

Trust in the Judiciary

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Claims such as "Trust in the judiciary is high/increased!" are frequently asserted by each branch of government representatives in response to criticisms directed at individual judges, groups of judges, or the court as an institution. Conversely, counter-statements asserting, "Trust in the judiciary is at a minimum!" are also common.

These declarations significantly shape our attitudes toward the court's activities, leading to either a positive or negative perspective depending on our level of trust in the person making the statement. Often, we do not delve into discussions about the underlying reasons for these shifts in trust, the consequences of such trust fluctuations, or the future impact on the court's operations. Moreover, we often fail to consider what constitutes a high or low level of trust and what aspects might make the trust situation better or worse.

Specifically, what defines the minimum trust level, and since when is trust considered to be at a high level? Furthermore, what criteria determine whether 55% is conventionally high or 35% is low? Most crucially, what do we mean when we say that the public trusts the judiciary, and why is the issue of trust so significant?

This article aims to provide answers to these questions. To accomplish this, the article will analyze the ideas presented in the academic literature concerning trust in the court, the methods employed in practice to measure trust in the court, and, finally, examine the existing public attitudes toward the national courts of Georgia. It will also scrutinize what public opinion polls reveal about Georgia's judicial system.

Public trust in the judiciary

For the effective functioning of the rule of law, it is imperative to consider not only the actual existence of an independent, transparent, and effective court but also how the public perceives it. The combination of these two factors, resulting in public trust in the judiciary, is critical. Specifically, when referring to trust, as we will delve into in detail later, we are alluding to a high level of confidence within the public that this institution possesses the requisite competence to resolve the disputes brought before it. Furthermore, it entails the expectation that the court will render its decisions independently, free from any bias, in alignment with the shared values of the trusting party, and in accordance with their interests.

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In turn, these two factors - trust and the actual state of the judiciary – are closely interconnected. It is difficult to imagine the public trusting the court if it lacks independence, impartiality, transparency, and operational effectiveness. The absence of trust can cast doubt on the very functioning of the court. This distrust can manifest itself in reduced appeal to the court, reluctance to cooperate with it, and a lack of willingness to comply with its judgments,² which, for the court, represent its primary instrument for exercising power as one of the branches of the government.³ When people lose trust in the judiciary, they tend to seek alternative avenues to address issues that traditionally fall under the jurisdiction of the courts.⁴ The latter may not always involve staying within the bounds of the legal system. This situation is particularly perilous for countries that have recently emerged from a similar experience not too long ago.

The declining trust in the judiciary poses a particular problem in its role as a check and balance instrument for the legislative and executive branches. Unlike political institutions, where trust is cultivated and maintained through free and fair elections,⁵ in the case of the judiciary, there is no direct link between the electorate and the court. Its legitimacy and, therefore, power depend on the public's acceptance of its role,⁶ which requires a certain level of trust.⁷

The more disconnected the public and the judiciary become, the easier it becomes for governments to limit their independence, making the court more vulnerable.⁸ This struggle with the rule of law is a significant danger for unconsolidated democracies,⁹ where there is no established culture of power distribution to prevent the tendency to concentrate power in one hand. In this context, the existence of a weak, compromised, independent court system is particularly perilous. In such a system, judges

² Frans Van Dijk, *Perceptions of the Independence of Judges in Europe*, Palgrave Macmillan, 2021. Introduction. https://doi.org/10.1007/978-3-030-63143-7_1. Also, Anne Wallace and Jane Goodman-Delahunty, *Measuring Trust and Confidence in Courts*, *International Journal for Court Administration* 12(3), 2021. DOI: <https://doi.org/10.36745/ijca.418>, p. 2

³ Thomas Frederick Bathurst, 2021 Opening of Law Term Address: Trust In The Judiciary (3 February 2021), *The Journal Of The NSW Bar Association*, Special Edition – Criminal Law And Inquests, Autumn 2021, pp. 84-91. P. 84. Via: https://barnews.nswbar.asn.au/autumn-2021-mag/docs/BN_Autumn21.pdf?refresh=1627278058181, Accessed: 29/05/2023.

⁴ David Levi et al., *Losing Faith: Why Public Trust in the Judiciary matters*, *Judicature* Vol. 106 No. 2 (2022), Bolch Judicial Institute Duke Law School, pp. 71-77. p. 72. Via: <https://judicature.duke.edu/articles/losing-faith-why-public-trust-in-the-judiciary-matters/>; Accessed: 29/05/2023.

⁵ Bathurst, *Trust In The Judiciary*, p. 84.

⁶ Murray Gleeson, *Public Confidence in the Courts*, *National Judicial College of Australia*, Canberra, 9 February 2007). p. 2. https://cdn.hcourt.gov.au/assets/publications/speeches/former-justices/gleeson/cj_9feb07.pdf,

⁷ Ibid

⁸ Andrew Arato, *Post Sovereign Constitutional Making: Learning and Legitimacy*, *Oxford: Oxford University Press*, 2016. In: Pedro C. Magalhães and Nuno Garoupa, *Judicial Performance and Trust in Legal Systems: Findings from a Decade of Surveys in over 20 European Countries*, *Social Science Quarterly*, Vol. 101 (5), pp. 1743-1760, September 2020. doi.org/10.1111/ssqu.12846

⁹ Van Dijk, *Perceptions of the Independence of Judges in Europe*, Introduction, p. 3

may lack a sense of individual freedom and motivation to serve the interests of society. Instead, they may view specific governments as their primary "principal" rather than the people, with maintaining trust in their eyes becoming their main objective. Consequently, the court may cease to function as an independent branch but rather as an extension of other branches, simply endorsing their decisions.

Simultaneously, the lack of trust in the court makes the consequences of specific actions unpredictable for individuals. This legal uncertainty, supported empirically by theoretical literature, increases reluctance to engage in economic activities, thus negatively impacting the country's economic development.¹⁰ This discussion on the influence of legal uncertainty is not new for Georgia. For instance, the opinion of 19th-century public figure of Georgia, Ilia Chavchavadze, as expressed in his journalistic letter, is pertinent here:¹¹

"The unjust arrangement of the law is a vulture - that destroys people's wealth; it is a sword - that cuts the wings of people's handiwork and economic production. Money is hidden in a pit, where hope is lost that my produced work will be mine if someone dares to challenge me. And if money does not work, if money does not circulate fearlessly among the people, if there is no solid hope among the people that everyone will be easily saved by the law – that it will quickly and easily return my losses to me - then the wealth of the people, and hence, the wealth of the state, is a vain waste".

"Everyone should be confident that their property and rights will be returned to them soon, and they will not lose it. In one word - everyone should believe in justice and the law as their protector, their salvation. If justice and law are such that people don't believe in its neither good nor bad, then, we repeat, everything is in vain..." – Ilia Chavchavadze.

Although excessive public trust in the court poses a significant danger for non-democratic regimes, a certain level of trust remains important for the instrumentalization of the court. Therefore, such regimes attempt to carry out reforms ostensibly to comply with so-called standards, presenting *de jure* improvements to persuade the public of the court's credibility. However, simultaneously, they implement policies that contradict these reforms, occasionally granting only "deliberate freedom" to judges.

Consistently emphasizing indicators and highlighting a certain percentage of the population's trust in the court can be crucial for convincing the public of its credibility. However, determining what level of trust is considered satisfactory is an interesting challenge. Moreover, questions regarding measuring court reliability and obtaining this index are equally important.

¹⁰ Egnate Shamugia and Davit Zedelashvili, "Samartlis Uzenaesoba da Ekonomikuri Mightseva: Meta-rRgresuli Analizi", Research Institute Gnomon Wise, September 3, 2021. Via <https://gnomonwise.org/public/storage/publications/September2021/I6L4ZsHCTPg2z4sB1mdk.pdf>. Accessed May 29, 2023.

¹¹ Ilia Chavchavadze – "Publitsisturi Tserilebi", Tomi IV, "Tskhovreba da Kanoni, Tersili Meekvse," "Sabtchota Sakartvelo", Tbilisi 1987, 355-371. Pp. 369 – 370.

Public opinion polls are a common method for measuring trust in the judiciary.¹² Specifically, trust measurement is often based on survey results, which are typically part of broader surveys on public trust in institutions, allowing for comparisons of these indicators. These surveys usually inquire about one or two general questions: whether individuals trust the court and to what extent.¹³

Skepticism in the literature regarding this kind of measurement is prevalent for several reasons.¹⁴ Firstly, studies often fail to consider how respondents define trust and what it means to them. Merely determining whether respondents have trust, which is inherently subjective, without delving into the basis of their trust or the specific aspects they trust, is insufficient for drawing meaningful conclusions.¹⁵

This raises the question: What do responses obtained by this methodology actually tell us, and how adequate are they for drawing conclusions? It is challenging to derive meaningful insights without understanding what respondents mean by "trust in the court" and what factors influence their answers. It is an accepted principle that evaluating a specific phenomenon requires a shared definition of that phenomenon.¹⁶ Therefore, exploring what "trust in the court" entails is crucial.

When we talk about the trust in the judiciary, we mean...

Given the inherently subjective nature of trust and its presence in various types of relationships,¹⁷ it is not unsurprising that there isn't a universal, agreed-upon definition of trust in general, nor of trust in the court specifically. Nevertheless, the literature frequently engages in discussions on this topic, with notable attempts to distinguish between the terms "trust" and "confidence," often used interchangeably¹⁸ but considered by some authors to be related yet distinct concepts.¹⁹ Despite efforts to draw a clear line between these two concepts, their close connection has made this differentiation challenging.

An important distinction is often drawn between "confidence," which stems from specific knowledge and is grounded in reason and fact,²⁰ and "trust," which involves belief in something that

¹² Wallace and Goodman-Delahunty, *Measuring Trust and Confidence in Courts*, p. 6.

¹³ Ibid. p.7

¹⁴ Ibid. p. 7-8

¹⁵ Wallace and Goodman-Delahunty, *Measuring Trust and Confidence in Courts*

¹⁶ Ibid. p.3

¹⁷ Jack Barbalet, A Characterization of Trust, and Its Consequences, *Theory and Society* 38(4): 267-382, 2009. DOI: 10.1007/s11186-009-9087-3.

¹⁸ Wallace and Goodman-Delahunty, *Measuring Trust and Confidence in Courts*, p. 5; Bathurst, *Trust In The Judiciary*, p. 85.

¹⁹ Ibid., 85.

²⁰ Bathurst, *Trust In The Judiciary*, p. 85.

cannot be empirically proven.²¹ Trust relies more on interpretations and perceptions rather than objective facts.²²

While trust can imply confidence, trust alone, without a factual basis, is insufficient for confidence. Achieving confidence in society is challenging because perfect knowledge of the court is unattainable for most individuals.²³ Only some people are intimately familiar with court proceedings and decisions, and even those who are cannot fully understand a judge's rationale.²⁴ To some extent, they must trust that the judge considered the arguments presented, made the correct decision, and will act similarly in the future.²⁵ In reality, "very few relationships are entirely based on concrete knowledge about the other party, and many relationships rely on trust as much as or more than rational evidence or personal observation."²⁶ Maintaining trust, even in the absence of definitive evidence, is crucial for societal cohesion and relationship preservation, despite carrying an inherent element of risk.²⁷ "Trust, then, is a means of overcoming the absence of evidence, without benefit of the standard of rational proof, which is required to sustain relationships between persons or between a person and a social artefact."²⁸

Rather than attempting to define trust in the court, academic literature often focuses on deconstructing it by examining its main components. The emphasis is placed on identifying these constituents, which can vary in how authors categorize them but generally align in terms of content.

Two primary drivers of trust can be distinguished: competence (operational effectiveness) and values (intentions and principles that guide behavior).²⁹ Each of these drivers can be further subdivided into various constituents, which are interconnected and can be derived from one another.

Trust in the competence of the court entails the public's expectation that this institution can effectively fulfill the power conferred upon it by the Constitution.³⁰ This expectation extends beyond the technical expertise of judges; it is crucial for the court to demonstrate the ability to respond appropriately and reliably.³¹ The quality of a judge's decision is not solely measured by the correctness of their application of the law in resolving disputes. For citizens to trust in the competence of the court,

²¹ Ibid

²² OECD, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*, *OECD Public Governance Reviews*, OECD Publishing, Paris, 2017, p. 16. <https://doi.org/10.1787/9789264268920-en>

²³ Bathurst, *Trust In The Judiciary*, p. 85.

²⁴ Ibid

²⁵ Ibid

²⁶ Georg Simmel, *The Philosophy of Money*, London: Routledge & Kegan Paul, 1978. 178-9. In: Barbalet, *A Characterization of Trust, and Its Consequences*.

²⁷ Wallace and Goodman-Delahunty, *Measuring Trust and Confidence in Courts*, p. 5.

²⁸ Barbalet, *A Characterization of Trust, and Its Consequences*.

²⁹ OECD, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*, 21.

³⁰ Bathurst, *Trust In The Judiciary*, p. 85

³¹ OECD, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*, 22.

the court must be a useful, timely, and accessible tool.³² Decisions rendered by the court should be comprehensive and articulated in clear language, leaving no doubts about the reasonableness and fairness of the resolution of disputes.³³

Furthermore, for legal certainty, it is insufficient to merely know that the court has the capacity to be competent; there must also be an expectation that it intends to do so. Therefore, the public should trust the court in terms of values and be assured of the judges' "honesty" and "benevolence".³⁴ It is essential for judges to be conscientious individuals who possess a deep awareness of societal diversity and its needs,³⁵ share the principles accepted in society, and are prepared to uphold them in service of society's interests rather than favor specific groups. The mere perception, even if unfounded, of bias in society against certain groups significantly diminishes trust in the judiciary and, consequently, its legitimacy.³⁶ To quote Ilia Chavchavadze once again:³⁷

"... knowledge of the laws is not as necessary to gain trust, but the knowledge of people's thinking, the wisdom of people, their customs, in a word – everything that surrounds the local life in general – and at the same time, it is necessary for the man himself to have discerning intelligence, honesty, and sincere life and existence".

Being a judge, while an honorable position, also entails significant responsibility. Trust in the judiciary is eroded when a judge's conduct, whether in or out of court, is perceived as demonstrating disregard for or disrespect towards the law or prevailing societal standards.³⁸ It is important to recognize that dishonest and disrespectful behavior, even if exhibited by a minority of judges, has a substantial impact on trust in the court. The public may not be aware of the majority of well-behaved judges, but it will undoubtedly notice the exceptional judge who fails to meet societal standards. Consequently, no matter how few, a "bad judge," tarnishes the public's perception of the court significantly.³⁹

It should be emphasized that trust in the judicial system does not necessitate believing that all judges are wise, infallible, or morally impeccable, nor does it require judges to make decisions solely to please the public.⁴⁰ However, it does entail confidence that the justice system is grounded in values

³² Ibid., 22.

³³ Bathurst, *Trust In The Judiciary*.

³⁴ Ibid., pp. 87-90

³⁵ Ibid., p. 85.

³⁶ Kenneth E Fernandez and Jason A Husser, Public Attitudes toward State Courts', *Open Judicial Politics* (Oregon State University, 2020), in Bathurst, *Trust In The Judiciary*, p. 90.

³⁷ Ilia Tchavtchavadze, "Publitsisturi Tserilebi", p.360

³⁸ Bathurst, *Trust In The Judiciary*, p. 87.

³⁹ Bathurst, *Trust In The Judiciary*, p. 87.

⁴⁰ Public perspectives on trust and confidence... Murray Gleeson, Public Confidence in The Judiciary, Judicial Conference of Australia, Launceston, 27 April, 2002. Available: <https://www.ajoa.asn.au/wp-content/uploads/2022/05/Gleeson-2002-paper.pdf>, Accessed: 29/05/2023.

such as independence, impartiality, integrity, and professionalism and that, even within the constraints of human fallibility, the system consistently upholds these values.⁴¹

And yet, what affects trust in the judiciary?

Considering all the aforementioned factors, and especially taking into account the components that constitute the essence of justice within the court, we can assume that its integrity is profoundly influenced by the institutional framework. Specifically, the institutional design of the court, aimed at ensuring the independence of judges, holds significant importance. Equally crucial is the meticulous process of judge selection, which ought to ensure the recruitment of competent, conscientious, and honest individuals into the judiciary.

Furthermore, the conduct of the judges themselves plays a pivotal role in fortifying public trust. The effective functioning of the court, coupled with the accessible and timely delivery of quality justice, also contributes significantly to the establishment of trust. Society's perception of the court and its thorough understanding of the institution's activities is of utmost importance.⁴²

In practical terms, the factors influencing the perceptions and trust of the public in the judiciary are subjects of ongoing research. Various authors concentrate on different aspects, with some highlighting the correlation between court efficiency and public trust.⁴³ It is worth noting, however, that researchers suggest the independence of the judiciary, the state of the rule of law, and corruption may have an impact, predominantly among the most educated segment of the population.⁴⁴ According to certain studies, trust in the court within broader society is shaped by individuals' subjective assessments of the economic situation and governing regime, as well as their personal experiences in dealing with the judicial system.⁴⁵

A common assertion found in academic literature, and frequently voiced publicly, is that media, politicians, and various societal actors, particularly lawyers,⁴⁶ exert a certain influence on the formation of public perceptions towards the court. This influence may be particularly relevant for segments of society less acquainted with the court's activities or lacking personal experience with the judiciary.

⁴¹ Gleeson, *Public Confidence in The Judiciary*.

⁴² Bathurst, *Trust In The Judiciary*, p. 87

⁴³ Magalhães and Garoupa, *Judicial Performance and Trust in Legal Systems: Findings from a Decade of Surveys in over 20 European Countries*.

⁴⁴ Nuno Garoupa and Pedro Magalhães, Public Trust in the European Legal Systems: Independence, Accountability and Awareness, *West European Politics* 1-24, 2020. In: Magalhães and Garoupa, *Judicial Performance and Trust in Legal Systems: Findings from a Decade of Surveys in over 20 European Countries*.

⁴⁵ David De Micheli and Whitney K. Taylor, Public Trust in Latin America's Courts: Do Institutions Matter? *Government and Opposition*, 2022, 1-22. Doi:10.1017/gov.2022.6

⁴⁶ Gleeson, *Public Confidence in the Courts*, p. 12.

However, it is crucial for these influential actors to be grounded in facts, forming the basis for their positions. Most importantly, these actors must themselves possess the trust of the public to effectively shape public opinion.

Trust in the Judiciary – Georgian Reality

The lack of trust in Georgia's judiciary and other institutions in the initial years of independence is not surprising, given the 70 years of Soviet occupation. Since the collapse of the Soviet Union was not followed by a swift dismantling of the Georgian justice system; establishment of an independent, robust, and impartial court; rapid replacement of corrupt, regime-affiliated personnel, and cultivation of public trust in the court institution,⁴⁷ made it customary to seek justice outside the formal legal system. Justice-implementing bodies, including the court, were not the primary institutions that citizens turned to when in search of legal resolution. Instead, the post-Soviet era saw the rise of a powerful underworld, dominated by individuals known as "criminals in law." These figures not only commanded influence within criminal circles but also extended their authority into various sectors of society.⁴⁸ Due to their social standing, criminals in law frequently assumed the role of dispute resolution,⁴⁹ simultaneously ensuring the "enforceability of their decisions." Following the Rose Revolution, the newly established government actively took on the challenge of combating organized crime and corruption, particularly targeting the world of criminals. Through radical reforms, this issue was effectively addressed and removed from the national agenda.⁵⁰ However, it is noteworthy that the so-called disruption of the "criminal mentality" played a crucial role in reshaping the perception of the court institution and its recognized role in society.

Assessing the formation of trust in the Georgian judicial system and identifying its causes poses a challenge due to the absence of relevant studies that comprehensively explore the issue and provide insights into the dynamics of trust. One notable exception is the public opinion survey commissioned by the "International Republican Institute" (IRI), which has been consistently conducted over the years. This survey explores public attitudes toward various institutions, offering a unique opportunity to examine the evolution of trust. Specifically, the survey includes a question crucial to our understanding

⁴⁷ „Sakartvelos Sakhalkho Damtsvelis 1998 da 2000 Tslis Saparlamento Angarishebi“. Available: <https://www.ombudsman.ge/geo/saparlamento-angarishebi>, accessed: 29/05/2023

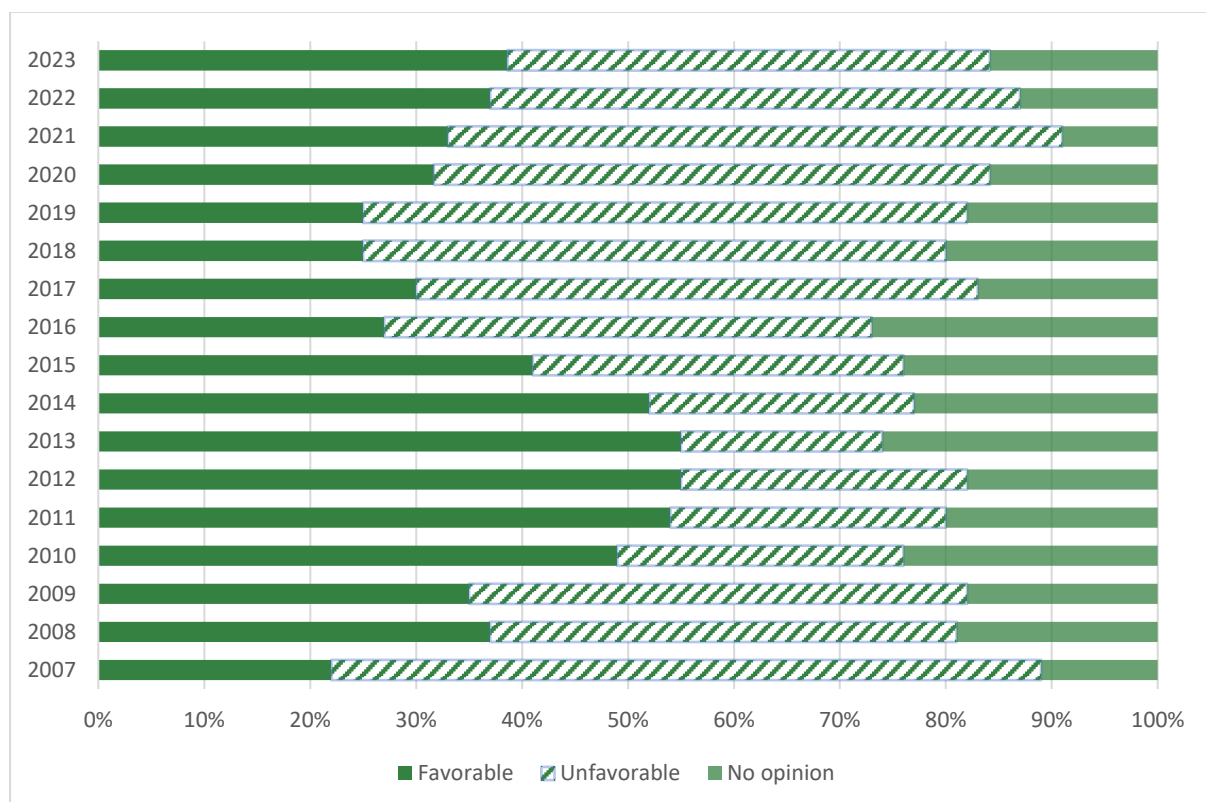
⁴⁸ Gavin Slade, *Mafia and Anti-Mafia in the Republic of Georgia: Criminal Resilience and Adaptation since the Collapse of Communism*, PHD thesis, University of Oxford, 2011.

⁴⁹ Based on the results of the analysis of socio-legal studies, the European Court of Human Rights provides the assessment of the "criminals world's" impact on Georgian society on the case *Ashlarba v. Georgia*, no. [45554/08](#), in the decision adopted on July 15, 2014.

⁵⁰ Alexandre Kukhianidze, *Corruption and organized crim in Georgia before and after 'Rose Revolution'*, *Central Asian Survey*, 28(2), pp. 215-234. doi.10.1080/02634930903043709.

of trust in the court. Respondents are asked to express their opinion on the work of different institutions, with "Courts" listed alongside others. The survey allows participants to choose from three options: Favorable, Unfavorable, or No opinion. It is worth noting that the research indicates that this question serves as a gauge for measuring trust in the court.⁵¹ However, in some of the cases it is referred as a question measuring confidence in institutions.⁵² (see Graph 1)

Graph 1: Respondents' opinion regarding the work of the court, according to the public opinion survey commissioned by IRI, by years (%)



Source: Graph created by the author based on surveys commissioned by IRI

As depicted in Figure 1, public satisfaction with the court's performance was significantly low in 2007, with 67% of respondents expressing disapproval and only 22% showing favorability. Subsequent years, including 2013, witnessed an encouraging trend with an improvement in the favorable index and a decrease in the percentage of unfavorable respondents. However, the trajectory reversed in

⁵¹ For example, in the 2015 study, this question appears in the chapter on trust in institutions. see International Republican Institute, Public Opinion Survey Residents of Georgia, February 3-28, 2015. p. 23-24. Available: https://www.iri.org/wp-content/uploads/2015/03/iri_georgia_public_2015_final_0.pdf, Accessed: 29/05/2023.

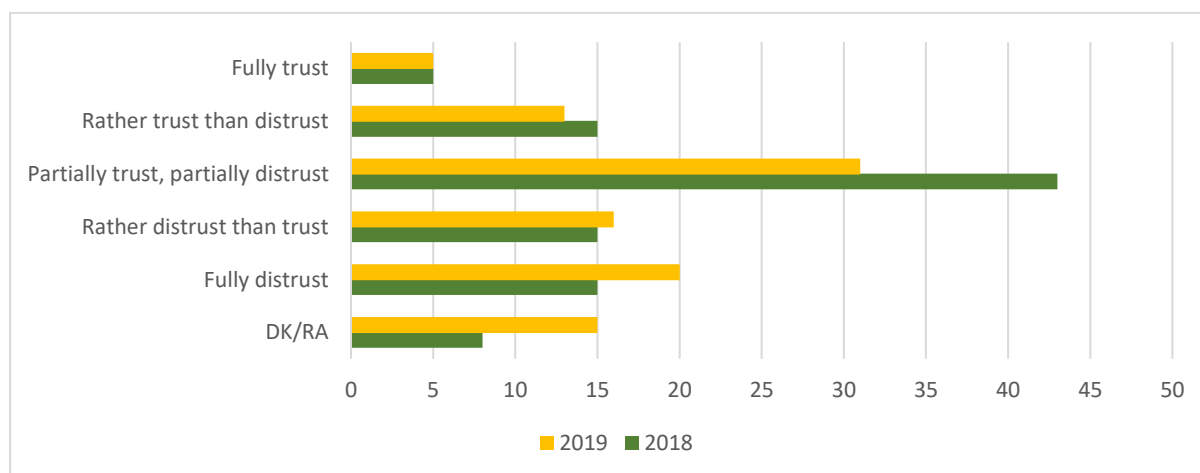
⁵² For example, in the press release prepared for the 2014 study, it is reported in this way. It should be noted that the research of the year is not fully available to the public. see Agenda.ge – International Republican Institute (IRI) Poll results on Georgia released, 1 April 2014. Available at: <https://agenda.ge/en/news/2014/852>, accessed: 29/05/2023.

2014, marked by a sharp deterioration of the indicator in the years 2018-2021. According to the 2023 data, 39% of respondents express confidence in the court, while 46% harbor distrust in its functioning.

As previously mentioned, the presented data holds significance as it has been consistently collected since 2007, providing insight into the evolving dynamics of the public's perception of the court. Nevertheless, a notable drawback lies in the generality of the question, which fails to elucidate the specific aspects intended by the respondents. The lack of clarity regarding what the question entails and what respondents might infer leaves a gap in understanding the nuances of public trust in the court based on their responses to this broad inquiry.

In contrast, the public opinion survey conducted by the "Caucasus Research Resource Center" (CRRC) on behalf of the non-governmental organization "Transparency International - Georgia" offers a relatively more specific question. In the 2018-2019 survey, respondents were directly asked the following question: *"To what extent do you trust or distrust courts in Georgia?"*. However, a notable drawback in this case lies in the insufficient periodicity of the survey (see Graph 2).

Graph 2: Answer to the question *"To what extent do you trust or distrust courts in Georgia?"* as part of the public opinion survey conducted by CRRC



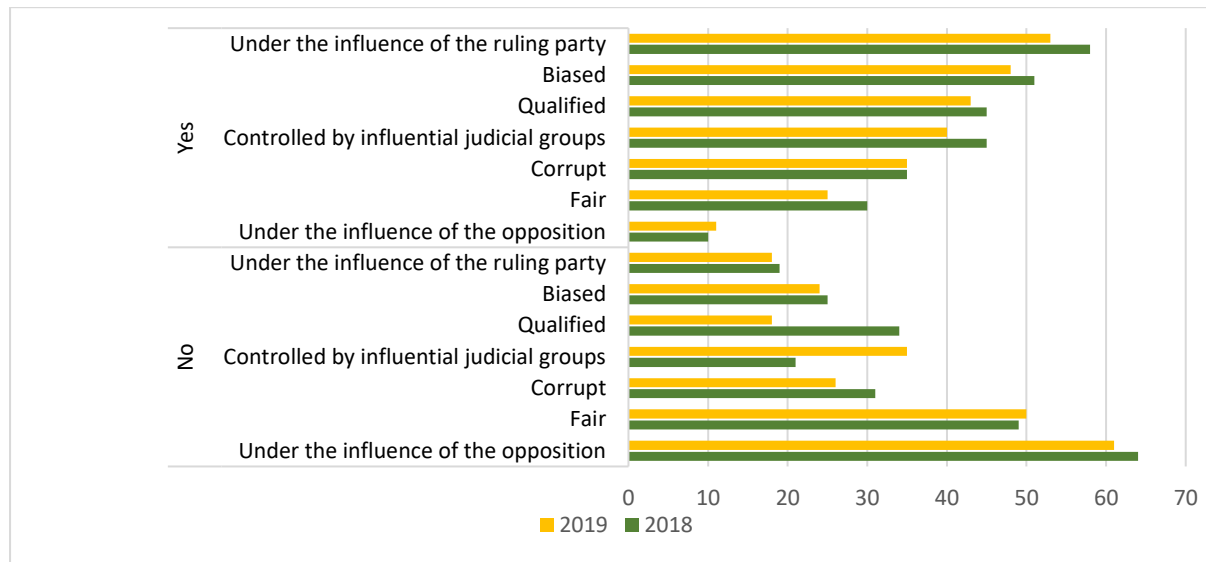
Source: The graph was created by the author based on the results of the public opinion survey conducted by the CRRC in 2018-2019

As illustrated in Graph 2, there was a notable shift in 2019 compared to 2018. The number of respondents expressing uncertainty or doubt about their trust in the court decreased, while those outright distrusting the court increased. While this trend somewhat aligns with the findings in Figure 1, it is important to note that drawing conclusive insights based on only two years of data may not be justified. Although the question in this survey, conducted by the "Caucasus Research Resource Center" (CRRC) on behalf of "Transparency International - Georgia," is more specific compared to the IRI survey,

there remains a level of ambiguity regarding what respondents precisely mean when expressing trust or distrust in the court.

The opinions of respondents in the same survey regarding the impartiality, competence, corruption, independence, and justice of the court can be viewed as complementary to the main question (see Graph 3).

Graph 3: Answer to the question "Is court system in Georgia... (%)," survey conducted by CRRC.



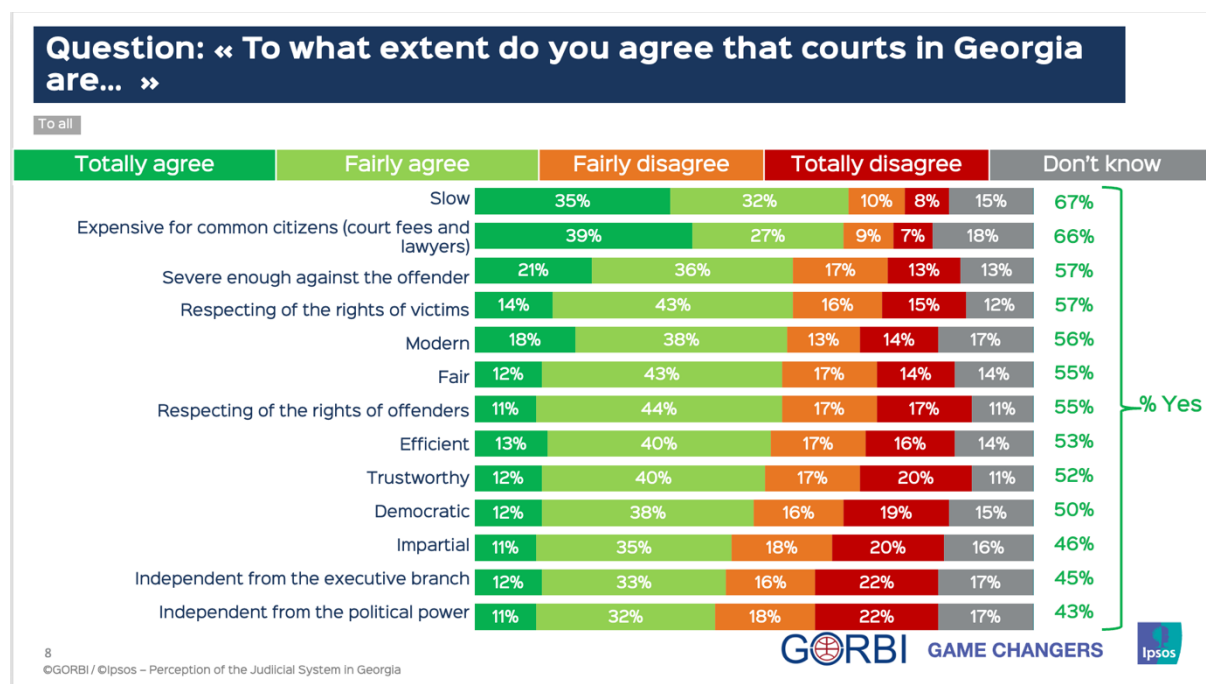
Source: The graph was created by the author based on the results of the public opinion survey conducted by the CRRC in 2018-2019

Note: Respondents also had a third response alternative: "I don't know/refuse to answer." Data for this response are not presented in this graph.

Graph 3 highlights a shift in perceptions from 2018 to 2019. According to the data, fewer respondents in 2019 believe that the judicial system is influenced by the ruling party or influential groups of judges. Notably, the number of respondents perceiving such influences from the opposition has slightly increased. Additionally, there is a decrease in confidence among respondents regarding the competence and fairness of the judicial system. Examining Graph 2, which indicates an increase in distrust towards the court in 2019, it can be inferred that this may be connected to the declining trust in the competence and fairness of the court. However, it's essential to acknowledge that these are assumptions based on limited information, and establishing causal relationships requires more comprehensive analysis. From Graph 3, a prevailing sentiment emerges, suggesting that at this juncture, a significant portion of respondents, and by extension, the general public, believes that the judicial system is biased and under the influence of the ruling party and influential groups of judges.

An attempt to comprehensively study public perceptions of the court comes from a public opinion survey commissioned by the Ministry of Justice of Georgia at the end of 2018, and conducted by "IPSOS France," "Amicus Curiae," Professor Van Dyke, and "the Georgian Opinion Business International" ("Gorbi"). This survey provides a noteworthy snapshot of public sentiment.⁵³ In this particular study, 12% of respondents fully agreed with the credibility of the court, while 20% did not entirely concur with the view that the court is a reliable institution.

Graph 4:



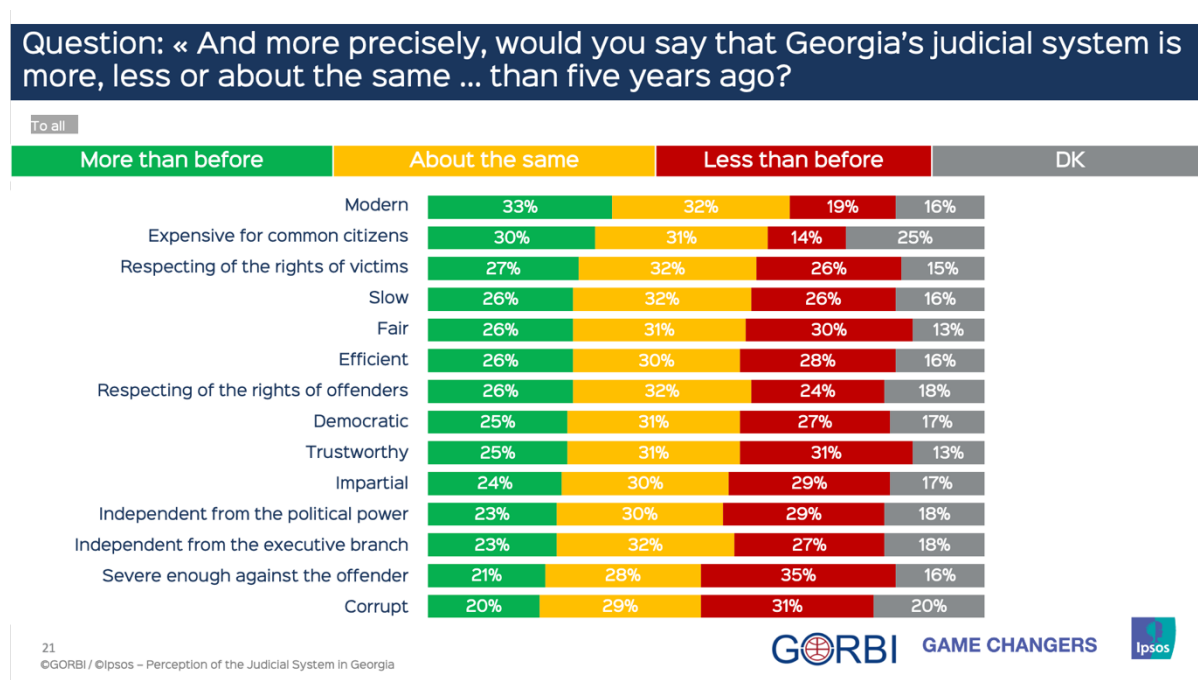
Source: Survey commissioned by the Ministry of Justice - Perception of the Georgian judicial system by the population, 2018, p. 8.

Graph 4 indicates that 40% of respondents partially agree with the trustworthiness of the court. For the purpose of presenting the research results, this figure is condensed to the 12% who fully trust it, ultimately suggesting that **52% trust the court**. When comparing these figures with the indicators presented in Graph 2, it becomes evident that the type and number of alternatives available to the respondent when answering influence, the data distribution. A notable pattern emerges in both cases – the number of those who fully trust the court is less than the number of respondents who express complete distrust. As highlighted earlier, the challenge in such surveys lies in deciphering what each evaluated phenomenon precisely means and understanding the respondents' interpretations. Graph

⁵³ A study by IPSOS France, Amicus Curiae and Professor Ian Van Dyck: "51% of the population of Georgia and 55% of users of the courts rate the independence of the courts positively", Ministry of Justice - News Archive, 15 February 2019. Available at: <https://archive.justice.gov.ge/News/Detail?newsId=7860>, Accessed: 29.05.2023

4 shows somewhat contradictory responses, which could result from respondents' confusion about terms or overlapping of answer alternatives. Additionally, the one-time nature of these surveys poses challenges in observing dynamic changes over time. Nevertheless, one crucial aspect of this survey involves a question prompting respondents to compare the current state of the judicial system with its condition five years ago.

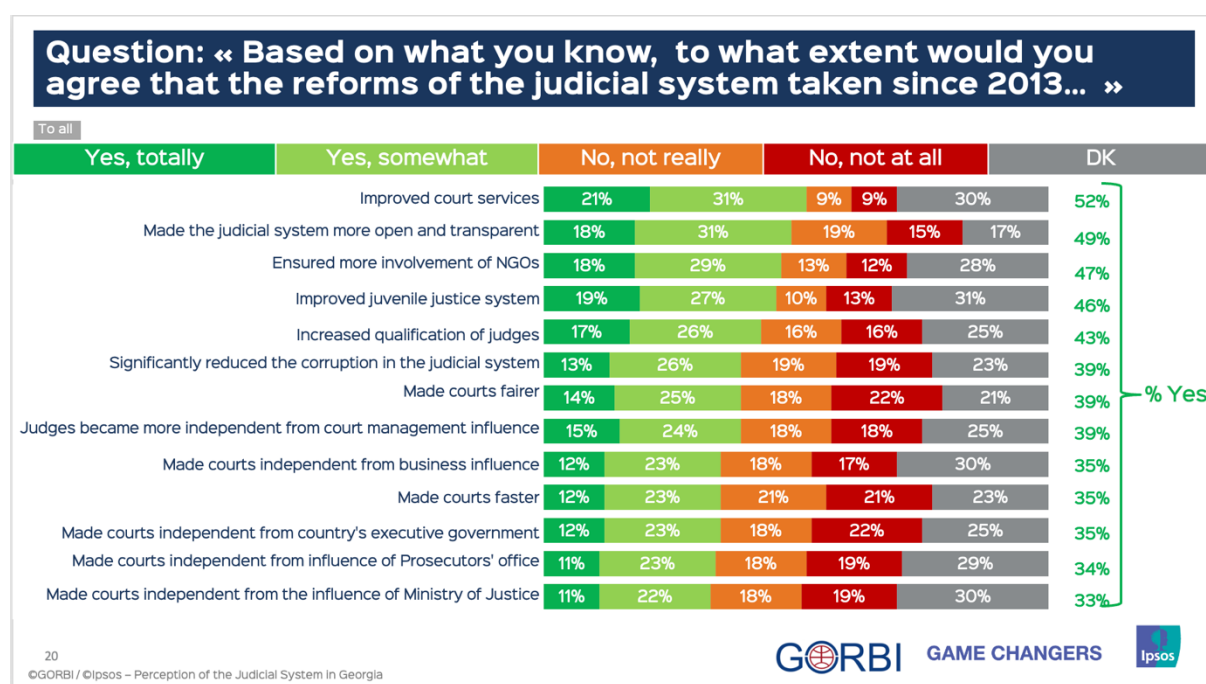
Graph 5:



Source: Survey commissioned by the Ministry of Justice - Perception of the Georgian judicial system by the population, 2018, p. 21

Graph 5 illustrates that, according to respondents, the situation before 2013 and after 2013 is largely perceived as being the same (31%) or worse (31%) concerning the credibility of the court. Only 25% believe that the situation in terms of trustworthiness has improved. Similarly, for various issues, respondents either do not observe a change or emphasize a deterioration in the situation. These indicators are significant considering that since 2013, several waves of reforms have been implemented in the court system, aiming at improving the situation. Moreover, the survey itself sought to ascertain from respondents the perceived outcomes of the court reforms (see Graph 6).

Graph 6:



Source: Survey commissioned by the Ministry of Justice - Perception of the Georgian judicial system by the population, 2018, p. 20

Graph 6 underscores that the public does not perceive tangible results from judicial reforms that would alter their stance toward the system. Although the trust in the court, perceptions of its independence, impartiality, and potential political interference remain largely consistent with pre-2013 levels (as observed in Graph 1), it does not necessarily imply a regression, especially if the state of the court during this period was considered satisfactory.

However, this may serve as an indication that the reforms, intended to further enhance the situation with the courts according to public perception, have not yielded the expected results. Breaking down trust in the judiciary into its components reveals that all facets contributing to overall trust are matters of public concern, warranting a more in-depth study to understand their underlying causes – an aspect that conventional public opinion polls alone may not adequately address.

Furthermore, to identify problems comprehensively, it is crucial to explore perceptions of specific groups, including those with direct interactions with the judicial system and minority communities. An essential aspect of the 2018 survey commissioned by the Ministry of Justice is the breakdown of responses. For instance, when respondents were asked about their agreement with the statement that the judicial system treats everyone equally, 54% of them did not agree. The survey authors noted that

among these respondents, 75% were supporters of the National Movement, 62% had at least one relative convicted in the last 5 years, and 58% resided in urban areas.⁵⁴

Recognizing that different groups exhibit varying levels of trust in the judiciary is paramount. The goal should be to ensure that every segment of society feels they can place the highest level of trust in the judiciary.⁵⁵ This individual and nuanced perspective should be the metric, rather than relying solely on whether the majority of society as a whole trusts the court or not.

From the analysis of the aforementioned surveys and their outcomes, several limitations become apparent. Foremost among these is the issue of term definitions. The challenge lies not only in the probability for respondents to misunderstand or interpret terms differently, but also in how the research providers and clients assign significance to each term and interpret the results. To effectively measure trust, it becomes crucial to dissect it into distinct components and explore deeper public attitudes in each direction. This goes beyond merely evaluating how respondents perceive the independence, efficiency, competence, fairness, and reliability of the court. It involves understanding the origins of their attitudes, the basis upon which they form conclusions, and how these attitudes manifest in their present and future behaviors.

Furthermore, as explained at the beginning of this article, the absence of essential trust in the court heightens the likelihood of refraining from economic or social activities. It erodes incentives to resolve disputes through the legal system, diminishing appeals to the court and instead fostering alternative, often illicit, methods of dispute resolution. Additionally, it reduces the speed of executing court decisions. Therefore, research not only on public perceptions of the court's activities but also on these consequential "symptoms" is of significant importance.

When evaluating trust, the issue lies in what do we take as the measure. Determining whether a conditional 52% confidence level is satisfactory raises further inquiries about when to sound the alarm. The academic literature lacks a definitive answer to these questions. While periodic studies may offer insights into the dynamics of trust over time and provide valuable information, relying solely on a single year's indicator makes it practically impossible to establish the true level of trust in the court. The complexity of trust requires a nuanced and continuous approach to understand its fluctuations and implications fully.

⁵⁴ Survey commissioned by the Ministry of Justice - Perception of the Georgian judicial system by the population, 2018, p. 10. Available at: <https://archive.justice.gov.ge/News/Detail?newsId=7860>, Accessed: 29.05.2023

⁵⁵ Bathurst, *Trust In The Juiciary*, p. 90.

The objective of research extends beyond the determination of individual indicators; its primary aim is to discern the current situation through these indicators, thereby identifying critical issues essential for formulating effective policies to address them. Furthermore, the nature of research should not be singular; it must be periodic and consistent to gauge the results of implemented policies over time. If surveys fail to serve this purpose, they risk becoming a misuse of resources and open avenues for manipulation. A continuous and systematic approach is imperative for meaningful insights and informed policy planning.