

Data collection methodology

This note explains the methodology for data collection referred to in the report “[Understanding Justice Needs: The Elephant in the Courtroom](#)”. It also provides more background about the calculations in the report.

Our methodology for Justice Needs and Satisfaction (JNS) surveys is based on the legal needs and justiciable events research tradition. See for an overview of the methodologies and the challenges the following papers:

- Pleasence, Balmer and Sandefur, Paths to justice, A past, present and future roadmap, 2013 (download [here](#))
- Law and Justice Foundation of New South Wales, Methodology of legal needs surveys, 2014 (download [here](#))

Our main new contributions to this line of data collection about user needs are the the following:

- We developed a standard methodology that now has been applied in 15 countries. See the countries listed below, plus Fiji, Morocco and Nigeria that are being surveyed during the final months of 2018.
- We added much more detailed assessment of access to justice (procedural justice, outcome justice and costs of access to justice), following a methodology that was developed at Tilburg University, see Gramatikov, A Handbook for Measuring the Costs and Quality of Access to Justice, 2010.

Populations

For our surveys we interview randomly selected adults (18 years or older). Until September 2018, we have collected data in the following countries:

Country	Number of respondents	Year
Bangladesh	6,000	2018
Indonesia (Java and Sumatra)	2,558	2014
Jordan	6,001	2017
Kenya	6,005	2017
Lebanon	6,000	2017
Mali	8,391	2014
The Netherlands	5,021	2013
Tunisia	6,771	2017
UAE	3,924	2016
Uganda	6,202	2016
Ukraine	6,559	2016

Yemen	3,000	2014
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Definition of a legal problem

We define a legal problem as a problem that takes place in daily life – a dispute, disagreement, grievance, or violation of a right – for which there is a resolution in the (formal or informal) law. In legal needs research the term justiciable events is also used. The legal resolution could be through an intervention of a third party - i.e. adjudication, administrative process, arbitration or mediation or through negotiation or reconciliation between the parties. It is not necessary that the respondent knows or recognizes the legal aspects of the problem. The focus is on legal problems of individuals.

Overall, our research shows that 60% of legal problems fall into the following five categories: crime, land, neighbors, family and employment. However, it should be noted that the taxonomy and number of legal problems included in the JNS vary according to the context of the country in which the survey is carried out.

Problems should be serious and non-trivial. Enumerators are provided with the following instructions:

We are interested in problems such as disputes, disagreements and grievances. These problems should potentially have resolution through a legal process. However, it does not matter whether the respondent sees the legal aspect of the problem or not. It also does not matter whether the individual respondent formulated legal or non-legal strategies for responding to the problem.

What is important is whether such problem or problems took place in the respondent's life.

- *We are interested to record as many problems as possible – help the respondent to think back and report problems.*
- *Display Show card 1 and go through it with the respondent.*
- *Explain that we are interested to hear about serious problems but also less severe problems. Encourage the respondent to report problems.*
- *Explain that it does not matter what the respondent did (or did not do) about the problem.*
- *A person might experience more than one type of problem or multiple problems from the same category.*

The question text to the respondents is as follows:

Have you experienced serious disputes, disagreements and grievances that have resolution through a legal process as shown in Show-card 1 in the past 4 years? Think of either personal or business problems in which you were involved. It does not matter whether you did something or what you did about the situation or who was the other side - we want to hear about your experiences. Look carefully at the list of problems and report all problems which occurred to you. It is possible to list multiple problems from the same type and category.

How we measure access to justice: JNS

The questionnaire addresses the type of legal problems that people encounter and the resolutions they achieve, if any. We also try to figure out how they seek legal information and advice. Which dispute resolution mechanisms do they engage? How do they experience the resolution process and the outcomes?

One of the distinctive features of the JNS is that we measure the cost and quality of the dispute resolution procedure identified as the most helpful, by the user. Below you can find some examples of what we ask to measure the cost and quality of the justice journeys:

To what extent (on a 1-5 scale)...

- *Did the process make you feel frustrated?*
- *Did the process make you feel angry?*
- *Were you able to express your views and feelings during the dispute resolution process?*
- *Were the same rules equally applied to you and to the other party/parties?*
- *Was the dispute resolution process based on accurate information?*
- *Did the adjudicator explain your rights and options during the process thoroughly and make sure you understood them?*

People use formal and informal processes to resolve their legal problems. These are called justice journeys. Hiil quantifies these justice journeys by asking people about their perceptions of three dimensions: the process, the outcomes, and the costs of the journeys. The questions are categorised and displayed in ten easy-to-understand indicators of the costs and quality of access to justice.

1. Costs of justice

- Money spent on the process: Monetary costs for legal fees, travel, advisors.
- Time spent on the process: Time spent searching for information, evidence, attending hearings, travel, etc.
- Stress and negative emotions attributed to the process.

2. Quality of the procedure

- Voice and neutrality: Process control, decision control, neutrality, consistent application of rules.
- Respect: Respect, politeness, proper communication.
- Procedural clarity: Timely and accurate explanation of procedures and rights.

3. The quality of the outcome

- Fair distribution: Distribution is fair according to needs, equity and equality criteria.
- Damage restoration: Fair compensation for monetary loss, emotional harm and damage to relationships.
- Problem resolution: Extent to which the problem is resolved, and the result is enforced.

- Outcome explanation: Extent to which the people receive access to outcome information.

Representativeness: response bias, how collect data

When implementing JNS surveys we use a full multi-stage randomized sampling procedure, which gives every adult equal chance to be part of the sample. We include quotas, such as gender and rural/urban status.

Sampled people are interviewed face-to-face. We select a local data collection company with experienced enumerators and supervisors to conduct fieldwork. Hiil trains them on the particularities of the JNS and they are later deployed to knock on people's doors. The regions of the country are selected in consultation with local experts, considering the safety of our enumerators and the representation of the country's diversity. The resulting sample matches the proportions of residents in each region.

The enumerators conduct the survey with an electronic (tablet) device. This has several advantages:

- Automatic, centralized storage of completed interviews through instant online submission where possible, or daily submissions in remote areas.
- Real time monitoring of fieldwork.
- Automatic capture of GPS coordinates.
- Built-in logical checks prevent sequence errors.

After the surveys are executed and the data is collected, we conduct a triangulation workshop in joint effort with our local partner organisation and with the participation of stakeholders. During these workshops we present the preliminary results of the report to the attendees, which provides the opportunity for dialogue around the data. This dialogue with stakeholders and local experts adds more depth to our understanding of the occurrence of and response to legal problems.

The local data collection company also conducts qualitative interviews with users of justice, particularly the most vulnerable groups, with the objective of getting a more in-depth account of their experiences. Their stories, in their own words, illustrate and provide in-depth clarifications of the JNS data.

Limitations: a word of caution about the data

Despite the efforts to have a strong research design that includes quantitative survey data, qualitative interview data with users of justice, and interviews and rounds of feedback with local experts, inevitably, there are limitations to the data, just as in every study. For detail about people's experiences with specific justice journeys, different and larger samples are needed, for example, with problem-specific surveys.

People tend to underreport specific legal problems (see also below). This situation is often confirmed by local experts, who indicate that this might be the case for certain problems like

land disputes or family problems such as domestic violence and other gender-based violence problems. Family disputes, for example, are considered to be a sensitive topic, making people less likely to seek justice outside of the family.

- Some people might not report problems due to shame and fear. For example, when people have spent time in prison or have had problems with figures of authority.
- Cultural norms may cause people to under or over-report problems.
- A high level of insecurity in a country can have a small effect on the survey fieldwork. In some areas the presence of our field team can make residents generally suspicious, apprehensive as well as scared about their safety. However, the presence of trained interviewers, who are also natives of the locations, can suppress the suspicion and facilitate drawback-free fieldwork.
- We do not include sub-samples of some of the most vulnerable groups, such as the disabled.

Calculations specific to the trend report

The average for the countries we surveyed indicates that **59% of people report having one or more problems**. In this calculation we weigh the prevalence of legal problems in each country equally. We included 11 countries, those listed in the table above. Indonesia was not included in the calculation as it is an extreme outlier with only 15% of people reporting legal problems. This is likely due to a difference in understanding of what constitutes a legal problem or to cultural attitudes towards having a problem (see limitations, above).

The 11 countries we have surveyed are a fairly representative selection in terms of income levels and levels of development, with lower middle income countries overrepresented:

- High (Netherlands, UAE)
- Higher middle (Jordan, Lebanon)
- Lower middle (Bangladesh, Kenya, Tunisia, Ukraine, Yemen)
- Low (Mali, Uganda)

The countries surveyed do not include the Americas and East Asia. The averages are consistent with what other sources report, however. The World Justice Project [surveyed](#) 45 countries, asking about disputes in the past 2 years, and found a 52% average of the population reporting 1 or more problems.

According to the UN ([DESA/Population division](#)), people who are 18 years or older make-up 69.0% of the total population (2015). The 2017 population is 7.55 billion people. Hence 7.55 billion multiplied by 69% equals 5.21 billion. **5.21 billion people are 18 years or older.**

Therefore, we multiply 5.21 billion by 59%. This equals 3.1 billion. **Hence, 3.1 billion people have one or more problems every 4 years.**

In order to assess the number of new problems per year, we have to take into account that people tend to forget problems that are less recent. See Pleasence, Balmer and Sandefur,

Paths to justice, A past, present and future roadmap, 2013 (download [here](#)) for the following graph.

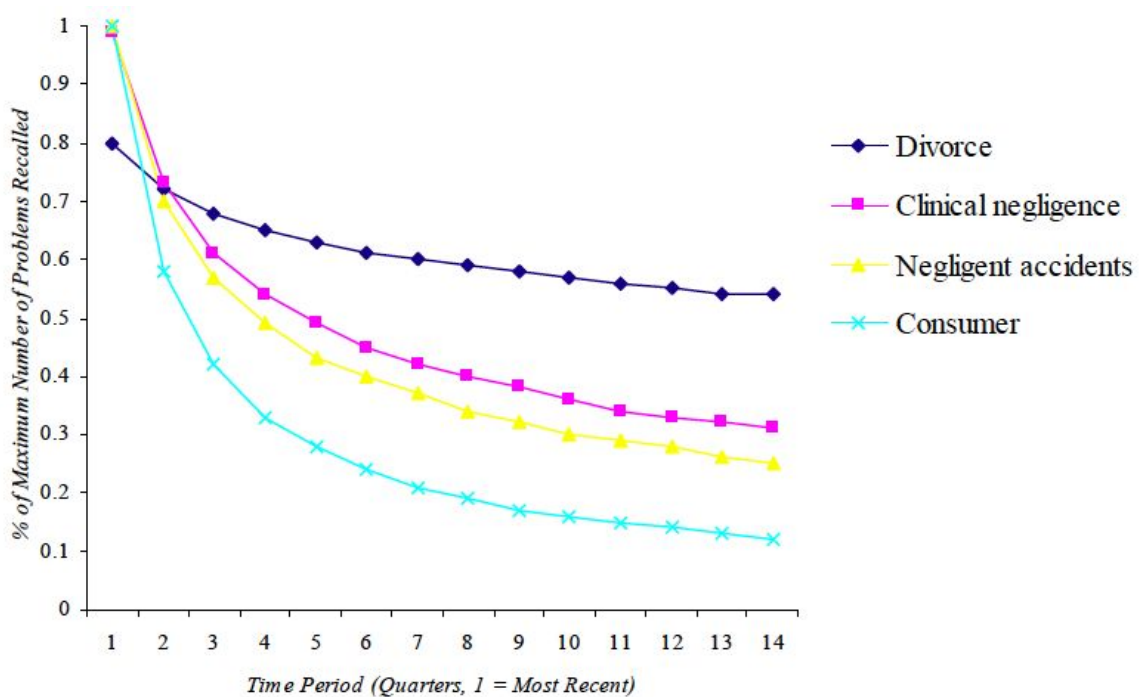


Figure 2. Forgetting Curves for Different Justiciable Problem Types (2001 CSJS)

As a rule of thumb, which is on the safe side, we assume that people forget one third of problems occurring in 4 years, so we present as a rough estimate that 1 billion people have at least one new, non-trivial, problem every year.

How many people still have unresolved problems this Christmas? When asked about the number of problems people have over the past 4 years, 3.1 Billion people report a problem. In the surveys, we also ask about their actions.

On basis of this, we can calculate the percentage of problems that have not been resolved. This is done with the following formula:

$$\% \text{ people who did not take action} + \% \text{ unresolved problems} + \% \text{ on-going problems} = \% \text{ unresolved problems}$$

The result is 67%. This is a rough approximation, because some of the problems where no action has been taken still could be resolved somehow. This is one of the reasons we stay on the safe side by mentioning 2 billion, although it is almost certainly higher, because of underreporting of problems

We find that in most countries between 15% and 45% of serious problems are completely resolved on time. Here we only look at people who indicate taking active steps to resolve their problem. These values are approximately in between Tunisia (16%) and the UAE (49%). Resolution rate per country (**only for people who take action**):

Country	Completely resolved	Partially resolved	Action rate
Bangladesh	29.74%	9.07%	52.93%
Indonesia	45.79%	4.67%	28.65%
Jordan	37.04%	8.43%	80.47%
Kenya	36.3%	10.26%	80.61%
Lebanon	34.98%	12.04%	70.81%
Mali - 2014 wave	35.8%	12.39%	54.94%
The Netherlands	41.47%	18.47%	84.54%
Tunisia	16.19%	5.69%	71.38%
UAE	48.87%	28.3%	87.04%
Uganda	32.46%	7.87%	61.80%
Ukraine	29.04%	11.4%	71.71%
Yemen	34.38%	8.03%	78.22%

To calculate the percentage of completely resolved and partially resolved problems we need to multiply the rates of the table above with the action rate.

Country	% No action	% unresolved problems	% on-going problems	% total
Bangladesh	47.07%	7.11%	25.27%	79.46%
Indonesia	71.35%	8.57%	5.62%	85.54%
Jordan	19.53%	5.57%	38.31%	63.41%
Kenya	19.39%	22.26%	20.81%	62.46%
Lebanon	29.19%	11.28%	26.24%	66.71%
Mali - 2014	45.06%	13.06%	15.41%	73.52%
The Netherlands	15.46%	15.66%	17.98%	49.10%
Tunisia	28.62%	10.91%	44.86%	84.38%
UAE	12.96%	7.65%	12.22%	32.83%
Uganda	38.20%	18.76%	18.11%	75.08%
Ukraine	28.29%	14.46%	28.25%	71.00%
Yemen	21.78%	11.02%	34.03%	66.83%
Average	31.41%	12.19%	23.93%	67.53%

To illustrate with an example, in Bangladesh 15.74% of all problems are completely resolved ($29.74\% * 52.93\% = 15.74\%$). We assume that people who do not take action do not resolve their problem. Following this logic gives us the numbers in the above table.

Now we can fill in the formula by taking the averages from the above table:

$\% \text{ people who did not take action} + \% \text{ unresolved problems} + \% \text{ on-going problems} = \% \text{ unresolved problems}$

$$31.41\% + 12.19\% + 23.93\% = 67.53\%$$