

LITIGANTS' ATTITUDES TOWARD CIVIL JUSTICE IN ITALY

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Abstract. The functioning of civil justice represents an essential aspect of the citizens' quality of life and affects their trust in an institution that is one of the pillars of civil society. Citizens resort to civil justice when they believe their rights have been violated or they want to resolve a dispute. When dealing with "justice", its evaluation and the citizens' opinions about it are essential. Policies in the field of justice aim to improve the efficiency of the justice system but also the citizens' satisfaction with it. Data from the recent 2023 wave of the sample survey "Aspects of Daily Life (A.V.Q.)" provide an opportunity to analyse citizens' experiences with civil justice. In this study, we analysed the answers given by the interviewees using non-parametric tests, regression models, and correspondence analysis, taking into account the interviewees' characteristics and some structural characteristics of the trial. By doing so, we intend to identify the determinants of citizens' satisfaction in civil suits. The overall results highlighted the citizens' experiences with the judicial process, the problems they perceive, their attitudes, and their opinions towards justice. This analysis represents the first step in checking the outcomes of recent changes in the organisation of civil justice in Italy. It would be the basis for monitoring the effect of alternative dispute resolutions (ADR), which are expected to expand justice efficiency and citizens' satisfaction.

1. Introduction: satisfaction with civil justice and trust in the institutions

Italian civil justice has been long criticised for its alleged inefficiency and as an impediment to foreign companies' investments in the country's economy (Lorizio and Gurrieri, 2014). However, this has concerned more private corporate law than civil law as a whole.

As a matter of fact, civil justice, in general, concerns all citizens in their daily interactions in social life. Anyone who resorts to the civil justice system to resolve a dispute would derive from this experience a sense of satisfaction or dissatisfaction, which influences, in turn, his/her level of trust in the justice system and the institutions in general.

An approach to the degree of satisfaction associated with being involved in a civil suit requires a multidimensional analysis, embracing psychological, legal, and social aspects. Several factors can influence the litigants' satisfaction. Post-lawsuit

satisfaction is affected not only by the final verdict but also by the entire judicial process, including the quality of communication between lawyers and clients, the perceptions of procedural fairness, and the judges' behaviour (Tyler, 1988; Relis, 2002).

Empirical studies conducted in countries with civil law systems, such as Italy and France, have shown that the trial's length and the procedures' complexity significantly affect litigants' satisfaction. The tardiness of Italian courts and the inadequate use of technologies have often been mentioned as a source of the citizens' dissatisfaction (Fabri, 2009). The role of legal support in building trust and satisfying litigants also seems crucial. Good legal counselling, which includes effective communication, a clear explanation of (procedural) complexities and transparency of the economic costs, can increase litigants' trust in the justice system, leading to greater overall satisfaction (Verzelloni, 2016).

Judges' attitudes and their way of managing the hearings also play a crucial role. Judges who adopt a more interactive and transparent approach tend to foster greater satisfaction for the litigants (Genn, 2008). Clear explanations of decisions and greater accessibility of the judge help mitigate the sense of alienation often associated with formal court procedures.

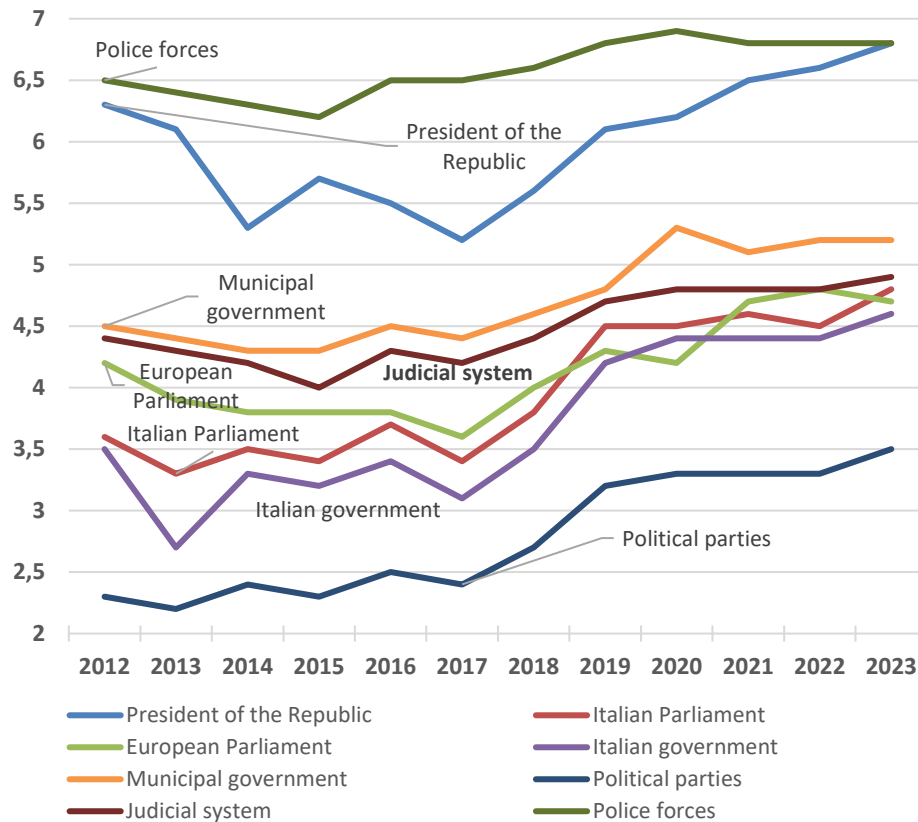
Procedural justice theory emphasises that litigants feel more satisfied when they perceive the process as fair and transparent, even if the outcome is not in their favour. (Thibaut and Walker, 1975; Tyler, 2016). According to this theory, trust in justice is a key mediator between the perception of the procedure and the final satisfaction. Perception of procedural fairness, namely the feeling that the trial was fair and impartial, increases trust in judicial institutions. This trust, in turn, improves litigants' overall satisfaction (Hulst J.E. *et al.*, 2017). Trust in the judicial institutions is a fundamental element influencing litigants' satisfaction with the civil law system. This trust is fuelled by the perception of procedural fairness, transparency and competence, all contributing to a better judicial experience for citizens.

Trust in judicial institutions varies significantly across countries. For example, in countries where judicial institutions are perceived as more corrupt or inefficient, citizens tend to show lower satisfaction with the judicial process. A transparent and accountable justice system is fundamental to maintaining citizens' trust (Siegrist, 2010).

Figure 1 shows the evolution over time of the average degree of trust in the institutions in Italy, as measured by scores ranging from zero to ten.

Political parties get low scores. However, it is interesting to note the relative increase in scores in recent years for all institutions. This trend has also influenced trust in justice, which attains an intermediate position.

Figure 1 – Evolution of trust in the Institutions in Italy. Years 2012-2023. Yearly average of scores.



The Italian government introduced some changes to improve the efficiency of civil justice, simplify and rationalise the civil process, and reduce the judicial offices’ workloads (Vendramini, 2022). Among them is the Alternative Dispute Resolution (hereafter ADR) (Fornari, 2013). ADRs (i.e. mediation, arbitration, etc.) are less formal, less expensive, and less time-consuming. Therefore, they are considered a positive innovation since they resolve civil legal disputes between the parties outside of the traditional courtroom setting. However, it is a matter of discussion if ADRs represent a form of privatisation of justice and jeopardize the rule of law (Kamilovska, 2020; Waters, 2022). Certainly, it is difficult to predict the citizens’ satisfaction when there has been a civil process in courtroom after a failed ADR. In

these cases, the citizens' satisfaction is expected to change in the future according to improvements in the justice system's organization.

2. Data and methods

This study used data from the Questionnaire-Form No. 20 of an Istat sample survey entitled "Aspects of Daily Life". This survey is part of an integrated system of social surveys – multipurpose surveys on families – and collects information relating to the daily lives of individuals and families. Since 1993, the survey has been carried out every year. The information collected allows us to understand citizens' habits, their daily problems and whether they are satisfied with the functioning of those public utility services that contribute to improving the quality of life.

The responses are collected using a mixed technique: an online questionnaire self-compiled by the respondents (CAWI - Computer-Assisted Web Interviewing technique) or a direct interview with an electronic and paper questionnaire administered by an interviewer (CAPI/PAPI - Computer-Assisted Personal Interviewing and Paper and Pencil Interviewing). Weighted estimates are significant down to the regional level.

This study used responses to the module dedicated to civil justice, a module intermittently added to the survey, to analyse the determinants of satisfaction. Respondents are 18-year-old individuals who declared having been involved in a civil suit at least once. In the 2023 survey, they amounted to almost 6 million (corresponding to over 4,700 individuals in the sample).

The satisfaction of those who concluded a civil suit will be used here to monitor the effects of the organisational and procedural changes in civil justice that are being recently implemented and are expected to produce their effects shortly.

Firstly, we intend to verify the association between the satisfaction of the respondents involved in a civil suit and some of their personal characteristics as well as some characteristics of the civil suit.

As for the characteristics of the lawsuit, we will use the information provided by the survey. They regard the matter of the most recent civil suit in which the respondent was involved; whether the lawyer had provided a cost estimation; the duration of the lawsuit; the outcome of the concluded lawsuit; the cost incurred versus the expected one; and the respondent's suggestions on how to improve the civil justice system. Information regarding the Economic cost and the Outcome only concerned concluded lawsuits; other information (Satisfaction, Existence of a cost estimation) also concerned ongoing lawsuits.

Finally, we used a mixed logistic regression model to measure the impact of the interviewees' socioeconomic features on their satisfaction with the civil justice

system as well as the random effects based on the territorial units (Italian regions). We hypothesize a hierarchical structure of the data with unmeasured sources of variance affecting individuals according to their territorial units. These unmeasured sources might consist, for instance, in differences between the various courts. The current survey, unfortunately, didn't identify the court that dealt with the lawsuit.

3. Results

Firstly, let us check whether we can reject the null hypothesis (H0) of independence between citizens' satisfaction with their civil suits and the abovementioned characteristics.

Table 1 – Satisfaction with one's own civil suit and trust in the judicial system, χ^2 Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Trust in the judicial system			Total
	Low	Medium	High	
Dissatisfied	53.1	37.4	26.3	45.8
Satisfied	46.9	62.6	73.7	54.2

N = 4274; Pearson : F= 2.178 P=0.0696

We cannot reject the hypothesis of no association between satisfaction and trust in the judicial system unless we accept a 7% error probability. Litigants' satisfaction is associated with their "Gender" (Table 2), as well as with their "Education" and Marital Status (tables not shown).

Table 2 – Satisfaction with one's own civil suit and gender of the litigants, χ^2 Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Gender		Total
	Female	Male	
Dissatisfied	42.3	50.3	45.8
Satisfied	59.5	49.7	54.2

N = 4274; Pearson : F= 32.277 P=0.0000

Other characteristics of the litigants, such as "Work status", "Geographical area", and "City type", are not associated with satisfaction (tables not shown). The number of civil suits the respondents have been involved in during their lives is not associated with their satisfaction (table not shown). Respondents were asked to

focus on detailed informations only about their most recent lawsuit. This outcome suggests that different lawsuits can lead to different experiences. As expected, “Duration” (Table 3), “Outcome” (Table 4) and “Cost of lawsuit compared to expected cost” (Table 5) are closely associated with satisfaction. There is also an association between satisfaction and “Economic Status” but it is not linear: Low status = 50.1% satisfied, Medium st. = 57.9%, High st. = 55.2% (table not shown).

Table 3 – Satisfaction with one’s own civil suit concluded and suit duration, χ^2 Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Lawsuit duration				Total
	0-1 year	2-5 years	6-10 years	> 10 years	
Dissatisfied	31.6	51.0	66.9	75.0	45.8
Satisfied	68.4	49.0	33.2	25.0	54.2
N = 4231; Pearson : F= 96.079 P=0.0000					

Table 4 – Satisfaction with one’s own civil suit and suit outcome, χ^2 Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Lawsuits outcome				Total
	Negative verdict	Mixed verdict	Positive verdict	No verdict yet	
Dissatisfied	87.2	49.0	21.1	70.4	45.8
Satisfied	12.8	51.0	78.9	29.6	54.2
N = 4274; Pearson : F= 252.135 P = 0.0000					

Table 5 – Satisfaction with one’s own civil suit and suit costs vs the expected ones, χ^2 Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Lawsuit costs vs the expected costs			Total
	Lower costs	Fair costs	Higher costs	
Dissatisfied	26.0	30.0	67.7	41.2
Satisfied	74.0	70.0	32.3	58.8
N = 4274; Pearson : F = 168.566 P = 0.0000				

A cost estimation leads to greater satisfaction (68.1% of the litigants were satisfied when there was an estimation and 48.8% when the estimation was lacking: table not shown). All the respondents provided at least one suggestion to improve the justice system, but many “hints” were associated with more dissatisfaction.

Table 6 – Satisfaction with one's own civil suit and the number of hints provided by the respondent, Chi² Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Number of hints				Total
	1 hint	2-3 hints	4-7 hints	>7 hints	
Dissatisfied	30.1	40.2	54.8	71.3	45.8
Satisfied	69.9	59.8	45.2	28.7	54.2

N = 4274; Pearson : F = 90.036 P = 0.0000

The most frequent litigations concern “Family” (separation and divorces, child support, adoption, and inheritance) and “Labour” lawsuits, involving more than 4.5 million people; the item “Other” includes further types of lawsuits (neighbourhood disputes, road accidents, customer-supplier disputes, etc.); “Not specified” refers to lawsuits of an undetermined type (Table 7).

Table 7 – Satisfaction with one's own civil suit and type of most recent suit, Chi² Pearson test. (Percentages from calculations on weighted values).

Satisfaction with lawsuit	Type of most recent lawsuit				Total
	Family	Labour	Other	Not specified	
Dissatisfied	34.8	53.0	56.2	50.7	45.8
Satisfied	65.2	47.0	43.8	49.3	54.2

N = 4274; Pearson : F = 34.115 P = 0.0000

With a logistic regression model, we check the direction and strength of the relationships between “satisfaction” and each of the explanatory variables controlling for the others. The model (Table 8) shows the large impact on satisfaction made in particular by the explanatory variables measuring the lawsuit's duration, outcome, benefit, and costs. It also emerges the close association between the litigants' satisfaction with their lawsuits and their trust in general in the justice system. The results regarding the random effects show that the territorial dimension taken into consideration does not significantly contribute to the model variance.

Table 8 – Mixed Logistic regression model of satisfaction with one's own civil suit on main socioeconomic variables and random effects based on regions.

Variable/Modality	Coefficient	Robust Std error	z value	P> z
Gender				
Male	1			
Female	0.20	0.12	1.77	0.077
Trust in the judicial system				
Low	1			
Medium	0.45	0.07	6.46	0.000
High	1.17	0.15	7.83	0.000
Education				
Primary	1			
Lower secondary	-0.21	0.10	-2.04	0.041
Higher secondary	-0.35	0.08	-4.42	0.000
Degree	-0.53	0.19	-2.81	0.005
Type of last lawsuit				
Other lawsuit	1			
Family lawsuit	0.71	0.09	8.22	0.000
Labour lawsuit	0.02	0.14	0.16	0.875
Not specified lawsuit	0.12	0.41	0.29	0.769
Lawsuit duration				
0-1 years	1			
2-5 years	-0.63	0.06	-10.50	0.000
6-10 years	-1.01	0.08	-12.28	0.000
over 10 years	-1.53	0.13	-11.58	0.000
Lawsuit outcome				
negative verdict	1			
mixed verdict	1.42	0.34	4.12	0.000
positive verdict	2.53	0.26	9.70	0.000
No verdict yet	0.74	0.33	2.21	0.027
Lawsuit costs				
Lower costs	1			
Fair costs	-0.11	0.10	-1.16	0.246
Higher costs	-1.11	0.15	-7.40	0.000
Perceived benefit				
Perceived benefit no	1			
Perceived benefit_yes	0.70	0.04	17.51	0.000

Table 8 (cont.)– *Mixed Logistic regression model of satisfaction with one’s own civil suit on main socioeconomic variables and random effects based on regions.*

Variable/Modality	Coefficient	Robust Std error	z value	P> z
Number of hints				
1 hint	1			
2-3 hints	-0.25	0.14	-1.82	0.069
4-7 hints	-0.66	0.14	-4.79	0.000
>7 hints	-1.31	0.15	-8.46	0.000
Satisfaction with one’s Economic Status (SES)				
Low-satisfaction	1			
Middle-satisfaction	0.34	0.06	6.05	0.000
High-satisfaction	0.17	0.23	0.75	0.453
Constant	-0.91	0.24	-3.78	0.000
Regions				
Constant	0.002	0.006	0.005	1.446
N=4231 Number of regions = 21; Obs per group: min = 74; avg = 201.5; max = 412				

Figure 2 shows the relationships between the categories through a Multiple Correspondence Analysis (MCA). The model captured almost 93% of the total inertia in a two-dimensional space. It is patent, along the vertical axis, the cluster of the categories most associated with dissatisfaction: “negative outcome”, “long duration” (6-10 years and more than 10 years), “high cost” of the lawsuit, more than seven hints about how to improve the justice system. Close to the other end of the axis, we find the categories associated with satisfaction: “positive outcome”, “low duration”, and “fair or low cost” of the lawsuit. The horizontal axis clearly marks, in particular, the separation between the categories regarding the lawsuit type.

Figure 2 - Multiple Correspondence Analysis (MCA), Joint method, Standard normalization.

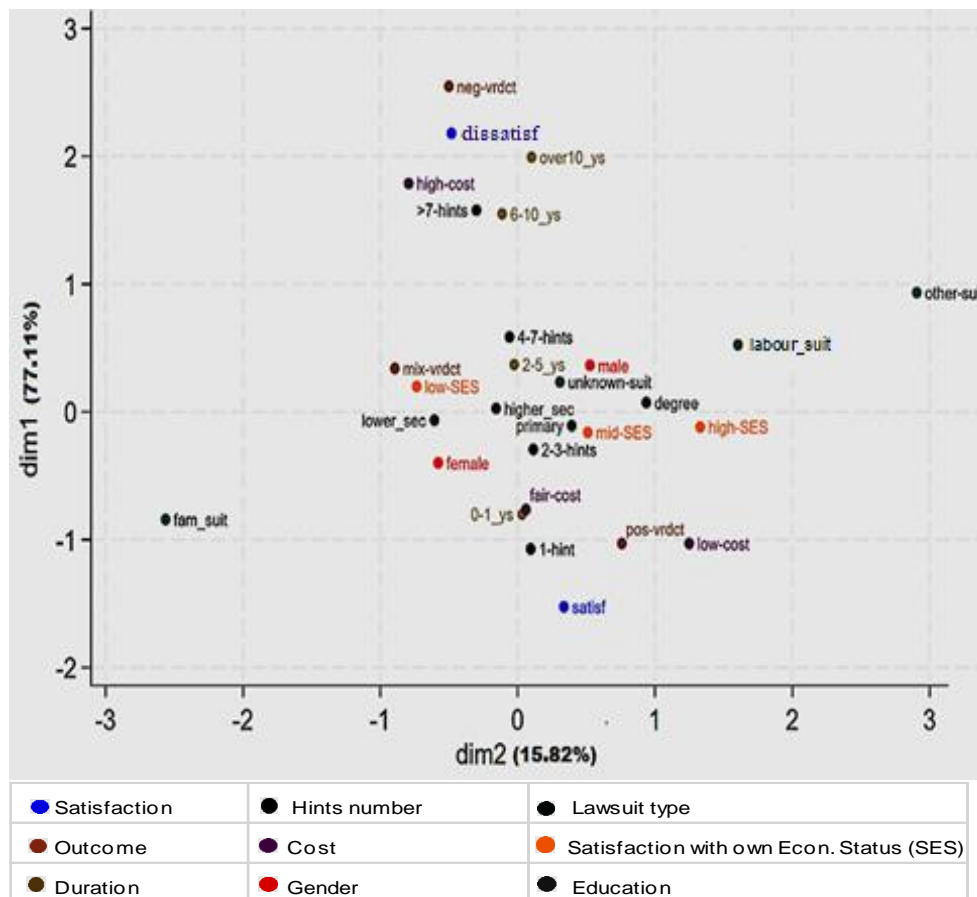
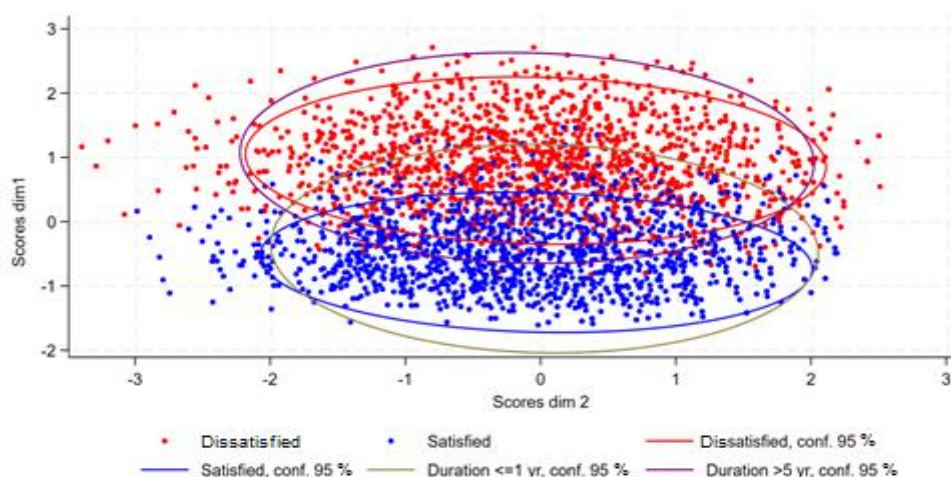


Figure 3 shows the positions of the individuals of the sample under examination according to the two dimensions of the MCA. The ellipses constructed on the sample correspond to a 95% confidence level. Satisfied litigants (blue points and the corresponding blue ellipse) and dissatisfied litigants (red points and the corresponding red ellipse) position themselves along the first dimension with limited overlapping. Variability in the individuals' positions also stretches across the second dimension. The ellipses corresponding to individuals with a "0-1 year" lawsuit duration (grey ellipse) and to individuals with a "more than 5 years" lawsuit (purple ellipse) are very close to the ellipses corresponding to individuals respectively satisfied and dissatisfied with their civil suit.

Figure 3 – MCA with individuals (Satisfied/Dissatisfied; ≤ 1 year/ > 5 years Duration (95% confidence ellipses).



4. Conclusion and future developments

This analysis represents the first step in checking the outcomes of changes in the civil justice organisation, designed to improve citizens' quality of life, and introduced after the launching of the National Recovery and Resilience Plan (PNRR). In addition to the associations with satisfaction given by the duration of a lawsuit, its cost, and the type of verdict the mixed effect regression model allowed us to measure the contribution to variance by the territorial units. The findings do not support the hypothesis of the hierarchical structure of the data.

Future steps would regard:

- Checking the effects of the increasing use of ADRs. Since 2022, it is mandatory to make recourse to an ADR before starting a civil suit regarding labour and employment disputes. ADRs have a fixed duration. Therefore, in the future, the duration of the lawsuit will be less important as a determinant of the litigants' satisfaction. ADRs are also expected to reduce costs, another satisfaction determinant and could also improve the relationship between the litigants thanks to expressly trained mediators, positively influencing litigants' satisfaction.
- Checking the effects of the introduction of family courts in 2023. These courts were designed to deal with only family lawsuits, the most frequent type of civil suit. Trials should be leaner and faster, and together with the increasing use of mediation, should reduce conflict and increase litigants' satisfaction.

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