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The Future of Justice Delivery: A Critical Appraisal of the Paradigm Shift from Alternative Dispute Resolution (ADR) to Online Dispute Resolution (ODR)

Dr. Khurram Baig

University Gillani Law College, BZU Multan

Email: mkb5729@gmail.com

Jawad khalil Pitafi

Operational Officer

Companies house, United Kingdom

(Uk Civil Services)

Email: Jawadkhalilpitafi@gmail.com

Dr. Hafiz Abdul Rehman Saleem*

Assistant Professor Law

Department of Law

University of Sahiwal

Email: h.a.rehman@hotmail.com

ABSTRACT

The emergence of Online Dispute Resolution (ODR) is a radical shift in the administration of justice in the world. Traditionally, the efficiency, flexibility and accessibility of the mechanisms of Alternative Dispute Resolution (ADR) like mediation and arbitration stood in the face of the litigation. As technology merges with it, these processes are becoming digital opening up opportunities and threats as well.

This paper critically evaluates the paradigm shift between ADR and ODR by looking at its effect on access to justice and fairness gained in the proceedings as well as the effect on enforceability. It sheds some light on the different methods of institutionalizing ODR through a comparative perspective with the European Union, the United States and Asia. Along with the potential brought up by ODR in terms of scalability, cross-border efficiency and increased inclusivity, it also poses issues of digital exclusion, cybersecurity and algorithmic bias as well as regulatory concerns.

The paper concludes that the future of delivery of justice is hybrid, one that combines ADR and ODR into an interlocking framework in which ODR complements and enhances ADR, as long as it has digital due process, transparent governance and enforceability protections built in.

Keywords: Online Dispute Resolution (ODR); Alternative Dispute Resolution (ADR); Access to Justice; Digital Courts; Algorithmic Fairness; Due Process by Design; Comparative Law; Cybersecurity; Enforceability; Hybrid Justice Models.

Introduction

Access to justice is traditionally the domain of court systems, which, although possessing authority, tend to be excessively time-consuming, costly and rigidly-procedural. The Alternative Dispute Resolution (ADR) subsequently became the alternative, with modes of arbitration, mediation and negotiation, all geared towards ensuring courtroom proceedings are much avoided at all costs. DR has also been credited with the alleviation



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of litigation loads, improvement of the autonomy of the side parties and the attainment of a consensual result (Egbunike-Umegbolu, 2024).

However as the world becomes more globalized and interconnected by trade and as the financial (and health) toll of the COVID-19 pandemic was literally unprecedented, a different scheme of problem solving has come into the spotlight: Online Dispute Resolution (ODR) is the migration of ADR procedures to virtual space, with the application of digital communication technologies, artificial intelligence and blockchain technologies to negotiate disputes and resolve them in the digital space (Ballesteros & Ávila, 2024). Such paradigm shift does not only represent a technical adaptation but a paradigm shifts in the way justice can be provided in the digital era.

The increased dependence on ODR casts important doubts about legitimacy, accessibility and procedural fairness. In addition to the opportunity to experience speed, low costs and cross-border dispute resolution, ODR also comes with issues of cybersecurity threats, digital exclusion and enforceability (Bhushan, 2023). Therefore, there are imperative needs among scholars and policymakers to evaluate the potentiality of ODR to truly contribute to justice or it would compromise the principles of justice including fairness and due process that ADR aimed to achieve.

This paper critically examines the shift of paradigm of ADR to ODR, the drivers, opportunities and challenges of this shift. Presenting comparative trends and developments, as well as trends that are to emerge in the future, the study aims to contribute to the debates that currently take place as the future of justice delivery in the digital age is concerned.

Conceptual Framework: Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR)

Alternative Dispute Resolution (ADR): The term describes a range of dispute resolution processes mainly arbitration, mediation, conciliation and negotiation processes initiated to offer alternatives to conventional litigation. ADR has been hailed as lessening court congestion, lessening expenditures and providing the disputants with more power over the process (Begum et al., 2022). Unlike rigid judicial structures, ADR emphasizes flexibility, party autonomy and creative problem-solving.

Online Dispute Resolution (ODR): This is the usage of ICTs in ADR processes, which digitizes all dispute resolution procedures (Valchuk, 2024). It includes platforms that allow parties to interact, transfer documents and even use algorithmic tools as part of the resolution process. DR does not merely mean automating ADR processes; it is a transformational change in the justice system that employs artificial intelligence (AI), machine learning and blockchain in the justice system (Beretta, 2024a).

While ADR was primarily designed to complement courts, ODR emerged to address disputes in the digital sphere, particularly in e-commerce, cross-border trade and consumer protection regimes where physical distance made traditional ADR impractical (Patel et al., 2025a). For example, the European Union's ODR Regulation and platforms such as eBay's Resolution Center illustrate how digital technologies can resolve millions of disputes annually without litigation.

The paradigm shift from ADR to ODR will be a paradigm shift not only in terms of technological infrastructure but in the access to justice, legitimacy and fairness. DR has consistently maintained its human centric, consensus-oriented processes which are lacking because of lack of replication in a digital environment where trust, transparency



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and equal access need redefinition. Therefore, ODR is both an extension and a break of the principles of ADR, and there is doubt whether ODR can manage the principles of justice (Zekos, 2022).

Drivers of the Shift from ADR to ODR

The transition from traditional Alternative Dispute Resolution (ADR) to Online Dispute Resolution (ODR) is not merely a technological innovation but a structural response to contemporary challenges in justice delivery. Several key drivers underpin this paradigm shift.

Technological Advancements

The rapid development of information and communication technologies (ICTs) has enabled the digitization of dispute resolution processes. Secure video conferencing, e-filing systems, artificial intelligence (AI)-powered case management and blockchain for smart contracts have created opportunities for faster, more accessible dispute resolution mechanisms (Gupta, 2025). The global diffusion of digital infrastructure has normalized online interactions, making ODR a natural extension of modern legal practice.

Globalization and Cross-Border Transactions

Global commerce has increased disputes across jurisdictions, especially in e-commerce and consumer contracts. Traditional ADR often faces barriers of geography, costs and jurisdictional limitations. ODR offers a solution by providing neutral, borderless platforms that facilitate resolution without requiring physical presence (Beretta, 2024b). International initiatives, such as UNCITRAL's Technical Notes on ODR (2017), further reflect the recognition of ODR as an indispensable tool for cross-border justice.

Access to Justice and Cost Efficiency

Court congestion and rising litigation costs have long motivated ADR; however, ADR itself often remains inaccessible due to high procedural costs and dependence on physical hearings (Prescott, 2024). ODR addresses these challenges by reducing transaction costs, streamlining procedures and expanding accessibility to marginalized groups who may otherwise lack effective remedies.

Impact of the COVID-19 Pandemic

The global health crisis accelerated the adoption of digital justice. Courts and arbitral institutions shifted rapidly to remote hearings, while online platforms gained prominence as the only feasible dispute resolution mechanism (Rabinovich-Einy, 2021a). This catalyzed the institutionalization of ODR, transforming it from an experimental tool into a mainstream component of justice delivery systems.

Policy and Institutional Support

Governments and international organizations have increasingly promoted ODR to support judicial efficiency and consumer protection. For example, the European Union's Online Dispute Resolution platform for consumer complaints and India's recent ODR Policy Plan (2020) illustrate the role of policy frameworks in legitimizing digital justice (Nayak & Samaddar, 2024).

Taken together, these drivers show that ODR is not a mere supplement to ADR but a systemic evolution of dispute resolution, reshaped by technology, economics and social necessity.



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Comparative Analysis: ADR vs. ODR in Practice

Efficiency and cost. Traditional Alternative Dispute Resolution (ADR), especially mediation and arbitration, reduces litigation burdens but still incurs scheduling, venue and counsel costs. Online Dispute Resolution (ODR) compresses timelines by enabling asynchronous filings, digital case management and remote hearings; platform data (e.g., large-scale e-commerce ODR) consistently report high-volume, low-cost resolution cycles compared with offline ADR (Lapadat, 2021).

Participation and access. ADR increases party autonomy but can be unevenly accessible where geography and travel costs are significant. ODR lowers entry barriers (no travel; mobile participation) and can widen access for cross-border, low-value consumer claims. Yet digital exclusion (connectivity, language, disability) may replicate or intensify inequalities unless assisted-digital pathways are built in (Allmann, 2022).

Procedural fairness and transparency. ADR emphasizes voluntariness, neutrality, confidentiality and reason-giving; these safeguards can translate online but require redesign (“due-process-by-design”). In ODR, sufficiency of notice, informed consent to terms/platform governance, record-keeping and the opportunity to be heard must be assured through interface design, multilingual notice and auditable logs (Rainey et al., 2021a).

Confidentiality, security and data governance. ADR confidentiality depends on institutional rules and professional norms. ODR adds cybersecurity and privacy vectors: identity assurance, secure evidence exchange, encryption and role-based access. Emerging soft-law (e.g., UNCITRAL Technical Notes) and institutional protocols (e.g., arbitral cybersecurity guidance) provide baselines but implementation varies across platforms and sectors (Brand, 2023).

Enforceability and outcomes. ADR outcomes (settlements, awards) benefit from well-established enforcement regimes (e.g., New York Convention). ODR outcomes range from platform-facilitated settlements to mediated agreements and consent awards; enforceability hinges on jurisdiction, instrument used (e-signatures, consent awards) and applicable recognition frameworks (e.g., Singapore Convention on Mediation). Courts and regulators are piloting court-annexed ODR to align digital outcomes with public-law enforceability (Phillips et al., 2024).

Illustrative practice. The EU ODR Platform demonstrates cross-border consumer redress at scale; Canada’s Civil Resolution Tribunal shows court-annexed ODR with staged negotiation/mediation/adjudication; UK Online Civil Money Claims integrates ODR within civil procedure; and private platforms (e.g., e-commerce marketplaces) validate ODR’s capacity for high-volume dispositions, while also surfacing concerns about platform power and due-process parity (Lapadat, 2021) (Allmann, 2022).

Opportunities and Advantages of ODR

Enhanced accessibility. ODR lowers the entry threshold for parties by eliminating geographical, temporal and cost barriers. Individuals and small businesses, who may otherwise forego redress due to litigation expenses, gain feasible avenues for resolving low-value or cross-border claims (Voet et al., 2022).



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Cost-efficiency and scalability. By automating case intake, scheduling and document exchange, ODR reduces administrative costs. Platforms can handle thousands of cases simultaneously, making ODR attractive for mass consumer disputes and e-commerce contexts (Patel et al., 2025b).

Speed and convenience. Digital platforms support asynchronous communication, enabling parties to engage at their convenience without the logistical burdens of in-person hearings. Timelines for resolution are significantly compressed compared to traditional ADR and court litigation (Goyal & Goyal, 2023).

Party autonomy and user-centered design. ODR, when well-designed, enhances procedural flexibility by offering negotiation, mediation and adjudication pathways in a tiered process. User-friendly interfaces can empower parties to manage their disputes directly, with minimal legal representation (Ahmed et al., 2021).

Cross-border adaptability. ODR is particularly suited for international disputes where jurisdictional complexity, cultural diversity and distance pose hurdles. By offering multilingual, online platforms and integration with international frameworks like the Singapore Convention on Mediation, ODR strengthens global enforceability prospects (Walker & Tat, 2021).

Systemic benefits. Courts and government's view ODR as a tool to reduce case backlogs, enhance efficiency in justice delivery and promote public trust in dispute resolution systems. It aligns with broader policy goals of digital governance and access to justice (Voet et al., 2022).

Challenges and Critiques of ODR

Digital divide and accessibility concerns. While ODR promises wider access, it can unintentionally exclude those without reliable internet connectivity, technological literacy, or access to digital devices. This creates a risk of reinforcing inequalities, particularly in developing regions and among marginalized communities (Saaida & Saaidah, 2023).

Due process and fairness. Questions arise about whether ODR platforms can guarantee essential principles of procedural justice, such as neutrality, transparency and the right to be heard. Automated systems, in particular, may compromise the perception of fairness if parties feel outcomes are predetermined or insufficiently explained (van Gelder & Rainey, 2022).

Data privacy and cybersecurity risks. ODR processes involve sensitive personal and commercial information. The storage, transfer and potential misuse of this data raise concerns under data protection frameworks, especially in cross-border disputes where laws vary (Rainey et al., 2021b).

Enforceability of decisions. While ADR mechanisms have gained recognition under domestic and international instruments, ODR awards, especially those rendered without formal hearings, may face challenges in enforcement under existing legal frameworks such as the New York Convention on Arbitration (Rabinovich-Einy, 2021b).



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Lack of human interaction. Critics argue that ODR risks reducing dispute resolution to a mechanistic, impersonal process. The absence of face-to-face communication can hinder empathy, nuanced understanding and the possibility of creative settlements often facilitated by mediators in ADR (Biard et al., 2021).

Platform governance and accountability. Many ODR services are run by private providers, raising concerns about standards of conduct, independence and accountability. Unlike courts, ODR platforms may lack clear oversight, appeal mechanisms, or remedies for procedural irregularities. (Saaida & Saaidah, 2023) (Rainey et al., 2021b).

Cultural and jurisdictional challenges. Dispute resolution is embedded in cultural and legal traditions. Standardized digital processes may not easily accommodate diverse legal systems, negotiation styles, or dispute expectations across borders (van Gelder & Rainey, 2022).

Comparative International Context

European Union (EU)

The EU has been a pioneer in institutionalizing ODR mechanisms. The European Online Dispute Resolution Platform, launched in 2016, provides a centralized system for resolving consumer disputes across member states. This initiative reflects the EU's emphasis on cross-border digital trade and consumer rights protection. However, scholars argue that while the platform improves accessibility, its effectiveness has been limited by low awareness and uneven adoption among businesses and consumers (Bonina et al., 2021).

United States (US).

The US approach to ODR is more market-driven, with private providers like **Modria** (used for e-commerce and government disputes) leading innovation. Courts in some states, such as Michigan and Ohio, have integrated ODR into small claims and traffic cases (Rainey et al., 2021c). Unlike the EU, the US emphasizes flexibility and efficiency over centralized regulation, though this raises questions about consistency and consumer safeguards (Rainey et al., 2021d).

Asia.

Several Asian jurisdictions are emerging leaders in ODR innovation. China has introduced Internet courts in cities like Hangzhou, Beijing and Guangzhou, where cases can be filed, argued and adjudicated entirely online (Guo, 2021). Singapore has also adopted ODR mechanisms within its courts, particularly in the Small Claims Tribunal, blending technology with traditional dispute resolution structures (Zhao & Chen, 2024). These models highlight Asia's experimental and state-led approach, contrasting with the private-sector focus of the US.

Developing countries and access concerns.

In many developing countries, including South Asia and Africa, ODR is still in its infancy. Limited internet infrastructure, lack of digital literacy and weak legal frameworks present barriers to adoption. Yet, pilot projects in India, Kenya and Pakistan suggest that mobile-based ODR platforms could help bridge justice gaps where courts are overburdened (Bonina et al., 2021) (Rainey et al., 2021d).



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Global implications.

Comparative experience demonstrates that no single model of ODR fits all jurisdictions. The EU emphasizes consumer protection; the US prioritizes efficiency and innovation and Asia blends state-driven digital courts with technological experimentation. The challenge ahead is harmonizing these diverse approaches while ensuring legitimacy, fairness and enforceability of ODR outcomes across borders.

Conclusion

The migration from Alternative Dispute Resolution (ADR) to Online Dispute Resolution (ODR) marks a structural transformation in how societies conceptualize and deliver justice. Originally a supplement to litigation with an efficiency focus, digitally mediated dispute resolution has grown into a dispute resolving ecosystem with the capacity to address high-volume, cross-border and low-value disputes at a scale never previously made possible. When effectively designed, ODR may deliver on familiar promises of ADR: speed, proportionality and party autonomy, and bring justice to users who might otherwise walk away.

Still ODR is not a frictionless upgrade. Transferring core procedural values to the online world reveals new cracks: meaningful notice, equality of arms and the integrity of the record will have to be re-engineered in a virtual space where not only neutral decision-makers are central, but data governance and interface design and default settings take centre stage as well. The promise of convenience can place boot in your face when digital exclusion, black-box platform policies, and lax cybersecurity spread misery and dent credibility.

Comparative practice demonstrates that there is no blanket model. The EU-intensive regulation of consumer protection, the American-style free market experiment and Asian state-controlled digital courts have each highlighted the draws and shortcomings of regulatory balances between innovation and control and user protection. Assisted-digital pathways and court-annexed ODR offer potential improvements that can be operationalized in a mobile-first model that do not compromise due process, even in jurisdictions with limited resources.

The next-generation justice delivery may be hybrid. ODR will not replace ADR, instead it will interlock with it: triage and negotiation instruments to sieve disputes, online mediation to facilitate settlement and adjudication either online or cleanly passed through to courts where not avoiding these. This architecture should be anchored on human-in-the-loop safeguard, explainable AI, audit-able processes and privacy-preserving data practices. The possibility that implementation will succeed or fail will increasingly depend on the ability to translate digital results to existing international instruments and national procedural rules.

Institutions and policy makers must consider a due-process-by-design format: digital notice, multilingual accessible interfaces, identity assurance, secure evidence exchange, reasoned decision, transparent metrics and independent oversight. Performance and fairness indicators should be published and appeal or ombuds procedures should be offered as well as a periodic audit should be submitted. ODR should be part of courts services redesign, with mutual support of legal aid, user-education and assisted-digital support.

The research agenda is also obvious to scholars: the thorough assessment of user outcomes (beyond clearance rates), the bias and explainability audit of AI tools, the assessment of settlement durability, and cross-country research comparing enforceability and cross-border recognition. The answer to normative question- whether ODR could



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add value, to rather than diminish, the rule-of-law values central to ADR- will not be provided by technology, but by the decisions we take to design, regulate and assess digital justice.

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