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to the independency and
efficiency of the courts?**

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COMPARING THE CITIZEN'S PERCEPTION IN 2016 AND 2021: WHAT DO CITIZENS THINK IN REGARDS TO THE INDEPENDENCY AND EFFICIENCY OF THE COURTS?

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In late December 2021, the results of the 7th edition of the Rule of Law Performance Index in Kosovo (RoLPIK) were published. RoLPIK is a monitoring mechanism designed from Group for Legal and Political Studies (GLPS) to assess the performance of rule of law institutions, with a particular focus on the justice system in Kosovo. RoLPIK serves as a tool to provide data regarding perceptions and experiences of Kosovars with the rule of law institutions, but not only. RoLPIK dives into analyzing structural data regarding the efficiency and independency of these important institutions.

Now that a short introduction on the essence of the RoLPIK report has been provided, the novelty of the last edition has been the increased percentage on the citizen's trust towards the opinion that there have been positive changes in the justice sector. Why is that a novelty? To better understand how the citizen's perception has changed along the years, we will compare the results of the 1st edition with the results of the [7th edition](#).

Going back to 2016, when the 1st edition of the RoLPIK was published, one can find that the majority of Kosovars maintain the belief that **persons with political influence are less likely to be punished by law**. Whereas when asked which of the institutions is the most influenced by politics (including courts, prosecution, police, EULEX), 71% of them answered that courts are the most politically influenced institutions.¹ Comparing this result with the latest one, one can find that the percentage of the people believing that persons with political influence are less likely to be punished by law is almost the same as in 2016, with only a slight difference of 1 percent. Regarding the second question, it can be noticed a satisfactory change on perception regarding the independence of courts. In 2021, only 32.9% of the respondents believe that courts are the most politically influenced institutions.² **Hence, huge progress has been noticed on this aspect.**

Another interesting result is the one regarding the phenomenon of **bribery**. The results of 2016 show that 50.5% of the respondents believe that employees and officials of rule of law institutions accepts and require bribes and 73.7% of them think that courts are the most affected institutions.³ While, in 2021 such a percentage has decreased to 39.8% regarding the belief that officials of rule of law institutions accepts and require bribes and to 32.3% as regards to the belief that the courts are the most affected institutions. So, the percentage of citizens believing that employees and officials of the rule of law institutions, especially the ones working in courts do not accept briberies has **increased**.

On the other hand, when asked which if the institutions (including courts, prosecution, police, EULEX) is **the most effective one in the fight against corruption**, the respondents have chosen the Kosovo Police always, from 2016 to 2021. Nevertheless, in regards to their belief on the efficiency of the courts to fight corruption, the results have changed from 2% in 2016, to 8.2% in 2021. Hence, the percentage of the people who believe that courts are the most effective institution in the fight against corruption has **increased**.

Moreover, when asked which of the institutions (including courts, prosecution, police, EULEX) are able to **perform their duties/responsibilities independently**, in 2016, 12.3 % of the respondents' ranked courts as the institutions that can perform their duties and responsibilities independently. While in 2021, this percentage **increased** to 18.7%. Although the result shows

¹ Rolpik 1

² Rolpik 7

³ Rolpik 1

that there has been an increase on the perception for more than 6 points, still, such a result shows that Kosovars think that the principle of independence in decision making is not being applied in courts.

Finally, when asked **if the justice system has improved** in recent years, 36% of the citizens responded positively in 2016, while 37.3% of the citizens responded positively in 2021. Moreover in 2016, 24% of the citizens believed that the justice system had improved regarding accountability and transparency, 25.1% believed that the justice system had improved regarding the period of resolving cases faster, 19.1% of citizens believed that the system had improved regarding independence from politicians, and 31% believed that the system had improved in regards to investigating corruption cases. On the other hand, in 2021, 34.5% of the citizens believed that the justice system had improved regarding accountability and transparency, 20.2% believed that the justice system had improved regarding the period of resolving cases faster, 15.1% of citizens believed that the system had improved regarding independence from politicians, 29.6% believed that the system had improved in regards to investigating corruption cases. One can easily understand that the citizen's perception regarding the improvements on the justice sector is focused mainly on issues of accountability and transparency, while in regards to the effectiveness on solving cases, independence from politics and efficiency on investigating corruption cases the citizen's perception has mainly decreased.

Contrary to the above, the citizen's **satisfaction** regarding the performance of the rule of law institutions has **decreased** along the years. When comparing the results of 2016 which show that only 2.79% of the respondents are satisfied with the work of the courts with the results of 2021 which this percentage has decreased to 2.64%, one can conclude that Kosovo's citizens are not satisfied with court performance. Moreover, this satisfaction rate has decreased even more. Such data show that along the years the citizen's perception regarding issues connected to bribery and independence has improved although not satisfactory enough. The openness of courts, the publishing of decisions and the monitoring activities have also affected the trust of citizens in the system. This is also reflected on the percentages in regards to accountability and transparency and the opinion of citizens in this regard. Albeit one can observe the obvious difference, the overall perception is low and that is a reflection of the lack of concrete results. On the other hand, when analyzing the data regarding the satisfaction of citizens for the performance of courts, unfortunately the perception has decreased showing the lack of satisfaction with the services provided. Overall, one can conclude that Kosovars are more dissatisfied with the services being offered from courts, their performance and quality than that they believe that judges are corrupted and politically influenced.

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