

Effectiveness and fairness of judicial systems

Citizens expect court decisions to be implemented in an effective and fair manner. Well-functioning civil justice systems protect the rights of all citizens against infringement of the law by others, including by powerful parties and governments. An essential component of the rule of law is indeed based on effective and fair judicial systems to ensure that the laws are respected and appropriate sanctions are taken when they are violated. It is, however, very difficult to isolate the impact of well-functioning judicial systems on security outcomes and crime control from the involvement of other stakeholders such as the police and the correctional systems. Therefore this constitutes a major limitation in making causality links between those two.

Effectiveness and independence in the implementation of civil justice decisions

The independence of civil justice requires a set of detailed rules and procedures to ensure that a dispute will be treated in a neutral way, without biases in favour of any party. According to data from the World Justice Report, there is, as expected, a strong correlation between people's perception that civil justice is effectively implemented and their perception that the system is not affected by external factors such as improper government influence. Citizens and justice experts in countries like Norway, the Netherlands, Sweden, Austria, Germany, Denmark, Finland and Australia reported both that their justice system was generally effective in enforcing laws and that there was low interference of their governments in the civil justice system.

Effectiveness of criminal justice systems and citizens' protection against crime

Effective criminal justice systems are capable of investigating and adjudicating criminal offences effectively and impartially, while ensuring that the rights of suspects and victims are protected. An assessment of such systems, however, should take into consideration the entire system, including police, lawyers, prosecutors, judges, and prison officers (Botero and Ponce, 2012).

In 2014, according to the data from the World Justice Report, countries where the criminal adjudication system (the act of a court in making an order, judgment, or decree) was perceived as timely and effective (i.e. where perpetrators of crimes were effectively prosecuted and punished) tend to report lower propensity of resorting to violence to redress personal grievances (such as personal intimidation and/or mob and riot violence against government). The relatively high correlation ($R^2 = 0.9$) between those two sub-dimensions of the WJP Rule of Law Index suggest that effective and timely criminal justice systems may be a fundamental element to maintain security and societal cohesion at the country level.

In 2014, the extent to which crime was effectively controlled was generally high in almost all OECD countries compared to other major economies with the exception of

Mexico. However, as for the other indicators presented in this section, this data apply only to the three major urban areas in each of the countries. They are perception-based and may be sensitive to very specific events that occurred when the data was collected. Further work is needed in the coming years to establish more clearly the links between effective judicial systems and their impacts on fairness, security and order in OECD and other countries.

Methodology and definitions

Data for the three figures come from the World Justice Project's Rule of Law Index. The index is based on replies from a general population survey conducted by leading local polling companies using a representative sample of 1 000 respondents in the three largest cities in each country and a survey of qualified respondents completed by practitioners and academics with expertise in civil law. For more information on the underlying data see: worldjusticeproject.org/rule-of-law-index.

The civil justice sub-indicator reflects perceptions on whether the civil justice is effectively enforced and free of improper government influence.

"Criminal adjudication system" measures whether perpetrators of crimes are prosecuted and punished. It also measures the degree to which criminal judges and other judicial officers are competent and produce speedy decisions without abuse of pre-trial detention. "People do not resort to violence to redress personal grievances" measures the degree to which people resort to intimidation or violence to resolve civil disputes amongst themselves, or to seek redress from the government, and the degree to which people are free from mob/riot violence.

"Crime is effectively controlled" measures the prevalence of common crimes, including homicide, kidnapping, burglary and theft, armed robbery and extortion, as well as people's general perceptions of safety in their communities.

Further reading

Botero, J. and A. Ponce (2012), *Measuring the Rule of Law*, WJP Working Paper No. 2, World Justice Project, Washington, DC.

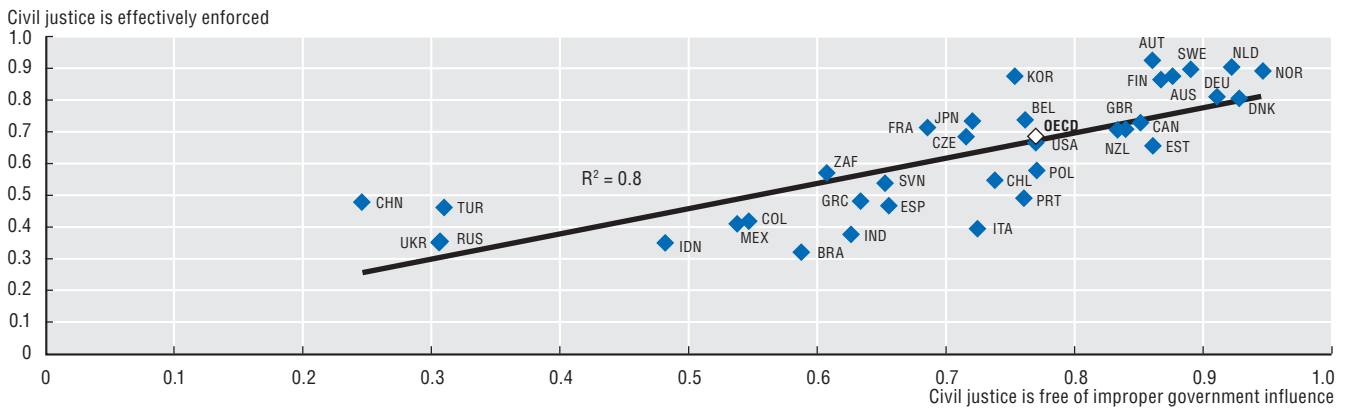
World Justice Project (2014), *The Rule of Law Index 2014*, World Justice Project, Washington, DC.

Figure notes

Data for Iceland, Ireland, Israel, Luxembourg, the Slovak Republic and Switzerland are not available. Data for Hungary are not displayed.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

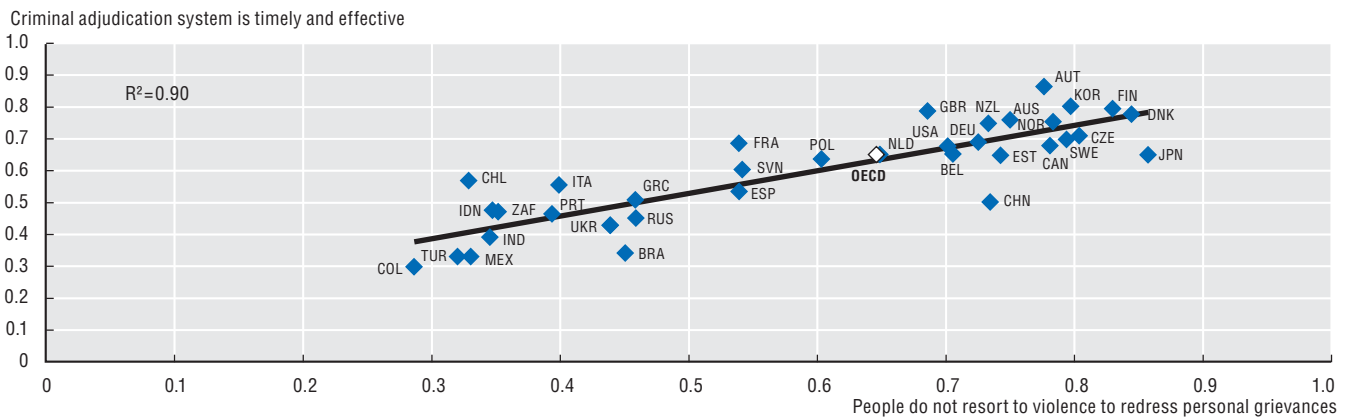
12.27. Effective enforcement of civil justice and freedom from improper government influence, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249603>

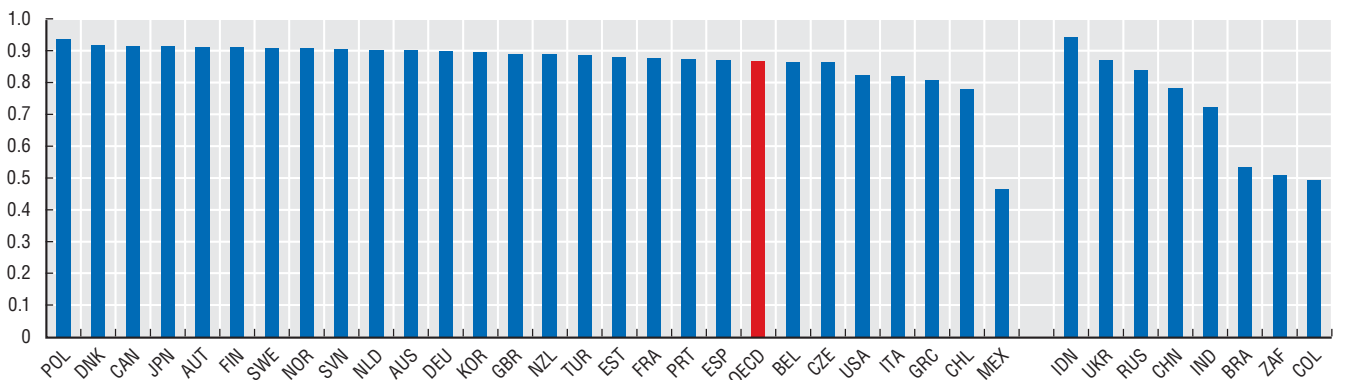
12.28. Effectiveness/timeliness of criminal justice courts adjudication system and the extent of the use of violence to redress personal grievances, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249613>

12.29. Crime is effectively controlled, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249625>



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