



Public confidence towards judiciary court: An empirical study in Bangladesh

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Abstract

The judiciary is the most significant component of the criminal justice system, which ensures the legal rights of citizens and is strongly linked to public confidence. The judiciary system of Bangladesh is ineffective and inadequate in safeguarding citizens' rights, highlighting the need for the building of trust between citizens and the judiciary system. The main objective of this study was to explore the nature of public trust in the judiciary system in Bangladesh. Moreover, it also identified the entire public perception of the judicial system, which influences public trust in the judiciary. The study was quantitative in nature which followed the survey method, and the data was collected from 52 respondents. This study found that around 63.5% of the participants expressed a negative perception regarding the court's integrity and meticulousness in dealing with people. At the same time, specifically 38.5% who agreed and 48.1% who strongly agreed, believe that corruption has a substantial impact on the level of public confidence in the judiciary court system. Additionally, 51.9% of the respondents believed that unfriendly behavior has an impact on the level of public confidence in the judiciary court system. Most importantly, the majority of respondents (76.9%) assess the courts' performance in ensuring responsibility as either low (53.8%) or average (23.1%). Finally, this study suggests that the government and concerned authorities should take proactive measures to enhance public confidence in the justice system.

Keywords:

Judicial court
Justice delivery
Public confidence
Public trust.

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1. Introduction

1.1. Introduction and Background of the Study

The judiciary of a country includes courts and tribunals that interpret the law, adjudicate legal disputes, exercise citizen rights, and impose punishment or fine offenders. The Supreme Court and lower courts in Bangladesh may extend the judiciary. It is observed that the judiciary system of Bangladesh is not effective and it hardly can protect the rights of the citizens (Hossain, 2017). Understanding the criminal justice system has an impact on public opinion and the level of confidence. The effectiveness of government institutions is contingent upon the trust and faith of the general public. It is easier to endure good governance if citizens trust government organizations as well as the judiciary. Public trust and confidence in the judiciary is essential for ensuring good governance in developing countries like Bangladesh (Akanda, 2016). However, when citizens do not obtain the services they desire or confront illegal acts, an imbalance arises between their expectations and their delivery of government services. This often escalates the feelings of lack of transparency, accountability, and efficiency. This distrust can also lead to public dissatisfaction and loss of effectiveness and future sustainability (Kim, 2010).

In countries with highly developed economies such as Norway, trust among citizens is enhanced by a strong institutional framework that ensures transparency and responsibility among government officials. For a developing country such as Bangladesh, it is imperative to establish a strong foundation of trust between its citizens and governmental institutions (Akanda, 2016). The public's trust in American courts is based on their perception of fairness and neutrality, where judges render timely rulings in conformity with the law (Miller, 1970). Confidence or trust refers to the level of weakness exhibited by an individual when expressing themselves in the presence of another individual or institution. These individuals and institutions possess the capability to cause harm to him. However, when he places his trust in an individual or organization, he anticipates that they will not deceive or disappoint him (Levi & Stoker, 2000). Confidence is becoming a crucial factor in the performance of government institutions in South Asia. Therefore, the presence of trust in government institutions serves as an indication of governance issues. Trust is determined by various factors such as social capital, democracy, governance, institutional development and quality, the measure of corruption, and the satisfaction of inter-state citizens (Irfan, 2017).

The level of confidence in an organization has a direct impact on its ability to be responsive, transparent, accessible, impartial, and influential in political matters. Nevertheless, if there is a lack of trust among citizens towards government institutions, the judiciary, being one of those institutions, is likely to encounter challenges with continuing its operations (Jamil & Askvik, 2013). The absence of transparency, impartiality, and accountability within the court system of Bangladesh, as well as among its judges, has caused significant public debate, resulting in a decrease in public confidence. In order to commence the process of judicial decision-making, it is important to guarantee high standards, widespread acceptance, and public respect for the decisions of courts. The implementation of this measure is necessary to enhance trust in the judiciary and ensure transparency (Patoari, Karim, & Mahmud, 2013). The average percentage of case disposal is approximately 81.62%, while the non-disposition cases account for around 16.28%, resulting in a significant number of backlog of cases. This indicates that the judiciary lacks effectiveness. In this situation, citizens exhibit both positive and negative confidence in the courts (Brac, 2018).

There exists a significant correlation between the levels of confidence in the justice system and the level of understanding regarding the functioning of the justice system. Understanding the justice system has a significant impact on public opinion and levels of confidence. Confidence likely indicates a favourable disposition towards the system. If individuals maintain the perception that law enforcement agency engages in discriminatory practices and employs disproportionate force when dealing with suspects, it is inevitable that the public's trust in the police will decline (Roberts, 2004). Confidence can be defined as a measure of the general satisfaction with the organization's performance. Institutional legitimacy is closely connected to the level of trust and belief in an organization or institution. The examination of trust in institutions is rooted in the notion that an organization is unable of exhibiting legitimacy and may generate negative perspectives that question the principles of equity and responsiveness as a standard institution (Irfan, 2017). Acquiring knowledge about state courts improves the credibility and authority of the court (Benesh, 2006).

Citizens in Bangladesh frequently experience violations of their rights and are often denied access to efficient legal solutions due to the lack of an efficient judiciary. The impartiality of the judiciary can ensure impartial justice through which the rights of citizens can be effectively enforced. An impartial judgment is a decision that is made without bias and is based only on factual facts and conformity to the law. Another issue of concern is the competence and efficiency of the judges (Hossain, 2017). The transparency and accountability of government officials have emerged as highly significant factors. If government officials are transparent and accountable, it will increase the trust of citizens in government officials. Trust depends on public institution how the citizen or public evaluate the performance of government officials (Akanda, 2016).

1.2. Research Question and Objectives of the Study

The present study aims to articulate the following research question: What are the factors influencing public trust in the judiciary system and how the court procedures impact the level of public confidence?

The main objective of the study is to explore the factors that impact public trust and confidence in the judiciary system. The specific objectives are as follows:

- i. To understand the general public perception of the judiciary court system.
- ii. To identify the factors that influence public trust in the judiciary court system.
- iii. To explore how the court procedure impacts the level of public confidence in the judiciary system.

1.3. Theoretical Framework

The study employed the due process model and the cultural theory as its theoretical foundations. To describe public confidence in the judiciary system, both of these theoretical approaches are suitable.

1.3.1. The Due Process Model

The due process concept guarantees criminal defendants their rights and a fair trial. It protects human rights and limits criminal agencies' coercion. Packer (1968) says the concept distrusts criminal agencies and limits their coercion. The due process typically requires government fairness. While free or at risk, a person has the right to notice and opportunity at the hearing. Laws should not discriminate based on gender, nationality, disability, or age. It helps ensure fair criminal proceedings and no cruel and unusual punishment. This approach indicates that the criminal procedure determines the state's legal boundaries, which must be examined to achieve a conviction. The due process model can be related to the people's confidence based on the proper functioning of the judiciary court system.

1.3.2. The Cultural Theory

The cultural theory focused on confidence, traits, and socio-institutional demographics. This theory explains the justice system in numerous ways, resulting in varied opinions. Cultural theory provides risk assessment and explains how people trust or distrust organizations (Tansey & O'riordan, 2007). Cultural theory has macro and micro. Macro-cultural ideas emphasize individual trust. Micro-cultural theories examine politics and other social issues (Mishler & Rose, 2001). This theory has a strong correlation with the people's confidence in the judiciary system. Court proceedings often determine public trust. How well the court serves the public and whether its activities are legal affect public confidence.

2. Research Methodology

The study was based on a quantitative methodology that adopted a non-probability convenience sampling method because of the readily available respondents at the District Criminal Court, Tangail. The population size was unknown, consisting primarily of individuals familiar with court procedures or the service seekers at the Criminal Court of Tangail. The sample comprised 52 individuals (40 male and 12 female) who satisfied the study's selection criteria. The survey used a structured questionnaire comprising both open-ended and closed-ended questions. The questionnaire was developed through an extensive literature review of the efficiency of the judiciary and public perceptions of the service. A pilot test involving 10 participants was conducted before finalizing the questionnaire. Finally, the research used the Statistical Packages for Social Sciences (SPSS), a recognized software package for quantitative research methods and data analysis, to conduct various analyses.

3. Results and Discussion

3.1. Socio-Demographic Background of the Respondents

Among the 52 respondents in this study, the majority (46.2%) belong within the age range of 36-45 years. Approximately 38.4% of the responders belong within the age range of 25-35 years. The male respondents make up 76.9% of the total, while the female respondents account for only 23.1%. As a Muslim-majority country, 76.9% of the respondents identified as Muslim, while 26.9% identified as Hindu. Approximately 57.7% of the respondents are married, whereas the majority of respondents come from single families. A majority of the respondents (52%) reside in rural areas, while the remaining respondents are from urban and semi-urban areas. Approximately 71.2% of the participants possess a secondary school education or higher. The participants come from a variety of professions.

3.2. Relationship of the Respondent with the Court

Figure 1 depicts the relationships between the respondents and the court or the judiciary system. The analysis indicates that the witness category had the highest amount of respondents, accounting for 29%. The accused individuals account for 25% of the total, while the complainants represent 27%. Court staff and acquitted persons constituted the smallest proportions of respondents, accounting for 13% and 6% respectively.

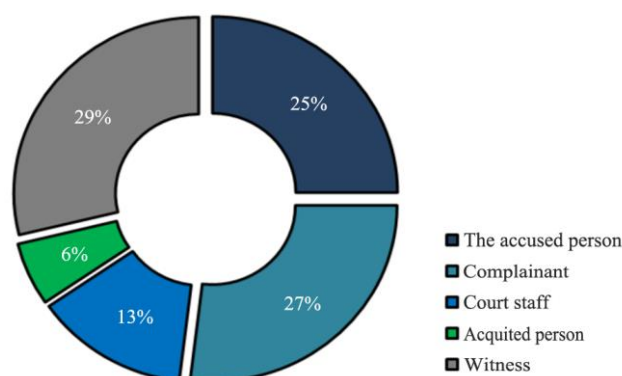


Figure 1. Relationship of respondent with the court.

3.3. Respondents' Perception of the Court's Integrity and Meticulousness in Dealing with People

Table 1 illustrates the respondents' assessment of the court's integrity and meticulousness in dealing with people. Here, the number of responses is indicated with the respondent's perception and expressed as a percentage for a better comparison. The data indicates that nearly three-quarters of the respondents (63.5%) expressed a negative perception of the court's integrity and meticulousness in dealing with people. Conversely, only 36.5% of respondents had a positive perception of this issue. Therefore, it may be concluded that a significant portion of the population maintains the belief that the court system is ineffective in handling individuals with integrity and meticulousness.

Table 1. Respondent's perception of the court's integrity and meticulousness.

Respondents' perception	Number	Percent
Positive	19	36.5
Negative	33	63.5
Total	52	100

3.4. Advantages of Having Knowledge about the Court Procedure (Multiple Responses)

Table 2 illustrates the advantages of having knowledge about judicial procedures. Out of the 52 individuals that participated, a total of 194 responses were collected. The number of responses is listed beside the advantages and calculated as a percentage for better understanding. Through this study, the most significant advantage is getting effective services from the court where the response was 94.23%. 86.53% of responses were for the advantage of becoming acquainted with the complexities of court procedure. Another two significant advantages of having knowledge about the court procedure are that it enhances the level of transparency in the justice system (73.07%) and enhances the level of confidence in the public (61.50%). 57.69% of responses accounted for the advantage of minimizing the likelihood of corruption. To sum up, there are several advantages of having knowledge about the court procedure.

Table 2. Advantages of having knowledge about the court procedure

Advantages	Number	Percent
Enhance the level of confidence in the public	32	61.50
Become acquainted with the complexities of court procedure	45	86.53
Enhances the level of transparency in the justice system	38	73.07
Getting effective service from the court	49	94.23
Minimizes the likelihood of corruption	30	57.69
Total	194	
Total number of respondents (N): 52		

3.5. Challenging Factors and their Impact on Public Confidence in the Judiciary System

Table 3 illustrates the challenging factors and their impact on the public's confidence in the judiciary system. The data indicates that a majority of the respondents, specifically 38.5% who agreed and 48.1% who strongly agreed, believe that corruption has a substantial impact on the level of public confidence in the judiciary court system. The respondent's responses followed a similar pattern regarding the challenging factors including unequal treatment and procrastination in delivering justice. When it comes to the issue of lack of professionalism, a significant number of the participants agreed (34.6%) and strongly agreed (32.7%), while 23.1% of the participants partially agreed. 51.9% of the respondents believed that unfriendly behaviour has an impact on the level of public confidence in the judiciary court system, while 13.5% of the respondents partially agreed with this notion. Overall, it can be concluded that most of the participants agreed or strongly agreed with the notion that several challenging factors have a substantial impact on the level of public trust in the judiciary court system.

Table 3. Challenging factors and their impact.

Challenging factors	Disagree		Partially agree		Agree		Strongly agree	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Corruption	2	3.8	5	9.6	20	38.5	25	48.1
Lack of professionalism	5	9.6	12	23.1	18	34.6	17	32.7
Unfriendly behaviour	3	5.8	7	13.5	27	51.9	15	28.8
Lack of equal treatment	4	7.7	8	15.3	22	42.3	18	34.6
Procrastination in delivering justice	1	1.9	5	9.6	25	48.1	21	40.4

3.6. Public Assessment of the Court's Action Based on the Performance of the Court

Table 4 presents the assessment of the court's actions by the public, considering various factors such as accountability, transparency, adherence to the rule of law, ensuring justice, impartiality, and responsiveness. The majority of respondents (76.9%) assess the courts' performance in ensuring responsibility as either low (53.8%) or average (23.1%). The public assessment of Transparency, rule of law, and justice followed a similar manner. However, in terms of ensuring impartiality in delivering justice, people assess court performance as low (55.8%) and very low (26.9%). When it comes to responsiveness, people typically evaluate the court's performance as very low, low, or average. Thus, it can be concluded that the performance of courts in delivering justice is not satisfactory.

Table 4. Public assessment of the court's action based on the performance of the court.

Performance/ Indicators	Assessment					Total
	Very low	Low	Average	High	Very high	
Accountability	5.8 %	53.8 %	23.1 %	15.4 %	1.9 %	100.0
Transparency	7.7 %	46.2 %	32.7 %	7.7 %	5.8 %	100.0
Rule of law	3.8 %	44.2 %	36.6 %	13.5 %	1.9 %	100.0
Ensuring justice	3.8 %	42.3 %	28.9 %	7.7 %	3.9 %	100.0
Impartiality	26.9 %	55.8 %	7.7 %	3.9 %	7.7 %	100.0
Responsiveness	34.6 %	28.9 %	23.1 %	9.6 %	3.8 %	100.0

3.7. Hypothesis Testing

Null Hypothesis: The court procedure and performances do not have a significant impact on people's trust and confidence in the judiciary system.

Alternative Hypothesis: The Court procedure and performances have a significant impact on people's trust and confidence in the judiciary system.

Table 5. Hypothesis testing.

χ^2 test	Calculated value	df	Significance level	Tabulated value
Pearson Chi-square test	4.853	1	0.05	3.841

Table 5 presents the hypothesis test for this study. The table shows that at a 5% significance level and with 1 degree of freedom, the critical value of Chi-square is 3.841. The calculated value is 4.853. The calculated value exceeded the tabulated value. Therefore, based on the guidelines of the hypothesis test, the null hypothesis is rejected, and the alternative hypothesis is accepted. This situation indicates that court procedures and actions significantly influence public trust and confidence in the judiciary system.

4. Conclusions and Recommendations

The judiciary court system is an integral part of the criminal justice system, playing a critical role in ensuring justice. An effective judiciary is essential for maintaining and protecting citizens' rights and ensuring the administration of justice. The effectiveness of the judiciary is directly linked to the level of public confidence. There is a strong correlation between public confidence and the effective functioning of the judiciary system. In addition, building public trust in the Judiciary is a crucial means to ensure good governance. As a developing country, Bangladesh has to build a strong foundation of trust between its citizens and the judicial system. Lack of public confidence in the judiciary can lead to unhappiness among the people and ultimately undermine its effectiveness and sustainability. Therefore, it is imperative to take immediate steps to reform the justice system and enhance public trust in it. By acquainting people with the legal procedures and activities of the courts, public confidence can be enhanced. The government and concerned authorities need to take efficient measures to improve the performance of the courts across several parameters, such as accountability, transparency, access to justice, rule of law, impartiality, and responsiveness. In addition,

it is imperative to address the challenging factors, which include but are not limited to corruption, lack of professionalism, unfriendly behaviour, lack of equal treatment, and procrastination in delivering justice.

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