements, keeping case records in an immutable form and preventing tampering with documents. Blockchain's decentralized structure further promotes trust in the integrity of digital proceedings and decreases chances of fraud or unauthorized alterations.

Smart Contracts

Smart contracts are digital contracts that run automatically via blockchain. When predetermined conditions are met, their terms are automatically enforced.

In ODR smart contracts can: automatically execute settlement agreements, trigger the release of payments after mediation, enforce contractual obligations electronically and decrease post-settlement disputes. Smart contracts are not a substitute for legal judgment in complex cases where legal decisions must be made, but they are a great addition to the speed and efficiency in conducting commercial transactions and online business.

ODR in Pakistan

Pakistan has strong capacity to have a holistic national ODR system in place. Future reforms should build on the 2017 Alternative Dispute Resolution Act and include: creation of court-annexed ODR centers; creation of secure national mediation platforms; promotion of online commercial arbitration; integration of electronic filing with ADR; judges, lawyers and mediators training; and raising awareness on the use of digital justice.

Conclusion

Online Dispute Resolution is one of the most important changes in the development of contemporary justice systems. Combines established ADR processes with digital technology to offer a novel solution to many of the current problems with conventional litigation, such as

time-consuming, costly, location-based and overburdened courts. This study shows that ODR substantially enhances access to justice as a means to address complaints via an electronic process which is faster, cheaper and less burdensome than traditional court litigation. It has been especially useful in consumer cases, commercial disputes, family cases and disputes involving persons from different countries in which it is impractical or uneconomical to attend before courts.

The study also finds that technological advancements like AI, blockchain, electronic case management and virtual hearings have had a substantial impact on the effectiveness of DR. Such technologies will enhance productivity in administration and enable the lawyers to concentrate on substantive matters of dispute, not just on formalities.

While these benefits exist, there are also significant legal and ethical issues to consider with ODR. Still, digital inequality, cybersecurity threats, privacy issues, fairness concerns, algorithm issues, and disparate implementation policies pose major challenges to its widespread use. The challenges highlight that technology is a tool that should be used alongside and not in place of core principles of justice, such as fairness, impartiality, transparency and due process. COVID-19 has shown how justice systems can thrive in a digital world. A lot of jurisdictions have kept the virtual hearing and electronic dispute resolution systems in place because they have enhanced judicial efficiency without sacrificing the integrity of the court.

In Pakistan, ODR provides a valuable opportunity to enhance justice, save overburdened courts and enhance access to justice. It will take a combination of legislative changes, institutional financing, digital infrastructure, judicial capacity building, awareness, and international collaboration to achieve successful implementation. Finally, it is not enough to think of Online Dispute Resolution as an alternative to litigation; it is an important component of 21st century justice. With the proper legal protections and technological measures, ODR can provide more inclusive, efficient and accessible justice for

individuals, businesses and societies in the digital age.

Bibliography

Cortés, P. (2011). *Online Dispute Resolution for Consumers in the European Union*. Routledge.

Eisenberg, T., & Miller, G. P. (2013). *The Flight from Arbitration*. DePaul Law Review.

European Parliament & Council. (2013). *Regulation (EU) No. 524/2013 on Online Dispute Resolution for Consumer Disputes*.

Katsh, E., & Rifkin, J. (2001). *Online Dispute Resolution: Resolving Conflicts in Cyberspace*. Jossey-Bass.

Katsh, E., & Rabinovich-Einy, O. (2017). *Digital Justice: Technology and the Internet of Disputes*. Oxford University Press.

Menkel-Meadow, C. (2016). *Mediation, Arbitration and Alternative Dispute Resolution*. Edward Elgar.

Organisation for Economic Co-operation and Development (OECD). (2019). *Digital Government Review*.

Susskind, R. (2019). *Online Courts and the Future of Justice*. Oxford University Press.

United Nations Commission on International Trade Law (UNCITRAL). (2016). *Technical Notes on Online Dispute Resolution*.

United Nations Commission on International Trade Law. (1985). *UNCITRAL Model Law on International Commercial Arbitration*.

United Nations Commission on International Trade Law. (2018). *United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention)*.

World Bank. (2020). *Justice for the Poor: Digital Justice Initiatives*.

Alternative Dispute Resolution Act, 2017 (Pakistan).

Constitution of the Islamic Republic of Pakistan, 1973.

Aman, S. (2026). *Alternative Dispute Resolution: Principles, Practice and Global Perspectives*. Citiline Advertising.

