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INDICATORS OF CONFIDENCE IN SOCIOLOGICAL RESEARCHES

The assessment of confidence in court is recognized as a measure of the rule of law. This approach is used in a variety of international and national practical tools for assessing democratic regimes. This article formulates the main principles of national monitoring of the level of confidence in court and the judicial system on the basis of the analysis, firstly, of the most famous international sociological methodologies and, secondly, the peculiarities of the current Ukrainian situation in this area.

Keywords: *confidence in court, institutional confidence, international experience in assessing the level of confidence in court, national tools of investigation of confidence in court.*

Formulation of the problem. Confidence in court is a prerequisite for confidence in public authority in general and in the separate institutions. Without recognition of the fact that there is an effective judicial protection in the country against abuse or other inappropriate actions of the officials and public authorities, it is impossible to imagine the perception by the population of the state system as the democratic government. The institutional confidence of the population in court is the basis of its legitimacy in a democratic society. The experience of the European post-socialist countries that are passing through the complex processes of democratic transformation shows that the formation of the level of confidence that ensures proper legitimacy does not happen quickly. This is evidenced by the results of the recent polls in the EU member states that are referred to «the new democracies» (the Baltic States, Central Europe, the Balkans) [2–5].

Absolute confidence in court is utopian. All modern democracies are concerned about the signs of distrust in court, which have different qualitative and quantitative characteristics, but they can not be avoided. The topicality of the analysis of the current experience of sociological assessments of the level of confidence in social institutions, and in particular, in court is connected with the fact that for the European countries the paradox of mass consciousness becomes more and more characteristic: confidence in court decreases even in conditions of increase of the efficiency, accessibility, fairness of judiciary, that are recorded according to the results of the judicial reforms. Requirements and expectations are growing (especially in more educated or socially adapted categories of the population), and, accordingly, there is a probability of inconsistency of the pace of reforms and the presence of positive dynamics of confidence in court.

The assessment of confidence in court is recognized as a measure of the rule of law. This approach is used in a variety of international and national practical tools for assessing democratic regimes. **The purpose** of this article is to formulate the main principles of national monitoring of confidence in court. To achieve this, it is important to fulfill the following tasks: first, to operationalize the notion of «confidence in court» in the indicators used in the most modern studies; second, to review the main international and national tools for assessing the confidence in court; thirdly, to identify the peculiarities of the Ukrainian context in the ability to apply different methods.

Analysis of actual research. The problem of gaining public trust in state institutions in domestic scientific and political circles is not new. Trust in political and legal institutions and trust in the court became one of the fundamental concepts of E. Durkheim, F. Fukuyama, I. Ilyina, Yu. Gauthier. This aspect is the subject of interest of contemporary both foreign (P. Albers, J. T. J. Seniuk) and Ukrainian scholars (I. Lavrinenko, L. Moskvich, O. Serdyuk, M. Ogay etc.) [6–11].

Presenting the main material. Confidence is a generalized indicator of the norms, attitudes and values that are the basis of social cooperation; and in public life, confidence fosters community unity and community creation, and in the economic sphere, it accelerates cooperation and interpersonal exchange.

As a socio-psychological category confidence is a characteristic of the open, positive relationship between the parties and reflects the confidence in honesty and goodwill of the other party with which the truster is in this or that kind of relationship based on his/her experience [12]. From this point of view, confidence has certain limits based on the knowledge about the other party that is trusted. Full confidence is often identified with faith, because the mechanism of such confidence is no longer based on the rational principles, that is, on the experience and prediction, and on the prior knowledge about one party by another one and includes irrational motives of the relationship.

In social sciences the level of confidence one party can have in another is measured in the belief in the honesty, benevolence and competence of the other party. Based on the recent scientific research, distrust can be forgiven much easier when interpreted as the lack of competence than inadequate benevolence or honesty. The issue of confidence is one of the key issues in the relationship between the state and civil society, individual social institutions, social groups and citizens. The notion of confidence is considered traditionally in two main aspects – as interpersonal confidence (one person to another) and institutional confidence (to the main public and state institutions, for example, government, mass media, public organizations, etc.). Based on the results of the numerous researches, the area of confidence is more often manifested at the level of personal interaction of citizens at the microlevel (family, friends, colleagues, etc.), while at the institutional level there is a growing distrust, which leads to social instability. An example of this situation is institutional confidence in the judicial system of Ukraine and in court, considering the ambiguous attitude and perception by the citizens the activity of judges on the administration of justice, highlighting of the work of courts and individual resonance judgments in the media.

The main way of measuring the level of confidence in social institutions in accordance with the existing practice is to survey the population using the main question formulated as follows: “To what extent do you trust (the name of a social institution, state authority, etc.)?” and the list of answers with the level grading of trust.

The balance of confidence is defined as the difference between the percentage of people who trust (“fully” and “rather trust”), and those who do not trust (“do not trust” and “rather do not trust”). A perspective direction to improve existing approaches to quantitative assessment of confidence is the introduction into the list of indexes the determinants of confidence – honesty, competence and integrity. However, this task involves a number of formalization and quantification issues. It is difficult to formalize and quantify the evaluation of honesty as truthfulness, adherence to principles, and loyalty to the commitments. Such an assessment, mostly retrospective, can be obtained by the expert methods. Competence and expertise in terms of correspondence to the position, awareness, experience, credibility can be assessed through the test and examination procedures. Such an approach is quite acceptable when the competence of one particular person is measured and somehow complicated in the case of measuring institutional competence – the competence of entire organizations as the entirety of business qualities of their employees, the legislative framework, internal and external mechanisms of their functioning and interaction.

Integrity as well as honesty can reasonably be assessed only in retrospective. There are no generally accepted procedures for formalizing such an assessment

today. In addition, the characteristics that make it possible to assess integrity are different depending on the scope of the study.

International experience in assessing the level of confidence in court

The analytical tool developed by the UN experts for the purpose of comparing the status of democratic institutions in different countries determines the level of confidence in the judicial system as one of the measures. The concept of confidence in court (the term “*public confidence*” is used) is formulated in a way that emphasizes concrete dimensions of «confidence», but not only in fixing an overall assessment.

This issue is considered the most thoroughly (the tool ‘the Measure of the rule of law’ has a reference to the national data about confidence in court) by The Venice Commission and the European Commission for the Efficiency of Justice (the level of satisfaction of the users of the court service is investigated). The peculiarity of the situation in Europe is that over the past 20 years several large-scale projects of comparative study have been introduced. First of all, this study is based on the methodology «Eurobarometer». The simplicity and comparability of data is the characteristic of it and that makes it possible to answer clear questions about confidence / distrust. The second large-scale study is based on the methodology “Social Survey”.

The survey Eurobarometer. In April 2017, the European Commission presented the results of a survey of the citizens of the European Union countries (hereinafter referred to as the EU) on the perception of the independence of a national judicial system by the population and companies (Eurobarometer 447 and Eurobarometer 448), which took place in January of that year. The organization engaged in the survey about public opinion in the EU countries, presented a report on the key indicators in the stated documents.

The survey allowed to reveal the respondents’ perception of the independence of the courts and judges and the reasons for such perception; compare the results in the EU countries, the overall indicator in the EU, according to the socio-demographic indicators and allowed to mark the trends compared to the last year’s survey. The survey was conducted through telephone (stationary and mobile) in the native language of the respondents according to the methodology commonly used in the surveys of Eurobarometer. The study covered 28 EU countries and people aged 15 and over. The sample was formed by selecting the real phone numbers of the respondents at random. In each household a respondent was elected on the basis of the rule «latest birthday».

In the survey the respondents were asked one main question – “*How do you assess the judicial system in (your state) in the view of independence of the courts and judges? Your assessment is very good / good enough / enough bad / bad / no answer*” with the possibility to choose only one answer.

With a positive answer – very good / good enough and with a negative answer – enough bad / bad / a respondent was asked a clarifying question in order to identify the reasons for such a perception of the independence of the judicial system.

An additional question in case of the respondent gave the answer to the main question was: “Please tell, to what extent do the following reasons justify your assessment of the independence of the judicial system in your country?” The answers: – very much / somewhat / not really / not at all / DK.

The indicators to the question (in case of the negative answer):

- Obstacles or pressure from the government and politicians;
- Obstacles or pressures in economic activity (sphere) or other specific interests;
- the status and position of judges insufficiently guarantees their independence.

The indicators to the question (in case of the positive answer):

- absence of obstacles or pressure from the government and politicians;
- absence of impediments or pressure in economic activity (sphere) or other specific interests;
- the status and position of judges sufficiently guarantees their independence.

In addition, the respondents were asked whether they had been the litigants during the last two years with “Yes / No” options.

The Results of Eurobarometer survey 447. More than half of the respondents (55%) assessed the level of independence of the judiciary in their country as good, which is 3% more compared to the results of a similar study in 2016. One third of the respondents (34%) assessed the level of independence of the judiciary as bad, which is less by 2% compared to the results of the previous year.

The most common reasons for responding positively to the independence of the judiciary, according to the survey, were the status and position of judges (78% of the respondents); while obstacles and pressures on the part of the government and politicians were often called as the reason for the perceiving the independence of the judiciary at a low level (74%). It turned out that the respondents’ answers were significantly influenced by the experience of participating in court proceedings. Thus, the respondents who participated in the judicial process assessed the judicial system as equally good (48%) and bad (48%). By contrast, the majority of those without legal experience assessed the level of independence of the judiciary as good (56%).

The survey of the organization “*The European Social Survey*” as for the level of citizens’ confidence in the justice system¹ which was conducted in 2010 is a part of the major study, the task of which was to monitor socially important issues such

¹ The European Social Survey. URL: <http://www.europeansocialsurvey.org> ; The main results of the European social study: Confidence in justice: The main results of the fifth wave of the European Social Study (ESS). Iss. 1. URL: https://www.europeansocialsurvey.org/docs/findings/ESS5_toplines_issue_1_trust_in_justice.pdf

as confidence in justice; the attitude towards social protection in Europe; economic crisis, labor and social integration; understanding and evaluation of democracy by the Europeans; personal and social well-being in Europe; social inequality in healthcare; attitude to immigration.

During the fifth wave of the European Social Survey which included 45 questions about the confidence in justice and which was conducted in 28 European countries 39,000 respondents participated in face-to-face interviews [13].

The purpose of the survey is to answer the question of why a person violates the law? The methodology of the research was based on two phenomena: confidence (the institutional) and legitimacy. Provided that ensuring compliance with the law is a key objective of the criminal justice system, there is a need for public confidence in the system. It is equally important that citizens should perceive the authorities as having a legitimate right to exercise their powers.

During the poll the level of public confidence in the police and criminal courts of their state was assessed. For example, confidence in police was considered in three respects: confidence in competence (search of the offenders, rapid response); confidence in the procedural powers (which are carried out in accordance with the law) and confidence in distributive fairness (the same treatment to all social groups).

Confidence in criminal courts was considered through fairness. Thus, the respondents were offered a simulated situation according to which it was necessary to answer the question. For example, *“Let us suppose that two persons of a different race or ethnic background were prosecuted for the same crime they had not committed. In your opinion, which of them will most likely be found guilty?”*

Confidence in courts was considered through the trust in their competence and procedural powers. The latter, in turn, were determined by answering the question “How often do the courts deliver fair, unbiased judgments, based on the proper evidence?” The question “How often do the courts make mistakes when delivering the decisions which make the perpetrators not to be brought to justice?” served as an indicator of the determining the perception of the competence of the court and confidence in its competence by the citizens.

The American experience is most representatively presented in the studies of the American Institute of Public Opinion / Gallup, an analytical organization in the United States, founded in 1935, which conducts regular public opinion polls on domestic and foreign policy issues, has international authority as one of the most reliable sources of information. regarding the state of public opinion in the United States and in the world.

Among other things Gallup Institute studies the level of institutional confidence of the population of the state. The main question posed to the respondents is: “I will call you the list of institutions of the American society. Give the answer, how

much do you trust each of them – 1) I fully trust, 2) I trust, trust a little, 3) I trust very little, 4) I do not trust, 5) no answer”¹.

The list of institutions includes the church, the US Supreme Court, the criminal justice system, the banks, health system, the Internet, television news, etc.

The assessments for the options 1 and 2 are summed up and taken into account as a positive assessment of the level of trust and confidence.

National Instruments. There is a wide variety of approaches in Ukraine, which in most cases are different variants of standard sociological and political assessment based on the mass surveys. We are going to consider several studies of the recent years.

The study of the work of the Ukrainian judicial system conducted by the sociological *Research & Branding Group*² in November-December 2014, consists of two components: a nation-wide and specialized survey of the direct participants in court proceedings by face-to-face method in 22 oblasts of Ukraine and in Kyiv (the number of respondents in each part of the survey – 2000 people).

According to the assessments of this survey, the level of public confidence in court and the judicial system is due to the level of awareness of the work of courts – the participants in the specialized survey trust much more (40%) in courts and the judiciary than the national survey participants (13%). It should be considered that 87% of the participants in the national survey have never participated in court proceedings.

According to the research, the level of confidence in court is influenced, firstly, by the specialization of the courts; and secondly, such indicators of a court decision as legality / reasonableness, fairness, quality and timeliness of execution. The results of the surveys differ depending on the respondent’s legal experience, which determines the level of confidence in court as a whole.

The national survey conducted by the Society “*Open Ukraine*” (“*Open Court Project*”) in 2016³ identified the following strategic directions to determine the level of confidence in the judiciary:

- a) determining the level of confidence in the judiciary;
- b) determining the rating of distrust to the judiciary in comparison with the other bodies of state power in Ukraine.

For the first time the survey was conducted according to a special criterion: the answers to the questions were given by the persons who visited the courts as the participants in a case (participants in the court proceedings). The second mandatory condition for the survey was the identity of the respondent. Thus, the anonymous questionnaire was not used.

¹ URL: <http://news.gallup.com/poll/1597/confidence-institutions.aspx>.

² URL: <http://rb.com.ua/rus/projects/omnibus/8998/>; http://rb.com.ua/img/PR_sud_12_2015.pdf.

³ URL: <http://open-court.org/importants/13095/>.

The survey was conducted at 90 data collection points in 28 settlements of Ukraine according to a single criterion. For obtaining the objective results, during the full working day the interviewers conducted a survey near the buildings of the courts of the city, district and oblast level (in total – 61 courts). The volume of the sample population was 3947 questionnaires.

The respondents assessed the level of confidence in court by grade: a) I do not trust (0–25%); b) I do not trust more than I trust (25–50%); c) I trust more than I do not trust (50–75%); g) I trust (75–100%).

The study of the attitude of the Ukrainian citizens to the judiciary, their assessment of various aspects of the courts activity conducted by *Razumkov Center* sociological service together with *the Project “Support for the implementation of judicial reform in Ukraine”* of the Council of Europe, with the support of the Council of Judges of Ukraine¹, had only two stages. The first – a survey of the citizens was carried out from October 6 to 11, 2017 in all regions of Ukraine with the exception of Crimea and the occupied territories of Donetsk and Luhansk oblasts. The results of this survey are representative as for the adult population of the territories under the state authorities of Ukraine control, according to the main socio-demographic indicators: age, gender, type of settlement, region of residence. 2019 respondents aged 18 and over were interviewed. The theoretical error of the survey sample does not exceed 2.3% [14].

The second stage – a survey of the participants in the court sessions at the exit from court premises – took place from 30 October to 1 November 2017. 829 respondents were interviewed in all regions of Ukraine (except for the Autonomous Republic of Crimea and Sevastopol). The results of the study showed a noticeable difference in the attitude to the judicial system between the Ukrainian population as a whole and the citizens who have had direct recent experience of communication with the courts. The attitude of the Ukrainian citizens to the judicial system is rather negative. Answering the question of by what, in their opinion, judges are often guided when making a judicial decision, most often the respondents considered that it was their own benefit (39.5%). The opinion that judges are guided by the property and / or the official position of the parties (14.6%), the law (8.9%), the circumstances of the case (8.3%), the instruction from the chief judge (7.9%), the political situation in the state (6.8%) was expressed much more rarely. Compared to the year 2012, the proportion of respondents who believe that judges are often guided by their own profit (from 33.1% to 39.5%) has increased statistically significantly, and the proportion of those who believe they are guided by the law

¹ The report «Attitudes of the Ukrainian Citizens to the Judicial System». Razumkov Center in co-operation with the Council of Europe Project «Support to the Implementation of the Judicial Reform in Ukraine» and with the support of the Council of Judges of Ukraine. URL: <http://rsu.gov.ua/uploads/article/final-report-survey-e07f150174.pdf>.

(from 15.1% to 8.9%) and the circumstances of the case (from 12.0% to 8.3%) has decreased.

There are a number of aspects from which the assessments are negative from both of these groups of citizens. In particular, the majority of representatives of both groups (78.1% of the population as a whole and 52.7% of those with the experience of communication with the courts) do not consider the courts and judges in Ukraine independent. Also, the representatives of both groups believe that if the opposing parties in the court proceedings are a citizen with a high income and a citizen with a low income, then it is a high-income citizen who more likely will win the case. 81.1% of the population in general and 52.6% of citizens with the experience of communication with the courts adhere to this opinion.

However, if to talk about confidence in judicial system as an integral indicator, then the difference between the attitude of the population as a whole and the citizens who have had a direct recent experience of communication with the courts differs not only quantitatively but also qualitatively. The level of confidence in the courts is one of the lowest among all state and public institutions. 80.9% of respondents expressed their distrust in the courts (the judiciary as a whole), and 9.3% of respondents reported on confidence. Local courts are not trusted by 77.4% of the respondents, they are trusted in by 11.9% of the respondents; The Supreme Court of Ukraine is trusted / distrusted (72.0% and 13.1% respectively), the Constitutional Court (66.8% and 14.9%).

It is highly likely can be assumed that the low level of confidence in the courts results from the extremely low level of confidence in the state bodies as a whole (80.7% of the respondents do not trust the state bodies) and the low level of personal experience in the communication with the courts. In particular, this can be proved by the results of the poll at the exit from the courts of the citizens who had direct experience with the courts. Thus, it can be affirmed that among the citizens with the recent experience of communication with the courts, the balance of confidence in the judicial system is generally positive, that is, the number of the respondents who trust the courts (47.0%) is higher than the number of those who do not trust the judicial system (41.4%). Among those who have had an experience in the court proceedings, the level of confidence to the local courts is rather high (51.5% of the respondents trust it, and 37.5% of the respondents do not trust it).

This shows that the high level of negative attitude to the courts is largely shaped by two factors: a negative informational field and the factor of financial and political influence on the judges. The results of the study showed that the influence of the first factor is effectively eliminated after the communication of the citizens with the courts. The impact of the second factor can be reduced by introducing the measures to increase the real independence of judges.

The peculiarities of the Ukrainian context of the study of confidence in the judicial system are the provisions that follow. First, the situation in Ukraine has the signs of “balancing on the verge of legitimacy”. The fall of public confidence in the courts in Ukraine has been taking place all the last years. The biggest challenge for all years of independence was created by the radical steps of reforming the judiciary. All polls of 2016–2017 show that the level of public confidence in court is the lowest compared to other institutions (only in some studies – “competing with the parliament”).

Secondly, in Ukraine, the standard of assessment of the effectiveness is more actively introduced in the public administration through measuring the level of public confidence, which gradually supersedes a purely bureaucratic approach, when the success is assessed not by the degree of achievement of social goals, but by the “number of the performed events”. For example, the assessment of the level of public confidence in the National Police activity is systematically introduced and it is interpreted as the level of perception by the population of “the quality of its tasks and functions performing”. Appropriate methodology was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 58 dated February 7, 2018, “On Approval of the Procedure for Assessing the Level of Public Confidence in the National Police”.

Thirdly, in the strategy for reforming the system of justice, the judiciary and related institutions for the period of 2015–2020, for the first time in the modern history of Ukraine it is clearly recognized that the key indicator of success of the judicial reform is the confidence of the population in court, and the element of management of the process of reforms is to monitor the situation according to this indicator. These factors necessitate systematic monitoring of the situation of the public perception of the judicial system and responding to the dynamics of such indicators of confidence. Such monitoring should be based on a simple and unified methodology [15–17].

Conclusions. The institutional confidence can be considered as a kind of indicator that determines social well-being of the population, in addition, it is an important condition of social communication, through which the consent, understanding and dialogue of the parties is achieved, and it becomes possible to seek new opportunities for further development.

The increase of confidence in the judicial system of Ukraine belongs to the tasks of the judiciary and is outlined by the strategic documents on the development of the judiciary of Ukraine in recent years. The level of confidence (distrust) of the citizens in justice is affected by a number of factors, the most important among them are: the quality of legislation on the basis of which the decisions are made and justified; the quality of the judicial staff; the degree of accessibility and openness of justice; coverage of the work of court in the media; the degree of execution of court decisions.

It is necessary to distinguish between the confidence in court and the perception of justice by the citizens, the level of which is influenced by the ability of the citizens to protect their rights in court, the application of the law by the court in an appropriate and effective manner, equality and non-discrimination before the law, the legality of the judgments, the effective struggle of the state with corruption, etc.

To determine the level of assessment of Ukrainian citizens' confidence in the judicial system, it is expedient to use the given experience and take into account the indicator – a judicial experience of the person; pointing out such categories of the respondents as: 1) persons without legal experience; 2) persons with judicial experience in the past; 3) persons who are in the trial at the time of the survey.

Besides, it is proposed to divide all the audience into 2 categories – ordinary citizens and the persons with the professional experience in the field of judicial power (jurists, lawyers, judges, retired judges, experts, officials of the judiciary).

For the survey, it is proposed to apply the methodology of the Eurobarometer and formulate one main question as follows: “Do you trust the Ukrainian judiciary?” with the options for answers. Depending on the answer provided by the respondent, the next question will clarify the reasons that create confidence (or distrust) of the respondent in the judicial system of Ukraine and then to propose to assess the degree of influence of these reasons in the opinion of the person.

Taking into account these circumstances in the statewide monitoring it is expedient to use the following indicators of **the phenomenon of confidence in court**: general level of confidence in court; comparison of the levels of confidence in court and other public institutions; factors of confidence in court; the dependence of general assessments and assessments of certain measures of the court's activity; the influence of the presence of the court experience on the level of confidence in court (population); additionally the differences in the level of confidence in court are analyzed depending on the peculiarities of judicial experience: the resultativeness of the applying to the court; jurisdiction and authority; assessment of the main dimensions of the court's activity by the participants of the court sessions; confidence in court of the professional participants in the court proceedings (lawyers, jurists, prosecutors); assessment of the main dimensions of the court's activity by the professional participants of the court sessions.

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ИНДИКАТОРЫ ДОВЕРИЯ К СУДУ В СОЦИОЛОГИЧЕСКИХ ИССЛЕДОВАНИЯХ

Оценка доверия к суду признана в качестве измерения верховенства права (правовластия). Такой подход применяется в различных международных и национальных практических инструментах оценки демократических режимов. В данной статье формулируются основания национального мониторинга уровня доверия к суду и судебной системе на основе анализа, во-первых, наиболее известных международных социологических методологий и, во-вторых, особенностей украинской ситуации в этой сфере.

Ключевые слова: доверие к суду, институциональное доверие, международный опыт оценки уровня доверия к суду, национальные инструменты исследования доверия к суду.

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ПОКАЗНИКИ ДОВІРИ ДО СУДУ В СОЦІОЛОГІЧНИХ ДОСЛІДЖЕННЯХ

Постановка проблеми. *Актуальність аналізу сучасного досвіду соціологічних оцінок рівня довіри до соціальних інститутів, зокрема, до суду, пов'язана з тим, що для більшості європейських країн стає все більш характерним такий парадокс масової свідомості: впевненість у суді та його рішеннях зменшується навіть в умовах підвищення ефективності, доступності, справедливості правосуддя, що зафіксовано у результатах соціологічних досліджень проблем судової реформи. Вимоги та очікування зростають (особливо серед більш освічених або соціально адаптованих категорій населення), й за таких умов існує ймовірність невідповідності темпів реформ та наявності позитивної динаміки довіри до суду.*

Аналіз останніх досліджень та публікацій. Проблема довіри до політичних і правових інститутів стала однією з фундаментальних у дослідженнях Е. Дюркгейма, Ф. Фукуями, І. Льюїна, Ю. Готье. Цей аспект є предметом інтересу сучасних як зарубіжних, так і українських учених, серед яких П. Алберс, Д. Т. Дж. Сенюк, І. Лавріненко, Л. Москвич, О. Сердюк, М. Огай та ін.

Метою даної статті є формулювання основних принципів національного моніторингу рівня довіри до суду та судової системи на основі аналізу, по-перше, найбільш відомих міжнародних соціологічних методологій, по-друге, особливостей поточної української ситуації в цій області.

Виклад основного матеріалу. Зазначається, що поняття довіри прийнято розглядати на міжособистісному та інституційному рівні, причому у першому випадку простір довіри виявляється частіше, тоді як на інституційному рівні зростає недовіра, що зумовлює соціальну нестабільність.

Аналізується міжнародний досвід оцінки рівня довіри до суду. Акцентується увага на європейських та американських методиках та інструментаріях, які дозволяють можливість давати відповіді на чіткі питання щодо довіри/недовіри через окремі показники, не обмежуючись тільки фіксацією загальної оцінки.

Зосереджується увага на національних інструментах. Зазначаються особливості українського контексту дослідження довіри до судової системи, серед яких такі: по-перше, ситуація в Україні має ознаки «балансування на межі легітимності»; по-друге, в Україні все активніше в державне управління впроваджується стандарт оцінки ефективності через вимірювання рівня громадської довіри, що поступово витісняє суто бюрократичний підхід; по-третє, у стратегії реформування судочинства, судової та суміжних інститутів на 2015–2020 роки вперше у сучасній історії України чітко визнано, що ключовим індикатором успішності судової реформи має бути довіра населення до суду, а елементом управління процесом реформ є моніторинг ситуації за цим показником.

Висновки. Інституційна довіра може розглядатися як певний показник, що визначає соціальний добробут населення. Крім того, це важлива умова соціального спілкування, через яку досягається згода, розуміння та діалог сторін, а це стає можливим завдяки пошукам нових можливостей для подальшого розвитку.

Зростання довіри до судової системи України є однією з задач судової системи, що визначена у стратегічних документах розвитку судової системи України за останні роки.

Оцінка довіри до суду визнається мірою верховенства права. Цей підхід використовується в різних міжнародних та національних практичних інструментах оцінки демократичних режимів.

Ключові слова: довіра до суду, міжнародний досвід оцінки рівня довіри до суду, національні інструменти дослідження довіри до суду.