



**LEVEL OF LEGAL CAPACITY OF
THE UKRAINIAN POPULATION:
ACCESSIBILITY AND EFFECTIVENESS
OF LEGAL SERVICES**

INTERNATIONAL RENAISSANCE FOUNDATION
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THE UKRAINIAN POPULATION:
ACCESSIBILITY AND EFFECTIVENESS
OF LEGAL SERVICES

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The modern development of the Ukrainian legal system is characterized by low levels of accessibility to legal services by the population, and an inability to accommodate ordinary citizens engaged in everyday life. The research conducted by Kharkov Institute of Social Research provides insightful and revelatory details about the extent of the use of shadow schemes of access to legal opportunities, the complexity of procedures of the judicial system, as well as a range of negative social phenomena that impede access to justice for the citizens of Ukraine.

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INTRODUCTION

Both everyday experience and research show that these days a large number of Ukrainian citizens encounter certain barriers in obtaining high quality, timely legal services in case of facing legal problems. This is related to paid and free of charge services. According to prior research, almost every third Ukrainian needs some legal assistance every year. At the same time, it is impossible to analyze problems, related to the provision of legal services to the citizens, without detailed description of the situation in the area of legal services provision. For this reason, Kharkov Institute of Social Research and International Renaissance Foundation performed a comprehensive analysis of accessibility of legal services and justice in Ukraine.

It should be noted that access to justice is a phenomenon that is difficult to measure. In general, this is due to the complexity of the operationalization of the concept, which inevitably entails difficulties in the preparation of valid instruments, construction of relevant procedures and selection of research methods. Nevertheless, the aim of the study was to assess the accessibility of justice in Ukraine. With this aim a number of tasks were completed during the research: analysis of the availability of legal information and legal advice, the role and effectiveness of government bodies in solving legal problems and barriers to justice. Furthermore, the structure of the research allowed us to study the prevalence of various legal issues in the lives of Ukrainians and their significance, as well as respondents' behavior when confronted with legal problems. In addition, a separate block of the study was devoted to the investigation of the attitude of Ukrainians to the existing legal system and courts.

RESEARCH METHODOLOGY

The main stages of the research included tool development, piloting survey, the field stage (survey, focus groups and interviews), monitoring of interviewers, coding, data entry, logical control and mathematical-statistical processing of information, summarizing and analyzing the information, report preparation and design.

Development and piloting of questionnaires

Development of questionnaires and guides for focus groups and interviews, as well as their testing was performed by employees of Kharkov Institute for Social Research in collaboration with experts from the Open Society Institute (Hungary), Tilburg University (Netherlands) and International Renaissance Foundation.

Justification of the sampling model

The poll was conducted among Ukrainian residents over 18 years of age. Sampling was performed randomly in four stages. Here we used a rout sample and the poll was conducted at the place of residence of respondents. At the first stage of sample design different regions of Ukraine, representing Central, Eastern, Western and Southern parts of the country, were selected. As a result the poll was conducted in the Lugansk, Kiev, Khmel'nitsky, Kherson and Chernigov regions. At the second stage of sample design we've performed a randomized selection of localities of different types. For the purposes of survey the following were chosen: regional centers, towns in regions, urban-type settlements and villages. At the third stage random selection of addresses as starting points of surveying was performed. At the last stage of sample design (selection of respondents in households) the procedure of "the nearest birthday" probability selection was used.

Based on the requirements of statistical analysis depth of collected data, the size of the sample was determined as 2500 people. In addition to this, the proportion of respondents living in different regions and localities was defined on the basis of national statistics. After the control procedures the volume of the sample was 2463 questionnaires. The final distribution of respondents by region was as follows: the Kherson region – 352 respondents, the Lugansk region – 754 respondents, the Chernigov region – 360 respondents, the Khmel'nitsky region – 428 respondents, the Kiev region – 569 respondents.

Field work stage

Surveying of the population was held in May-August 2010. Interviews and focus-groups were conducted in September-October 2010.

Supervision of interviewers' work

Monitoring of the work of interviewers was conducted in September 2010 and included the following points:

1. In order to check the compliance with sampling procedures, interviewers' route lists were controlled
2. The facts that interviewers actually visited the addresses stated in the diary and the quality of interviews were controlled.

Any interviews that were conducted in violation of the rules of the survey were discarded and replaced in the course of further survey.

Data entry and logical control

Entry and further processing of primary information was conducted using a software package for processing sociological questionnaires SPSS 13.0. While preparing the forms for computer processing and after the input of primary information, the compliance with logical transitions and consistency of the data presented in various sections of the questionnaire were controlled. All interviewers' errors identified during the logical control were corrected. Questionnaires that do not meet methodological requirements were not considered.

Sample bias is within the 95% confidence interval:

- 1.96% – for indices close to 50%;
- 1.69% – for indices close to 25% or 75%;
- 1.18% – for indices close to 10% or 90%;
- 0.85% – for indices close to 5% or 95%;
- 0.39% – for the indicators close to 1% or 99%¹.

The parameters of the sample population in general represent the statistical universe and meet the requirements of representativeness, which allows the extrapolation of the research conclusions to the entire population of Ukraine older than 18 years of age.

Focus-groups, interview.

These methods were used for more careful consideration and clarification of certain features of the provision of free legal assistance. We conducted 5 focus-groups with experts from legal aid centers, and 20 interviews with people who received legal assistance in the past three years.

¹ Data on the statistical errors are given without the effect of sample design.

LEGAL CHALLENGES FACED by UKRAINIAN PEOPLE: CHARACTERISTICS, PREVALENCE and IMPACT

This study enables to reveal the prevalence and frequency of occurrence of various problems faced by people and requiring legal resolutions in one form or another. Table 1.1 shows the results of respondents' answers. To enhance the specification of the respondents' answers, they were asked to choose the second last problem of those they had listed in chronological order. This increased the chance of evaluating not only the causes of the issue and its scenario, but also the process and results of its resolution. This problem was designated as the «key issue», and its prevalence among the respondents is presented in the fifth column of Table 1.1. The top three most common problems are the same old violations of consumer rights, conflicts at work and problems with health care services.

The most common problems identified were:

- 1) violation of consumer rights
- 2) conflicts at work (non-payment of wages, illegal actions of authorities, etc.)
- 3) problems with health care services (inability to get aid, unqualified care, vaccination, medical insurance, medical malpractice),
- 4) violations by government authorities (rudeness, unfairness, complexity of procedures, corruption).
Moreover, for the same set of problems (except work related) the average incidence rate is also high. This suggests that these problems are faced by many people and happen quite often.

The least number of respondents faced the following problems:

- 1) discrimination (by sex, age, race, religion, disability, etc.),
- 2) consequences of injury (obtaining referral to expert examination, timelines and adequacy of medical aid, disability entitlement),
- 3) problems with testing objectiveness, possibility of appeal, availability of higher education, etc.,
- 4) migration problems (difficulties in processing citizenship, refugee status) (Table 1.1).

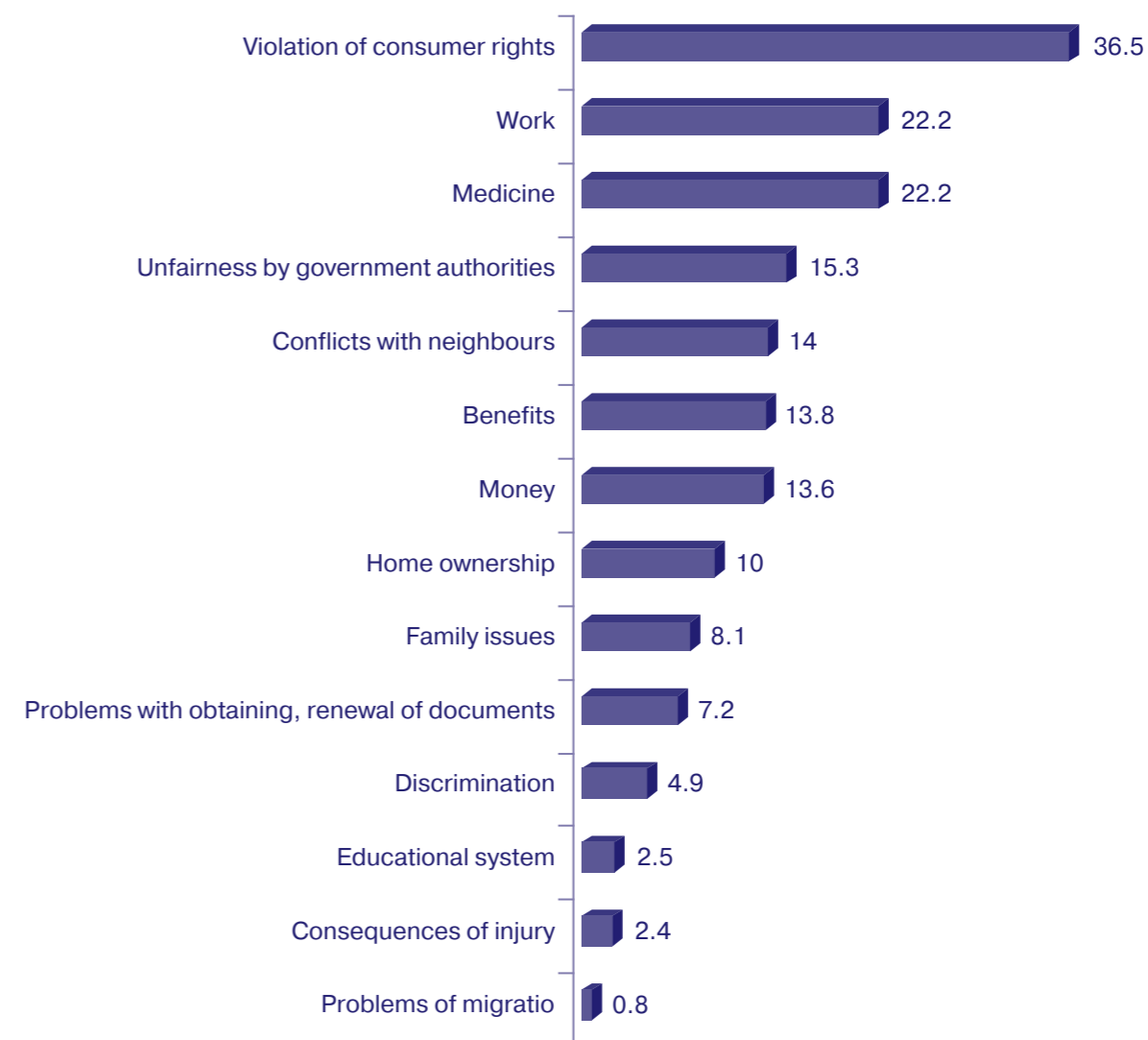
Table 1.1

Distribution of answers to the question "Have you faced a problems related to the following reasons in the past 3 years", %

Problem	Respondents who faced the problem	Average incidence	Problem designated as the key issue
Discrimination (due to your gender, age, race, religion, disability)	4.9	8.2	2.1
Violation of consumer rights (delivery of faulty goods, services)	36.5	26.5	20.9
Work (unpaid wages, illegal actions of authorities, etc.)	22.2	8.7	14.3
Relationships with neighbors (noise, alcoholism, violence, threats, garbage, etc.)	14	29	8.1
Home ownership (registration, selling, buying, leasing, redevelopment)	10	1,9	5.7
Money (returns and repayments of debts, insurance, deposits, loans, unfair charges)	13.6	6.7	7.3
Benefits (receiving, payments calculations, re-issuance)	13.8	5.9	10.4
Family issues (divorce, family violence, inheritance, custody)	8.1	5.9	5.1
Medicine (inability to get aid, unqualified care, vaccination, medical insurance)	22.2	21.4	12.5
Violations by government authorities (rudeness, unfairness, complexity of procedures, corruption)	15.3	11.5	7.9
Migration problems (difficulties in citizenship processing, refugee status)	0.8	5.9	0.3
Consequences of injury (obtaining referral to expert examination, timelines and adequacy of medical aid)	2.4	1	1
Educational system (testing objectiveness, possibility of appeal, availability of higher education)	2.5	4.6	1.1
Problems with obtaining, renewal of documents (passport, drivers license, private company registration)	7.2	2	3.4

Fig. 1.1

Legal problems faced by respondents in the past 3 years, %*



* The sum exceeds 100% because respondents could choose more than one option

Analysis of open-end questions in the study allowed a more detailed examination of legal problems Ukrainians are concerned with. For example, violation of consumer rights is the main and most common problem among the population (36.1% among those who encountered any problems during the last 3 years). According to many respondents, violation of their rights happens regularly or from time to time. The most common problem is buying defective products. In most cases the problem is solved by returning or exchanging the goods at point of sale, but only if there is a receipt and the complaint is timely. It is more difficult to fix problems with cheating on weights and overcharging, which happen mostly in the markets. Most often, victims simply do nothing because of the absence of any evidence.

The quality of services provided by housing department is a real issue. Sudden water cut offs, poor roof and sewerage repairs, miscalculation of payment are the most common complaints. In addition to this people often point at poor quality of services provided by housing department personnel and their "rude and boorish attitude" to customers.

The second most common category of problems is associated with medicine (22.5% of respondents). Most respondents pointed at the provision of unqualified care (wrong diagnosis, prescriptions, inability to perform basic medical procedures, negligence). In some cases assistance provided resulted in serious consequences for the victims, e.g. delaying treatment of actual diseases leading to irreversible changes in the organism and death. Neglect of health workers can even result in surgery performed "on the wrong foot".

High cost of medical treatment is also a common problem. However there are several aspects to this issue. On the one hand people complain about having to pay for everything, including tests, health certificates and expensive drugs. On the other hand, money extortion is actively thriving among health providers. It happens in different ways: in the form of requests to make charitable contributions, ignoring a patient before he pays and by indirect methods, such as establishing of non-existent diagnosis and, consequently, prescribing treatment with expensive drugs that could only be purchased in the hospital. In addition, there are other problems associated with medicine: the absence of the necessary minimum of medicines in hospitals, cynical attitude of health workers, refusing to provide medical care during the holidays, long queues at polyclinics as well as delayed arrival of ambulances. The problems with medical services in rural areas should be noted separately. In remote settlements there could be no doctors whatsoever and ambulance may never get there.

The primary and most common problem in the "Work" category (work related problems were faced by 20.8% of respondents) is the delay or non-payment of wages. The fact that these actions are not explained or commented by the authorities, and that people have to wait for their money for 1 month to a year not knowing when and how the situation will clear up, is outrageous. The second most frequent problem is inability to find work. Basically, a general lack of jobs in the area or employment discrimination both in relation to young professionals with no experience and older people are indicated as the most common reasons for difficulties with employment.

In addition, the following problems are pointed out: job cuts, dismissal (often illegal), strained relations with authorities, poor working conditions and illegal actions of authorities, which include a number of violations (failure to pay wages in case of maternity leave, failure to pay industrial injury compensation, miscalculation at the dismissal, unofficial employment, forcing to work on weekends, holidays etc.).

Also, injustice in government authorities (15.0% of respondents) is a quite common issue. It should be mentioned that this category of problems partly overlapped with other problem categories, especially if unjust actions occur in courts, housing departments, BTI, executive committee and other institutions reported by respondents. However, the top issue in this category of problems is related to law enforcement agencies. Among those the most evident are illegal activities, rudeness and crudeness of traffic inspectors. With regard to the police, most claims were concerned with non-transparency during investigations, loss of documents, infliction of injuries and widespread bribery. Bureaucracy, delaying of procedures and cronyism were also noted. "It is difficult to come at something without friends and acquaintanceship," one of the respondents said.

The fifth most common issue is the problem of obtaining benefits (14.9% of respondents). The greatest number of complaints was received from retirees – "Children of War", which were not granted relevant benefits. Many people complain about long delays by authorities in addressing this issue. Even if there is a court decision, state agencies employees demonstrate "don't care" attitude. In addition to this there is a common problem with subsidies processing. The following categories of citizens also noted facing difficulties in obtaining benefits: participants of liquidation of the Chernobyl accident, war veterans, disabled, children with disabilities, large families, families who have lost their breadwinner, families of the war casualties and war veterans. Benefits for health improvement, sickness, length of employment and harmful labor conditions were also hard to obtain. Among others people face difficulties in obtaining unemployment benefits and parenting benefits for caring after children up to 3 years of age. It should also be mentioned that for certain social groups not all problems were concerned with monetary benefits. Some people complained about lack of help from social care services for the disabled and elderly, as well as refusal to provide special facilities for disabled people (inhalers, wheelchairs and so forth).

Most problems with neighbors are of active conflict nature. The major cause of conflicts is noise. These may be scandals, parties with friends, fights, long renovations and loud music. In addition, these issues often overlap with antisocial lifestyle of neighbors (smoking, drinking alcohol at playgrounds, drug use) and pollution of the area (leaving rubbish on the landing, throwing it from the windows or leaving at neighbors' territory), which negatively impact the lives and well-being of other tenants. Some respondents also point to the rudeness and insults from their neighbors. Among other causes of conflicts, which are not so common, one can specify a trespass of private property, damaging property and flooding, as well as conflicts related to neighbors' pets (loud barking, dog bites). Among the respondents there were some people who did not accuse their neighbors of anything, but were subject to accusations themselves. Some of them have noted "false accusations" and "unjust complaints" on the part of their neighbors.

Problems associated with money also rank high in people's lives (13.2% of respondents). First of all, people note difficulties associated with loans. These include issues with processing, failure in obtaining a loan, difficulties with repaying, high interest charges, rising of loan interest rates, hidden fees, bank charges, absence of bank notifications about payments, imposition of unjustified penalties and even threats by bank employees. The money problem was particularly acute in the crisis, when the dollar rose strongly, which resulted in significant increase in loan repayments. The crisis also led to problems with the return of deposits, when they simply could not be withdrawn or partially withdrawn. Also, a common issue, especially among the elderly, is processing and assessment of pensions, when the length of employment, working conditions and other benefits are not accounted for and pension recalculations are not performed. A sensitive issue for many is getting money that had been lent to friends or acquaintances and received in part or not received at all. In addition, quite often people complain about the unjustified increase of utility rates, noting that the level of wages remained at the same level. Among the problems that occur less frequently, the most common are non-payments of investments made in the 90-th, problems with insurance (only partial payments of insurance claims, inconvenient schedule of payments, increased insurance premiums), loss of money from bank cards, etc.

Issues with home ownership were experienced by 9.9% of respondents. The most common counterparts are BTI, notarial offices, city councils. The main problems are duration and cost of processing and re-issue of land documents, inheritance processing, sales contracts, privatization, land parceling and redevelopment of apartment. When processing various documents, respondents often face problems such as inconvenient work schedule of state agencies, long queues, absence of public officers at work and poor provision of services. According to respondents, some people try to bribe officers in order to speed up the processing of documents, which slows down the process for others.

The following problems, that are not often encountered by respondents, are associated with acquisition of apartments with utility debts as well as non-payments of rent by tenants.

Family problems faced by 7.8% of respondents are most often related to divorce proceedings. Hence, there are other difficulties: division of property, accrual and payment of alimony and protracted litigation.

Problems associated with issue of inheritance (confrontation between family members, processing, entry, etc.) are also common. In addition, people pointed to such problems as establishment of paternity, guardianship, termination of parental rights, conflicts in the family, problems with children leading deviant lifestyle (drug addicts, alcoholics). Also, there is the problem of domestic violence on the part of husband. 6.9% of respondents had problems with receipt and processing of documents. Most respondents indicated a very long duration of processing and renewal of passports and foreign passports. Processing of the following documents was also problematic: driver's license, registration of ownership of a vehicle, getting citizenship, visas, guardianship, emergency registration and obtaining a military service record card. In this case, a lot of those who went through processing of any documents, mentioned long lines, "terrible bureaucracy" and deliberate procedure delaying by government employees in order to get bribes. There were some problems with the re-issue of documents with substantial errors in the name or last name of the person.

Among the problems related to discrimination, the most common is age limits in hiring. Young people are not welcome due to the lack of any experience. However, the greatest number of complaints was received from people of older age (35 and older).

Bodily injury (2.5% of respondents) is limited to being beaten on the street or by Militia, and usually ends with the fact that nothing can be proved. Almost all respondents indicated ignoring of their complaints by law enforcement agencies, deliberate delaying of investigations and formal reply by public prosecution office.

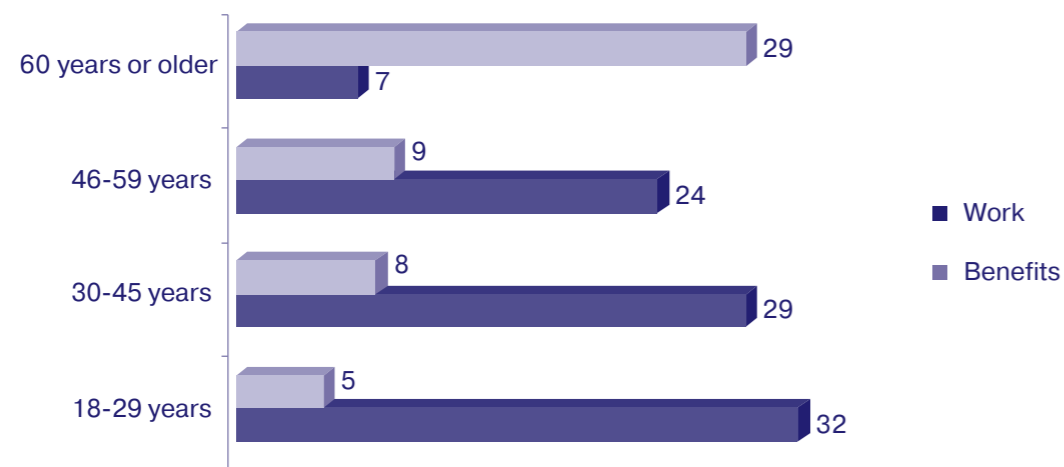
Problems in education (2.4% of respondents) were mainly associated with high cost of education at schools and in universities (expensive stationery and books). Respondents also mentioned corruption in universities, "impossibility of passing exams through one's individual effort", testing bias, delays in announcing results and non-compliance with relevant benefits at admission.

With regard to migration issues, they scored the lowest percentage among the respondents. Only 0.7% of respondents complained about difficulties with processing of citizenship and visas.

Analysis of the manifestations of problems depending on the age of the respondents identified the increased concern in people aged 60 and older in relation to processing and granting benefits prescribed by law (29%). This particular group of citizens deals with these procedures more often and the ineffectiveness of their implementation raises their criticism. At the same time, this category of respondents was least likely to face problematic issues related to work (7%). In contrast, the younger the respondents, the more they worried about issues related to employment, while benefit related problems are still irrelevant to them (Figure 1.2).

Fig. 1.2

The prevalence of problems with work and realization of benefits among different age groups, %



Analysis of specific manifestations of problematic situations in different regions has revealed that there are some differences in the answers of respondents (Table 1.2). Thus, the most frequently mentioned problems in Kherson, Lugansk and Kiev are violations of consumer rights. In the Chernigov and Khmelnytsky regions the most commonly mentioned problems are conflicts at work and processing of benefits.

Respondents were asked to rate the importance of the influence of the key issue they have chosen in their daily lives. As shown by the survey data, the vast majority of them (86%) reported the importance of this influence to a greater or lesser degree. Perhaps that is why the resolution of this problem was important to respondents: 63% felt it was extremely important and another 30% admitted it was rather important.

Table 1.2

The most common problems in regions, %*

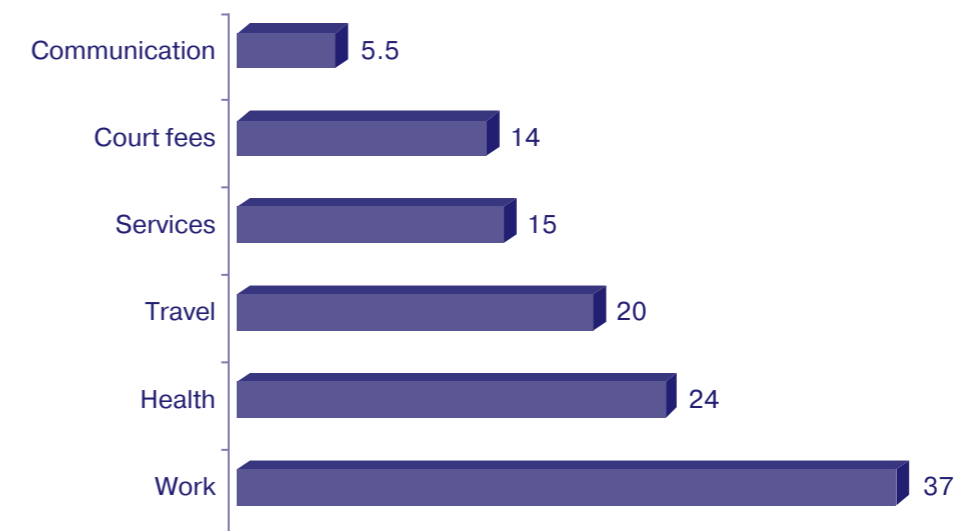
Region	Problems		
Kherson	34%	22%	20%
	Violation of consumer rights	Injustice in government authorities	Money
Lugansk	40%	22%	21%
	Violation of consumer rights	Medicine	Work
Chernigov	32%	31%	28%
	Work	Violation of consumer rights	Medicine
Khmelnytsky	24%	20%	19%
	Benefits	Violation of consumer rights	Work
Kiev	42%	26%	23%
	Violation of consumer rights	Medicine	Work

* The table shows the first three most common problems

Problems faced by the residents of our country and legal interventions required, result in different kinds of losses (Figure 1.3). This is admitted by the majority of respondents (64%). These are mainly financial and material costs. Among the main ones respondents indicated lost income in the form of damages associated with the loss of working hours or work in general, and spoiled reputation (37%). The second most important category of losses is health-related (24%). These include treatment costs, medical examinations, tests, etc. One fifth of respondents (20%) had to pay for travel, associated with the solution of the problems. Professional services also come at a considerable cost, as indicated by 15% of respondents. Yet, another 14% of respondents had to pay legal charges and fees associated with obtaining certificates and different kinds of receipts. The least significant item of expenditure was communication, mentioned by only 5.5% of respondents.

Fig. 1.3

Losses suffered by respondents when dealing with their problem, %*



* The sum exceeds 100% because respondents could choose more than one option

Analysis of actual losses and costs faced by respondents in the course of solving their problems shows that for rural residents the most considerable were the need to pay for travel and payment of legal charges and fees, associated with obtaining certificates and receipts. The latter type of financial costs is particularly relevant to this group of the respondents (25%)(Table 1.3).

Table 1.3

The most common types of costs in different types of localities, %*

Type of Locality	Types of Costs		
Regional center	41%	28%	27%
	Loss of income	Loss of health	The need to pay for travel
Town in the region	43%	32%	16%
	Loss of income	Loss of health	The need to pay for travel
Village, Urban-type settlement	39%	27%	25%
	Loss of income	The need to pay for travel	The need to pay court charges and fees associated with obtaining certificates and receipts

* The table shows the top three most common types of costs

Among the major losses that people had to incur when solving their problems in each region, as well as in general, the leading cost is the loss of income in one form or another (Table 1.4). Compared with the rest of the respondents, the Kiev region residents face those sorts of troubles more often (62%). At the same time, in Kherson region this type of costs was faced by only 33% of respondents.

Table 1.4

The most common types of costs in regions, %*

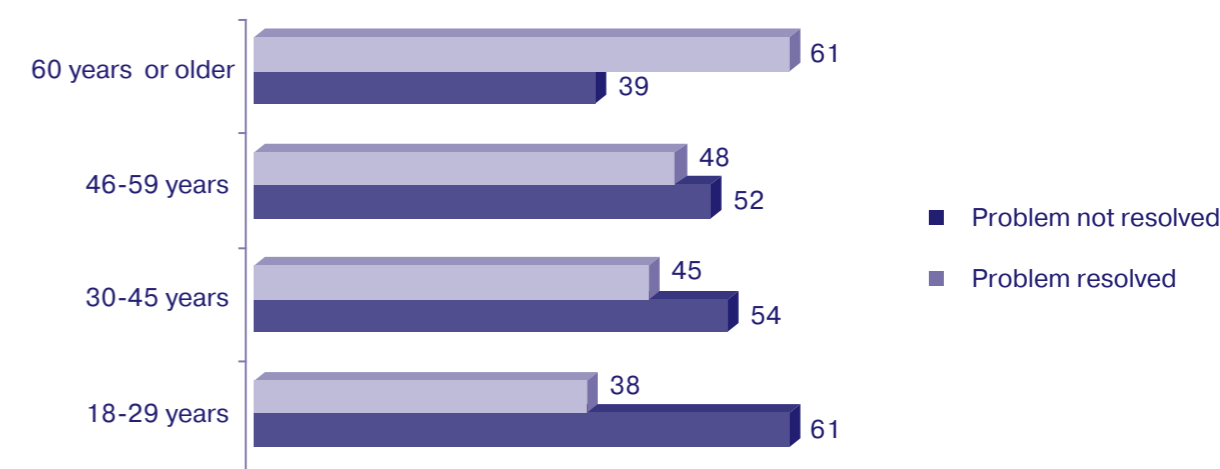
Region	Types of Costs		
Kherson	33%	21%	20%
	Loss of income	The need to pay for services	The need to pay for travel
Lugansk	37%	28%	21%
	Loss of income	The need to pay for travel	Loss of health
Chernigov	36%	35%	29%
	Loss of income	Loss of health	The need to pay for travel
Khmelnitsky	49%	26%	22%
	Loss of income	The need to pay for services	Loss of health
Kiev	62%	29%	22%
	Loss of income	Loss of health	The need to pay for travel

* The table shows the top three most common types of costs

Despite all the expenses and efforts, the problem remained unsolved for many respondents. This was admitted by 41% of respondents. Moreover, for 7.5% of respondents the situation grew worse. At the

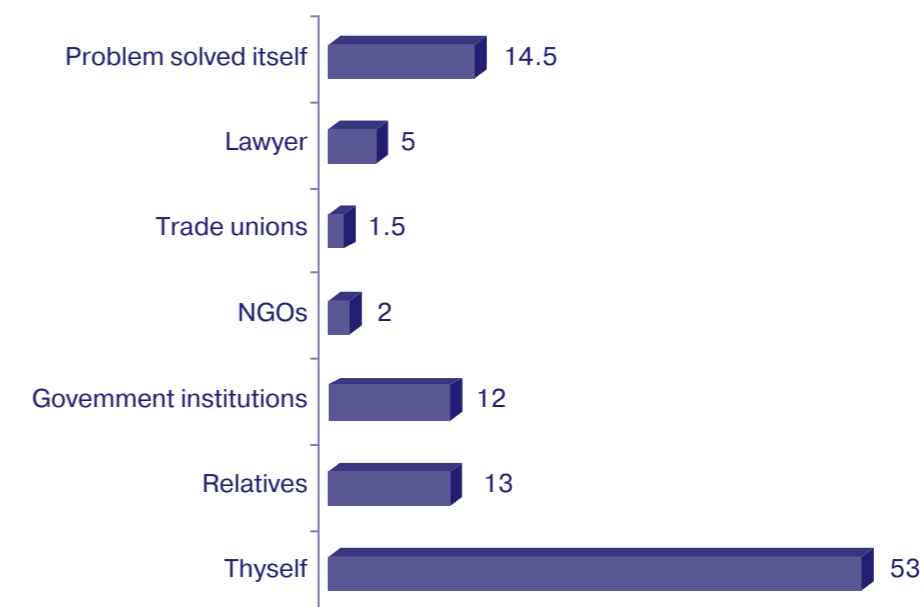
same time, 51% of respondents confirmed that in their case the problem had been either completely or partially solved. Among the elderly, compared to other age categories, there were more of those whose problem had remained unresolved (61%), indicating their social vulnerability (Figure 1.4). The younger the respondents, the greater their social activity, that allows them to quickly solve their problems.

Fig. 1.4

Results of problem resolution in different age groups, %

Who played the lead role in solving the problem of respondents and what was the share of government intervention in resolving the issues? In regards to this, respondents clearly see it as their own personal merits. 53% of respondents were able to resolve the problems by their own efforts. Another 13% received support from their relatives, friends or personal acquaintances. Employees of government agencies were helpful for 12% of respondents (Figure 1.5). The share of non-governmental organizations and trade unions was very small – 2% and 1.5% respectively. Another 5% got real help from their lawyer. The answer "the problem worked itself out" was chosen by 14.5% of respondents.

Fig.1.5

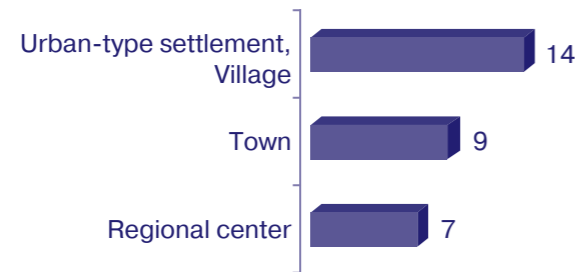
Who played a decisive role in resolving the problem, %

For many of the respondents timing of legal issue resolutions is numbered in months. This is partly confirmed by respondents' answers to the question "How long did your problem remain unsolved." For one third of respondents (32%) it took more than 6 months to resolve their problems and for 10% it took more than a year. At the same time, 50% of respondents managed their problem within a month.

For residents of villages and urban-type settlements the problem of timing of legal issue resolutions is especially acute. According to the results of the study, it took more than a year for the issue to be resolved for 9% of urban residents and 7% of regional centre residents, while it turned out to be almost twice as many of those among rural residents – 14% (Figure 1.6).

Fig. 1.6

The problem remained unsolved for more than 1 year, %*

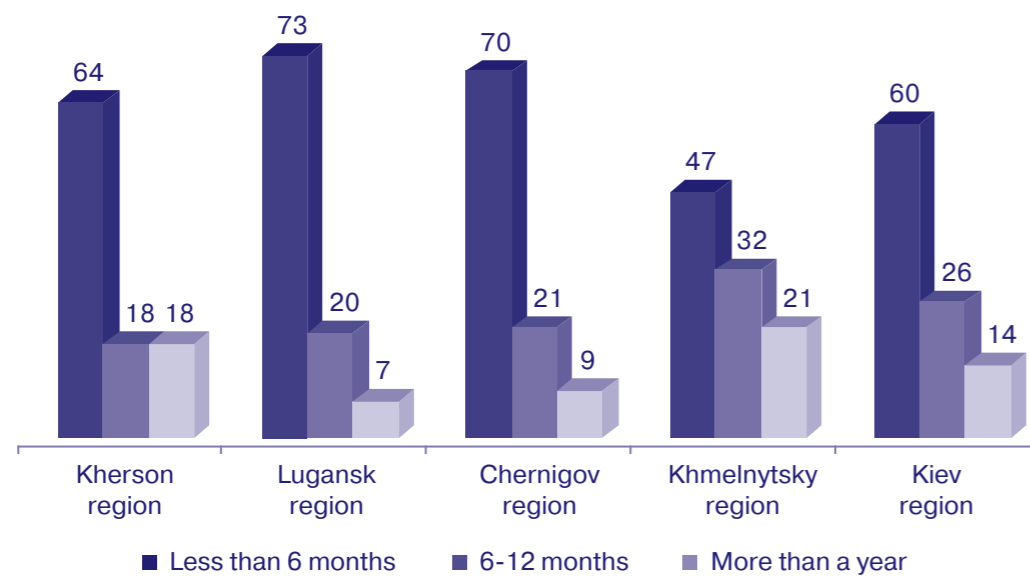


* Reflects the answers of the respondents who specified this term of problem resolution

The answers of respondents imply that in the Lugansk and Chernigov regions people solved their problems fastest. It takes longest for problems to be resolved in the Kherson and Kiev regions. The largest number of delays in problem resolution is faced by respondents in the Khmelnytsky region (Figure 1.7).

Fig. 1.7

Timeframe of problem resolutions in different regions, %



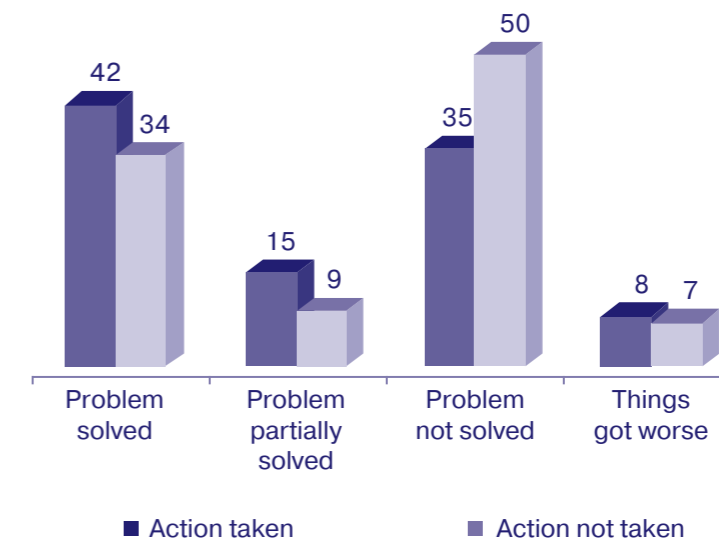
2

ACTIONS DIRECTED at SOLVING LEGAL PROBLEMS

In order to assess the level of citizen participation in solving their problems, the study raised a number of questions. The data show that the array of respondents was divided roughly into two equal groups, namely, those who took some action to solve problems (58%), and those who did nothing (42%). The meaning of the famous parable about a frog caught in a jug of milk is clearly demonstrated by the behavior of respondents who took actions to solve their problems. Figure 2.1 shows that among those respondents who tackled their problems, only 35% did not succeed. At the same time, among the passive group of respondents the number those whose problem remained unresolved was almost 50%.

Fig. 2.1

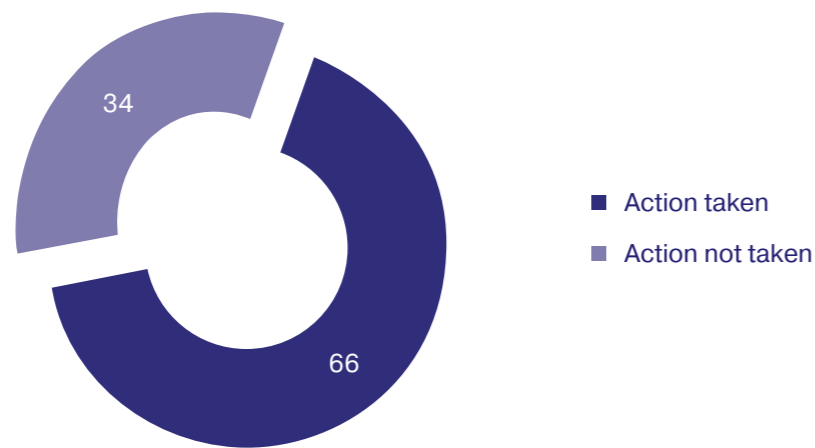
Problem resolution success rate depending on the level of respondents' activity, %



This is also clearly seen in Figure 2.2, which shows the proportion of those who acted and did not act to resolve their problems in the general population of respondents who achieved positive results to a greater or lesser degree. Active position led to success in 66% of cases.

Fig. 2.2

The proportion of active and passive respondents among those whose problems were resolved, %



Motivation of passive attitude includes the following points. First of all, people do not believe that their actions can change anything (56%). In addition, they are convinced that the process of problem solving is time-consuming (11%) and stressful (27%). One tenth of respondents had no idea where to apply in regards to the problem, and a further 9% were afraid of acting for the fear of negative consequences (Figure 2.3). It is not typical for our fellow citizens to blame themselves even when it is fully reasonable. Perhaps that is why only 1% of the respondents did not do anything because they recognized the rightness of other party of conflict. Another 18% believed that their problem would have worked itself out. This worked well for most of them (14.5% of respondents indicated that the problem indeed had resolved itself).

Fig. 2.3

Motives of passive attitudes to solving problems, %



Despite the fact that retirees were less active than people of other age groups in solving their problems, they should not be considered lazy or fearful – only 4% of them were afraid of taking any action, while 10.4% of respondents aged 18 -29 years were held back by this factor. Chances are, they are pessimistic

in assessing whether it is possible to change in the situation. Also, understanding that it will take a lot of time does not make them wish to address the problems. In addition, an important deterrent was the lack of knowledge of exactly where to go for help. This was reported by almost twice as many respondents in this age group compared with the rest of respondents (17.1%). The older the people, the smaller the number of those who rely on chance and hope, that their problem can work itself out. 22% of the respondents aged 18-29 years and just 13.7% of people aged 60 and older held this view (Table 2.1).

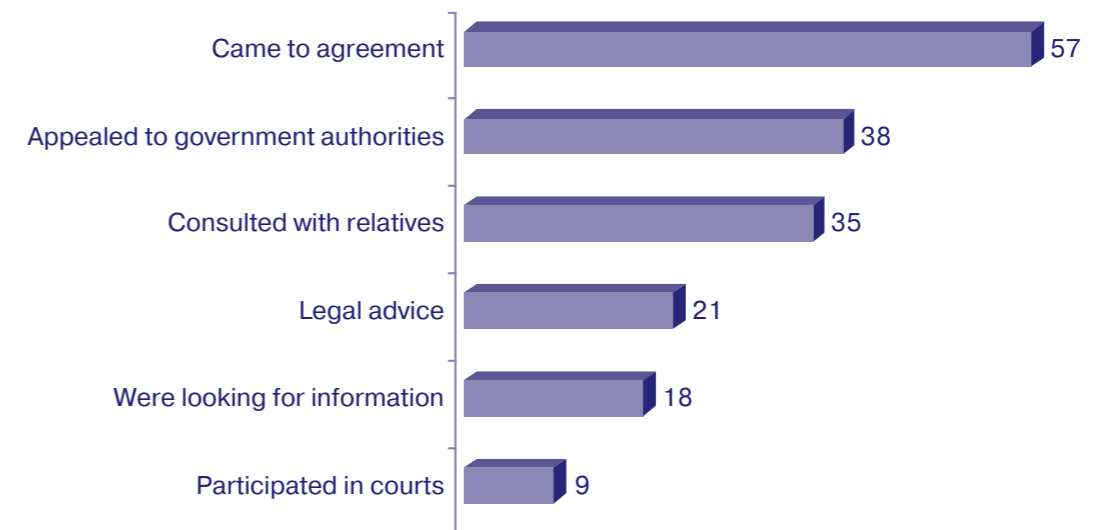
Table 2.1

Reasons for reluctance to act in different age groups, %

Reasons	18-29 years	30-45 years	46-59 years	60 years and older
Recognized the rightness of the other party of the conflict	1	0.7	1.1	1.3
Didn't attach importance to this	3.1	2.3	3.1	4.8
Believed the problem would solve itself	22	21.5	14	13.7
Believed it would be too time consuming	13.5	8	13.5	11.3
Believed it would be too costly	7.3	5	11.6	11
Believed it would be too stressful	26	23.8	30	29
Was fearful of acting	10.4	8.2	10	4
Didn't believe it would change anything	54	59	58	53
Didn't know where to apply for help	7.3	7.9	5.2	17.1

Fig. 2.4

Behavioral strategies of active respondents, %



Those respondents who took an active role in solving their problems have selected the following behavioral strategies. Most of them attempted to come to an agreement with the other party of the conflict independently (57%). Quite a few lodged complaints and petitions with the relevant government authorities (38%). Almost as many (35%) consulted with reference groups of their social circle – friends, relatives and acquaintances. One-fifth of respondents (21%) sought legal advice and another 18% were looking for

information that could assist them in solving their problems independently. Only 9% of respondents chose to actively participate in court hearings and proceedings (Figure 2.4).

Compared to other age groups of respondents, retirees have demonstrated their "battle-like" nature by lodging complains and appeals with the relevant government agencies more actively than others. They also were more likely to participate in court hearings and proceedings and less likely to cry quits and negotiate with the other party of the conflict (Table 2.2).

Table 2.2

Behavioral strategies of active respondents by different age groups, %

	18-29 years	30-45 years	46-59 years	60 years and older
Tried to come to agreement with the other part of the conflict	64.7	55.6	61.5	49
Was looking for information independently	15	24.4	18	11.6
Lodged appeals and complains with relevant authorities	24.8	34.6	38.2	52
Sought legal advice	21.1	19.2	20.3	21
Consulted with friends, relatives and acquaintances	30.8	36.3	34.2	34.5
Participated in court hearings and proceedings	7.5	9.5	5.4	10.4

There is a certain association between behavioral strategies and place of residence. Thus, the smaller the locality, the more people tried to use government bodies to resolve their problem. In contrast, residents of regional centers put less hopes on government authorities and tried to solve their problem on their own or with the help of close ones (Figure 2.3).

Table 2.3

Behavioral strategies of active respondents by place of residence, %*

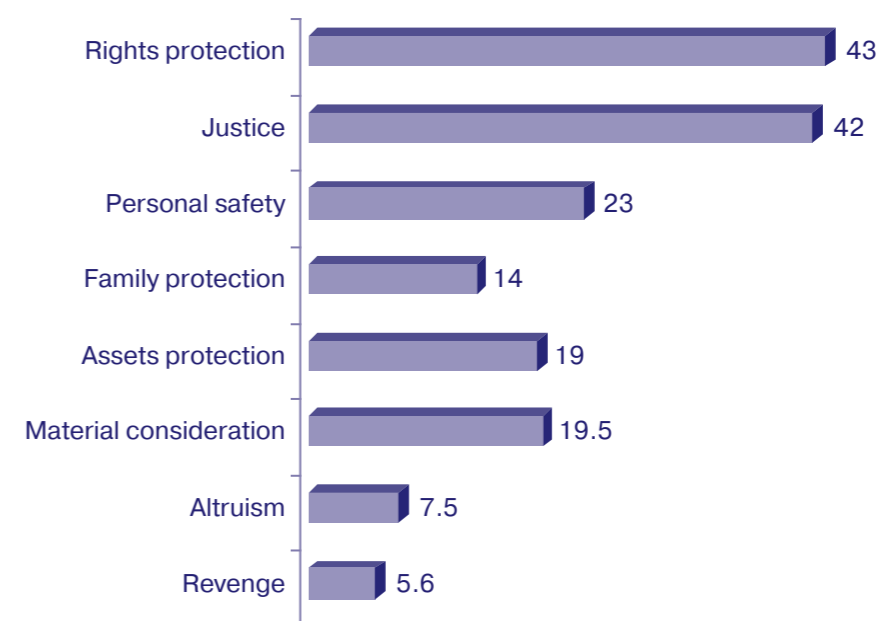
Type of locality	Actions		
	62%	36%	30%
Regional centre	Tried to come to agreement with the other party of the conflict	Consulted with friends, relatives, acquaintances	Lodged appeals and complains with relevant authorities
Town in the region	55%	42%	34%
	Tried to come to agreement with the other part of the conflict	Lodged appeals and complains with relevant authorities	Consulted with friends, relatives, acquaintances
Village, Urban-type settlement	56%	48%	34%
	Tried to come to agreement with the other party of the conflict	Lodged appeals and complains with relevant authorities	Consulted with friends, relatives, acquaintances

* The table shows the top three most common actions

The active position of respondents was motivated by the following. In most cases people were driven by the intention to protect their rights (43%) and restore justice (43%). These are followed by personal safety reasons (23%), the need to protect their families (14%) and protecting their assets (19%). Desire to receive material (monetary) consideration motivated 19.5% of respondents (Figure 2.5). 7.5% of respondents had altruistic motives and wanted to make sure nothing like that ever happens to other people. Also, there was a small number of people seeking revenge and punishment of the guilty (5.6%).

Fig. 2.5

Motivation of the active position of respondents in solving their problems, %



The study showed that even though people take active steps to address their problems, most of them are still not ready to work with legal information from various sources independently. Most respondents (77%) did not make such attempt. Those who were looking for information were able to get it from the Internet (12%), newspapers (9%), brochures, booklets and books (8%), television or radio (6.5%). For most of respondents this information was more or less useful (89%) and only 11% could not find anything they needed. 65% of respondents felt it was fairly easy to get information from these sources, compared to 35% of those who faced certain difficulties in finding information from those data sources.

Fig. 2.6

Effectiveness of information channels, %

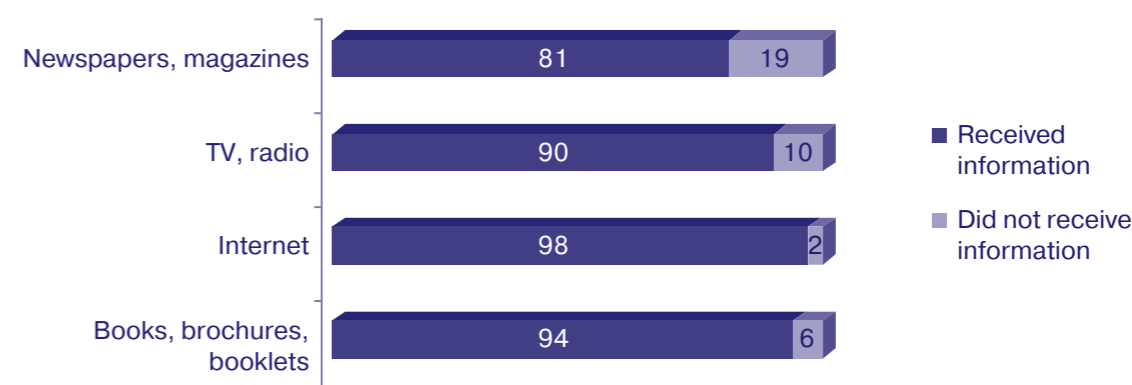


Figure 2.6 shows that the most effective source of information for respondents was the Internet (only 2% of respondents did not find the required information). The most unsatisfying sources of information were periodicals, such as newspapers and magazines (19%).

The results of the survey show that respondents used various sources to obtain legal information to solve their problems. In the Chernigov and Khmelnytsky regions most people sought answers in specialized brochures, booklets or books (Table 2.4). In the Kherson region newspapers with ads and information are more widely used. Internet is more widespread in the Kiev region. As we can see in the table, this source of data is thought to be one of the most informative in all regions.

Table 2.4

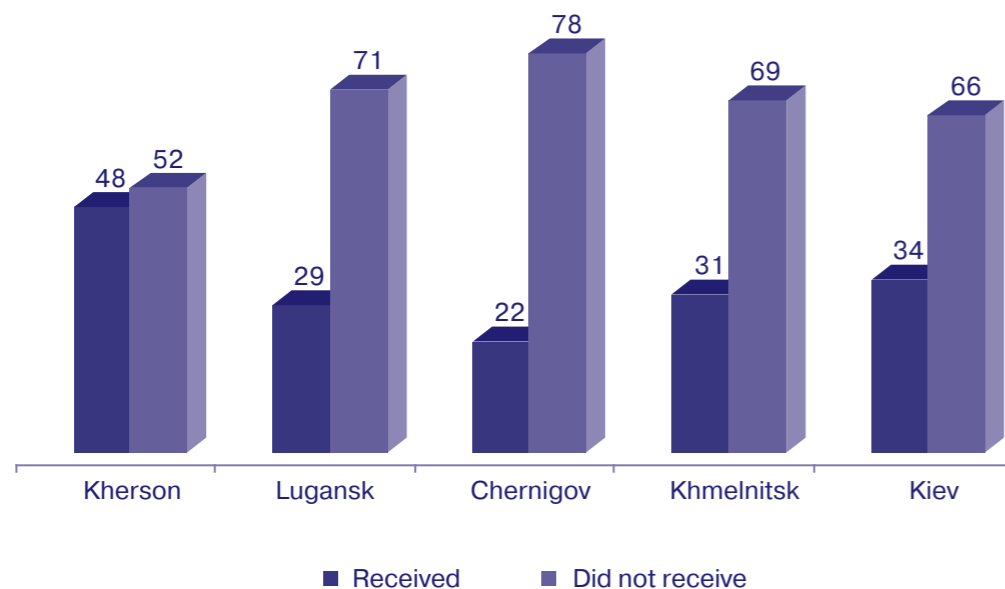
Information sources used, %*

Region	Sources of information
Kherson	Newspapers 22%, Internet 8%
Lugansk	TV, radio 18%, Internet 15%
Chernigov	Brochures, booklets, books 13%, Newspapers 9%
Khmelnytsky	Brochures, booklets, books 15%, Internet 14%
Kiev	Internet 13%, TV, radio 7%

* The table shows the top two most popular sources of information

Fig. 2.7

Did you receive any legal advice regarding the problem, %



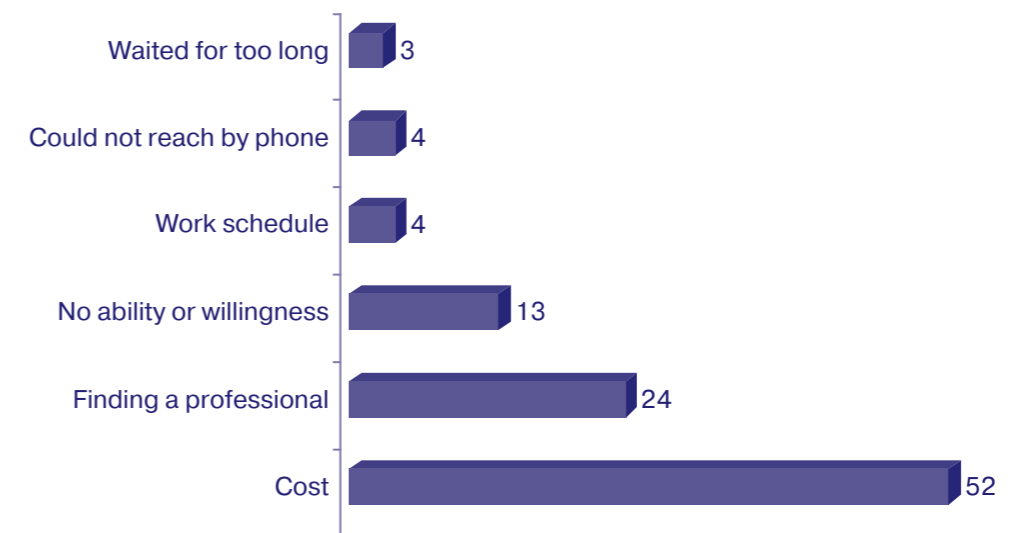
By no means all survey respondents sought legal advice. 62% of them were not going to do it, while 6% wouldn't mind it, but could not get it for various reasons. The remaining 32% of respondents received legal advice.

Getting legal help was most popular in the Kherson region (48%). Least number of people going for help to lawyers was in the Chernigov region (22%).

The leading reason for not being able to receive legal help is high cost of legal services – this was noted by 52% of respondents. Also, it is rather hard to find a fine professional (24%). In some cases professionals or agencies didn't have the ability or willingness to provide assistance (13%). Accessibility of legal services is also determined by the convenience of obtaining legal help. In particular, working hours of service providers must be convenient to the client. In 4% of cases consultation hours were not convenient for respondents, and another 4% were unable to reach them by phone. 3% of respondents also reported having to wait for their attention for too long without being assisted. (Figure 2.8).

Fig. 2.8

Reasons for inability to obtain legal advice, %



Analysis of the reasons of inability to obtain legal aid shows that in the Chernigov region, as well as the Lugansk and Kiev regions, the main obstacle was high cost of services (Table 2.5). Such factor as difficulty in finding the right professional became the major barrier in the Kherson region (52%). In the Kiev and Chernigov regions this factor was also among the influential ones, but in much smaller proportions (12% and 36% respectively). In the Lugansk region 22% of respondents indicated lack of ability or willingness to help on the part of service providers.

Table 2.5

Reasons for inability to get legal advice, %*

Region	Reasons
Kherson	Could not find professional 52%, High cost of services 21%
Lugansk	High cost of services 54%, Professional or the agency didn't have the ability or willingness to provide assistance 22%

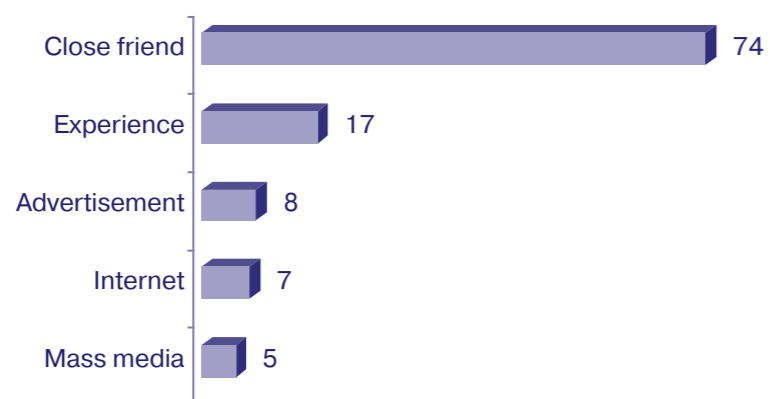
Region	Reasons	
Chernigov	74% High cost of services	12% Could not find professional
Kiev	65% High cost of services	36% Could not find professional

* The table shows two main reasons

Information about the opportunity to obtain legal aid is received mainly from close ones – friends, relatives and colleagues (74%). Own experience also plays an important role in deciding where to apply for help (17%). After this only people take into account wider channels of information – Advertising (8%), Internet (7%) and Mass media (5%) (Figure 2.9).

Fig.2.9

Sources of information about legal aid services, %



The distribution of the role of information sources about legal services depending on place of residence of respondents is an interesting thing to mention (Table 2.6). Usage of Internet is directly proportional to the size of settlement. The smaller it is the less people rely on this source of information. In addition, such source of information as previous experience was not significant for residents of regional centers. Advice of friends, relatives or colleagues turned out to be much more accessible and informative for this category of respondents.

Table 2.6

Sources of information about legal aid services, %*

Type of Locality	Information source		
Regional centre	80% Advised by friend, relative, colleague	21% Advertising of those services	17% Internet
Town in the region	76% Previous experience	16% Advised by friend, relative, colleague	6% Internet

Type of Locality	Information source		
Village, urban-type settlement	72% Previous experience	25% Advised by friend, relative, colleague	7% Mass media

* The table shows top three sources of information

At the same time the real help in finding and obtaining legal support for many of the respondents came from their close ones independent of the region of residence (Table 2.7). In the Chernigov region most people received information from this particular source. But the proportion of other sources of information varies by region. For example, in the Kherson region previous experience helped 31% of respondents and in the Kiev region it was true for only 10% of respondents. In Chernigov region a third of respondents received the relevant information from advertising, while in other regions this source was not among the leading ones.

Table 2.7

Sources of information about legal aid services, %*

Region	Information Sources	
Kherson	70% Friends, relatives, colleagues	31% Previous experience
Lugansk	78% Friends, relatives, colleagues	17% Previous experience
Chernigov	81% Friends, relatives, colleagues	33% Advertising
Khmelnitsky	79% Friends, relatives, colleagues	8% Internet
Kiev	69% Friends, relatives, colleagues	10% Previous experience

* The table shows top three sources of information

The question of whether people were willing to pay for legal advice resulted in mixed reactions. Equal number of respondents was not willing to pay at all (38%) and would have paid as much as needed without hesitation (38%). The average cost of advice considered acceptable and reasonable by respondents was about 50 UAH. In real life our desires don't match the reality, so, on average respondents had to pay about 100 UAH for legal advice.

Comparative analysis of how much respondents had been requested to pay for legal aid and how much they actually paid shows that respondents' financial abilities almost completely match the cost of legal services. This is evident from the data on how much had been requested and how much people ended up paying (Table 2.8). These amounts are almost identical. This suggests that people in Ukraine pay as much as requested and are not in a position to dictate their terms. On the other hand, most legal aid charges do not exceed 100 UAH, which makes them more or less affordable, despite the fact that high cost of these services is a major barrier for people.

Table 2.8

What had been requested and what was actually paid, %

Region	Requested / Paid		
	Less than 100 UAH	100-300 UAH	More than 300 UAH
Kherson	72 / 74	20 / 18	8 / 8
Lugansk	84 / 85	12 / 10	4 / 5
Chernigov	88 / 88	3 / 6	9 / 6
Khmelnitsky	92 / 92	-/-	8 / 8
Kiev	79 / 77	12 / 15	9 / 9

In most cases respondents paid on their own (64%), and rarely resorted to the help of relatives (3.5%). In individual cases, non-government organizations helped to pay for legal services (0.6%). Third parties in the form of government organizations, insurance companies and authorities at work were not involved in such cases.

In order to study the opinion of Ukrainians about how much they are willing to pay for legal services and whether they consider existing rates fair, we propose them to assess whether the current cost of legal services is justified. Our data show that 46.8% of respondents think that lawyers overprice their work. However, 15.7% of respondents admitted that lawyers' remuneration was fair, and less than 1.8% of respondents thought that lawyers should charge more for their services (Figure 2.10).

Fig. 2.10

Assessment of reasonableness of existing level of lawyers' remuneration in Ukraine



The hierarchy of popularity of legal advice providers is presented in Figure 2.11. The leaders are both professional lawyers and close ones. The latter were selected as consultants because they already had similar experience and were nearby. Non-core government or public organizations are not very popular. In addition, such types of assistance as a legal clinic or office of free legal aid are still exotic in our country.

Fig. 2.11

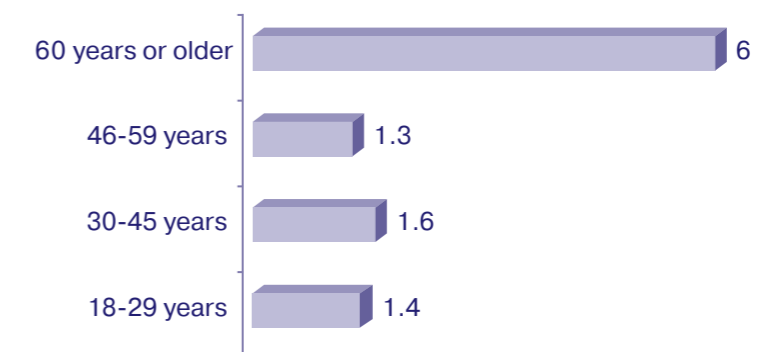
Distribution of respondents' answers to the question "Who gave you legal advice?", %



Low income of retirement age people is the main reason for failing to seek legal assistance. On the other hand, this explains their relatively frequent appeals to non-governmental organizations that provide such services either free of charge or for a nominal fee, if compared to other age groups of respondents (Figure 2.12).

Fig. 2.12

Requests for legal assistance from non-governmental organizations by respondents of different age groups, %*



Close ones played the leading role in advising on the problem to the residents of regional centers. In turn, people from towns in the regions and villages received help primarily from lawyers. (Table 2.9).

Table 2.9
Providers of legal advice, %*

Type of locality	Legal advice provider		
Regional centre	40% Relatives, friends, acquaintances	36% Lawyer	32% The Lawyer I know
Town in the region	40% Lawyer	23% Relatives, friends, acquaintances	20% Government organization
Village, urban-type settlement	41% Lawyer	23% Relatives, friends, acquaintances	21% Government organization

* The table shows top three legal advice providers

The leadership of lawyers as legal help providers is present in almost every region of interest, except the Chernigov region. Here, the leading goal was played by close ones – family and friends, followed by friends who happened to be lawyers. Professional lawyers ranked third. In the Khmelnytsky region lawyers were the most popular legal help providers, while in the Lugansk and Kiev regions their services were the least popular. It was interesting to see that legal clinics, which are poorly represented in most regions of Ukraine, were quite popular in the Kherson region – 18% of the respondents used this legal aid provider (Table 2.10).

Table 2.10
Providers of legal advice, %*

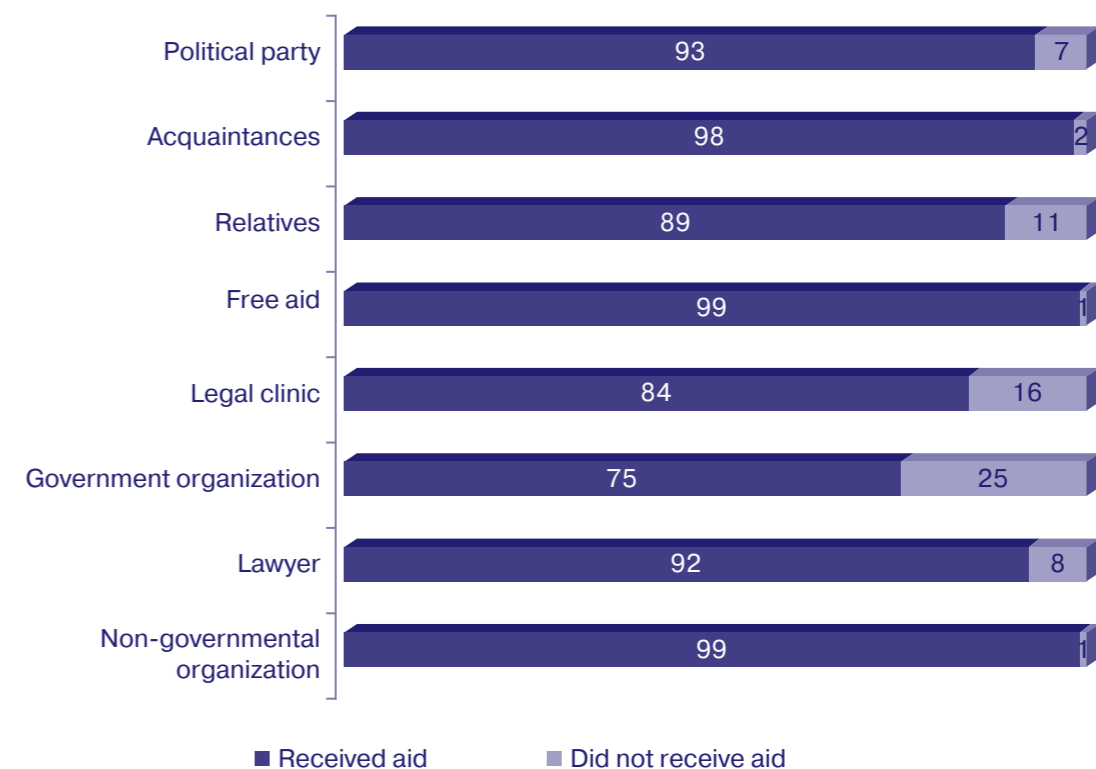
Region	Legal advice provider		
Kherson	46% Lawyer	22% Government organization	18% Legal clinic
Lugansk	35% Lawyer	28% Relatives, friends	22% Government organizations
Chernigov	55% Relatives, friends	27% Friend lawyer	26% Lawyer
Khmelnytsky	71% Lawyer	17% Government organization	11% Relatives, friends
Kiev	35% Lawyer	28% Relatives, friends	25% Friend lawyer

* The table shows top three legal advice providers

Respondents were generally satisfied with the volume of assistance that had been provided to them. 39% of respondents were provided with all the information they needed and 48% partially received the information they needed. Only 12% received no information regarding their problem.

At the time when the general level of effectiveness of most legal aid providers was high enough, respondents identified certain shortcomings in the work of government organizations and legal clinics. Figure 2.13 shows the percentage of those respondents who received or did not receive legal assistance from various sources.

Fig. 2.13
Percentage of respondents who received or did not receive legal assistance from various sources, %



Operational efficiency of legal aid provision was given positive appraisal by respondents. 36% of them received help fast and always on time, 28% – almost always and quickly, and 20%, with varied success. Insignificant proportion of respondents (16%) remained dissatisfied with the quickness of legal aid provision.

The leading reason for choosing one or another agent was personal experience of agents (21%) and experience of those who had already received help from the providers and could then recommend their services to others (35%). A quarter of respondents had no choice as that was the only option for them (24%). This is followed by convenience of location (18%), cost of services (12%) and qualifications (11%).

Details in regards to the essence of legal aid are presented in Table 2.11. In general, there are three types of assistance. The first one is about assisting in guiding the client as to the objects and subjects of the problem situation (where and who to go to, what to say or what to do). Much of help falls at the preparation of necessary documents. And finally, the third category is concerned with mediation and representation of clients in formal and informal settings. In the Kherson and Khmelnytsky regions most respondents sought assistance for preparation of necessary documents. At the same time, in the Luhansk, Chernigov and Kyiv regions people sought advice on how and what to say and to do in order to solve their problem. Such service as representation of clients either directly or indirectly, was among the three most frequently rendered in the Chernigov (29%) and Khmelnytsky (7%) regions (Table 2.12).

Table 2.11

Distribution of answers to the question about the essence of legal aid*

Types of aid	%
I was advised what to do and to say	47
Prepared documents for me	39
I was directed to appropriate government agencies and organizations	23
I was assisted in court	17
Represented my interest before the other party	15
Helped me to negotiate with the other party and settle everything	9
Helped to meet the right people	6
Helped to contact the other party of conflict	5.6
Helped in telephone conversations, correspondence	5
Helped to bribe the right people	1

* The sum exceeds 100% because respondents could choose more than one option

Table 2.12

Distribution of answers to the question about the essence of legal aid by region *

Region	Type of aid		
Kherson	36% Preparation of documents	34% Advised what to do and to say	20% Directed to the appropriate government agencies and organizations
Lugansk	59% Advised what to do and to say	43% Preparation of documents	29% Directed to the appropriate government agencies and organizations
Chernigov	43% Advised what to do and to say	29% Helped with correspondence and negotiations	25% Preparation of documents
Khmelnitsky	52% Preparation of documents	30% Advised what to do and to say	7% Represented my interests
Kiev	53% Advised what to do and to say	44% Preparation of documents	27% Directed to the appropriate government agencies and organizations

* The table shows top three legal aid types

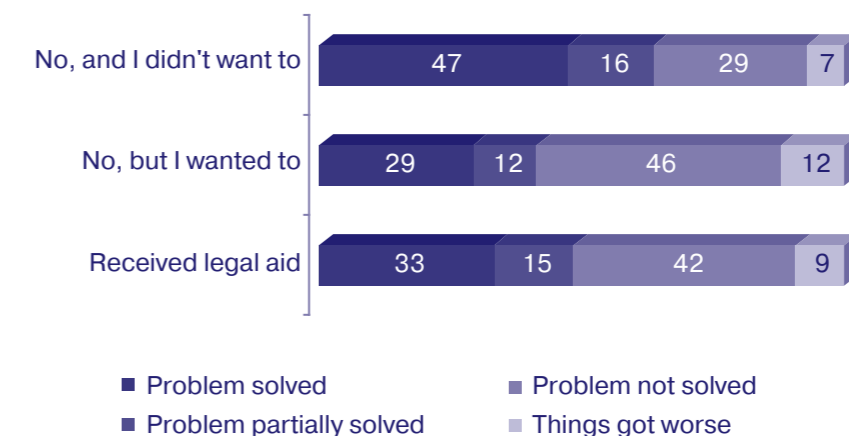
Communication with the consultant occurred mainly in person (95%). Mediators in the form of technical means of communication were used much less frequently (telephone – 25%, e-mail – 1%, ordinary mail – 0.5%).

One of the driving forces in choosing service providers is their proximity. Even if one has to travel to the provider, it should not take more than 1 hour. This is declared by the majority of respondents (78%). Another 17% of respondents spent 1 – 3 hours travelling. The main mean of affordable mobility for the country's population is still public transport (52%). 28% chose to travel by bicycle or walk. Individual transport (car) was used by 17% of respondents.

Is legal support a necessary condition for solving the problem? According to the study, there was no direct connection between the receipt of legal advice and success in problem resolution. Comparative analysis of respondents' answers about the result of problem resolution, depending on whether they received legal advice or not, showed that this type of aid does not play a significant role, as it may seem. Figure 2.14 summarizes data, demonstrating lack of clear association. Among respondents who had received legal services, the number of those who solved or did not solve their problem is almost equal. Among respondents who did not receive and did not even want to get legal help for one reason or another, 63% finally managed to resolve their problems by other means.

Fig. 2.14

Rate of success among respondents who received or did not receive legal help, %



It should be noted that government organizations are still the most important agent in solving legal problems for Ukrainian citizens. Thus, according to the research, 61.5% of the respondents, concerned with finding justice, sought help from government organizations (Figure 2.15).

According to the data, less than half of respondents sought help from government bodies only in the Khmelnytsky region. Nevertheless, their number was 47.4%. Otherwise, it should be noted that a significant number of respondents have tried to solve their problems with the help of government authorities. Thus, in the Chernigov, Kherson, Lugansk regions their number was more than 60%.

Results of the study allowed us to make up a rating. Thus, the most popular public body to solve legal problems in Ukraine is court. Among the ten other government bodies used by Ukrainians are state notariat, District Councils, BTI and State Committee for land resources. This indicates that legal aid is most widely used in relation to sales and purchases of real property and land (Table 2.13).

Fig. 2.15

Number of respondents seeking help from government bodies in different regions of Ukraine, %



Table 2.13

Rating of the most in-demand government bodies used by people, seeking to solve various legal problems

Type of government organization	Rating	Number of respondents seeking help (%)
Court	1	24.1
State notariat	2	15.2
District council	3	13.4
Office of Consumer Protection	4	10.9
BTI	5	10.3
State Committee for Land Resources	6	9.7
Militia	7	9.4
Pension fund	8	9.2
Public prosecution office	9	7.3

Popularity of consumer protection bodies should also be noted. This is not surprising, since consumer rights violation was found to be the most common cause of legal problems of the Ukrainians. Pension Fund of Ukraine is demanded to almost the same extent, as indicated by representatives of the category "children of war", many of whom face various problems with recalculation of pensions.

The survey revealed some regional features, reflected in the fact that in various regions people prefer to turn to different government bodies. Thus, residents of the Lugansk, Kiev and Khmelnytsky region most often go to courts, while residents of the Chernigov and Kherson regions turn to Office of Consumer Protection (Table 2.14).

Obviously, the index of demand of various government organizations largely depends on the problems faced by the region's residents. It may be noted, that in the Khmelnytsky and Luhansk regions a significant number of respondents are faced with problems of calculation and recalculation of pensions, which cause them to turn to the Pension Fund. In the Lugansk and Chernigov regions problems associated with land ownership and real estate are more common. Therefore, some of the most in-demand government institutions here are the State Committee of Land Resources, BTI, State notariat and district councils.

Table 2.14

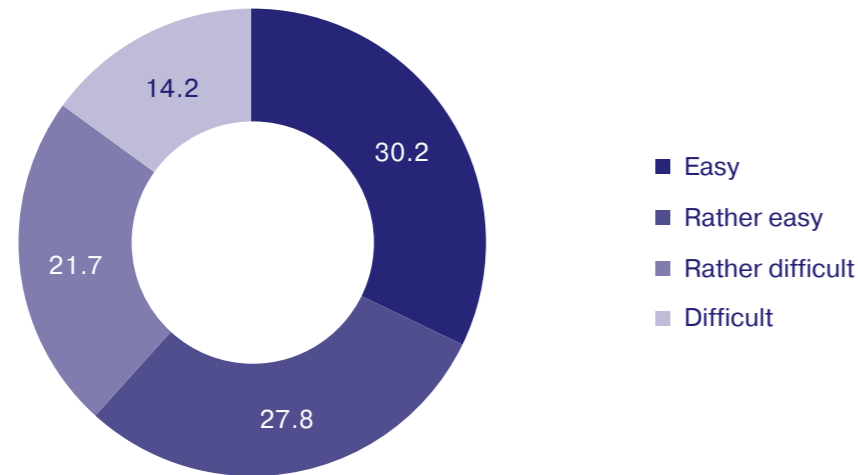
The most in-demand government bodies used for solving legal problems (regional features)

Region	Organizations people turn to	%
Kherson	Office of Consumer Protection	23.9
	District Council	23.3
	Tax administration	21.3
	Court	19.6
	Militia	15.2
	State notariat	15.2
Lugansk	Court	35.1
	State notariat	21.8
	BTI	14.1
	State Committee for Land Resources	14.1
Chernigov	Office of Consumer Protection	23.8
	Court	20.0
	Militia	14.3
	Public prosecution office	9.5
Khmelnytsky	State Committee for Land Resources	9.5
	Court	15.8
	Pension fund	15.8
	BTI	10.5
Kiev	Court	16.7
	State notariat	14.3
	District Council	9.5
	Militia	9.5
	BTI	9.5

However, appeals to government bodies are preceded by some search, which aims to determine which body should be addressed. Among the respondents who appealed to government organizations, 30.2% admitted it had been easy to determine this and 27.8% said it had been rather easy. At the same time, 35.9% of respondents encountered difficulties when choosing a relevant government body.

Fig. 2.16

Distribution of respondents' answers to the question "How easy was it to determine which government body to turn to for help"



To compare regional features of information availability about operation and procedures of government organizations, we have determined accessibility index for different regions of interest. The results of comparison show that least troubles in finding a government agency were faced by residents of the Lugansk and Chernigov regions. In those regions difficulties were experienced by 28.2% and 19.1% respectively.

However, this is only a relative measure. For residents of the Kherson and Kiev regions it was hardest to find this information and determine which organization to contact. Thus, 45.0% of residents of the Kiev region who appealed to government bodies for help, faced difficulties in finding relevant institutions. Among residents of the Kherson region this number was even higher – 59.6%.

Fig. 2.17

Distribution of respondents' answers to the question "How easy was it to determine which government body to turn to for help?" (regional aspect)

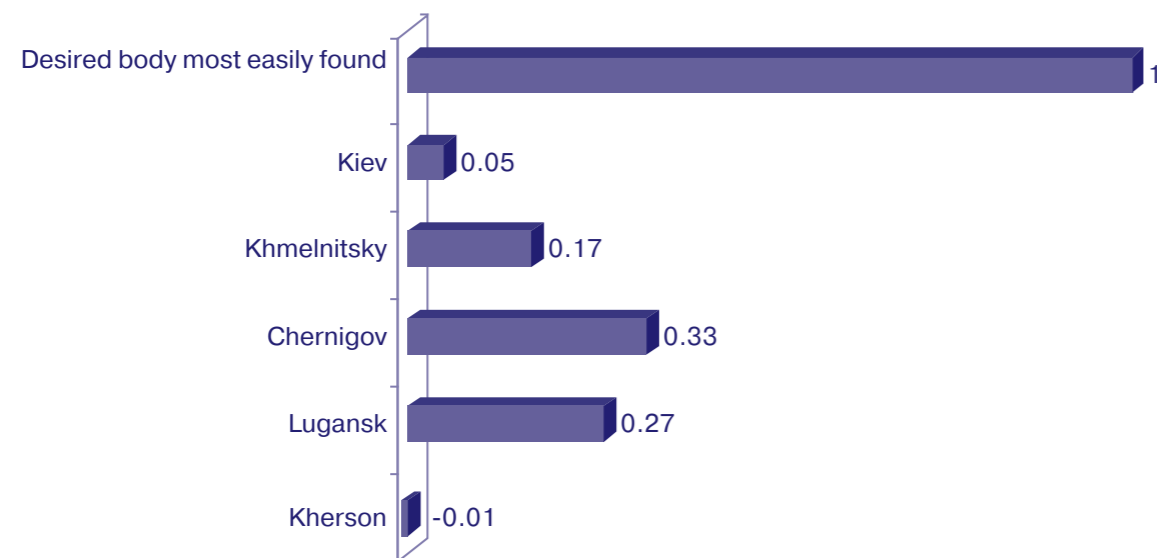
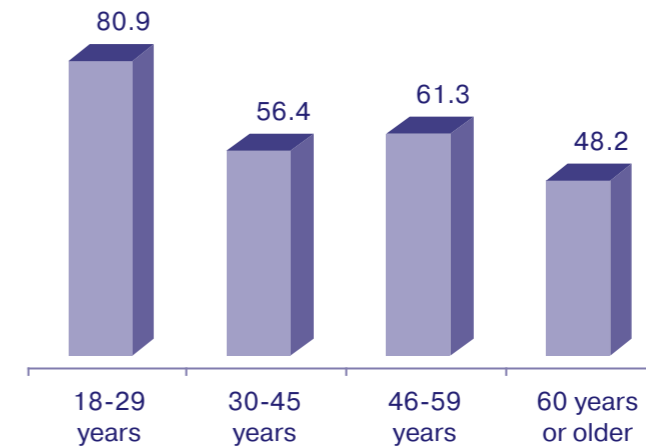


Figure 2.18 shows that information search about relevant government bodies was much easier for young people. For example, among those 30 years of age more than 80% indicated that it had been easy to identify which government organization to seek help from. Among people 60 years of age and over the information search was easy in less than half cases (48.2% of respondents).

Fig. 2.18

Number of respondents who found it easy to determine which government body to turn to for help (for different age groups)



To their credit, government employees, as indicated by a significant number of respondents, were trying to help. Thus, 33.0% of respondents indicated that their appeal was recorded and 23.9% of respondents referred to the fact that employees of government agencies took certain actions, however, after persistent requests. One-fifth of respondents (21.6%) indicated that employees of government bodies "did whatever was necessary" to help them.

Fig. 2.19

Actions of employees of government bodies in relation to citizens seeking help in solving legal problems



Analysis of the data by region shows that in most regions the strategy of employees of government bodies was expressed in formal actions aimed at appeals registration. This was pointed out by about half

of the respondents in the Kherson and Chernigov regions, and 19% of respondents in the Kiev region. It should be noted that the Luhansk region is the exception. Here, 47.7% of respondents seeking help from government bodies pointed out that employees of these institutions "did everything to help them." Also, it should be mentioned that in the Kherson and Kiev regions about one sixth of respondents were refused to register their application or discouraged to do anything (Table 2.15).

Table 2.15

Actions of employees of government bodies in relation to citizens seeking help in solving legal problems (regional aspect)

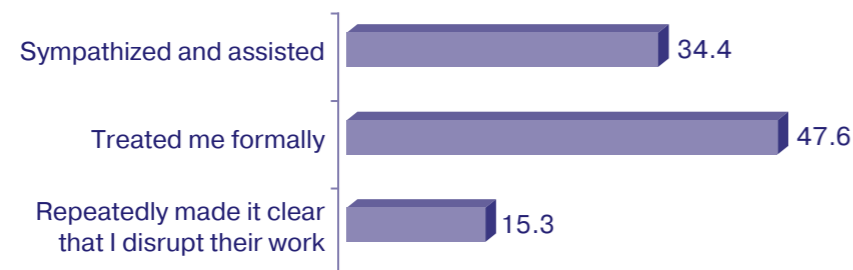
Behavior of government bodies officers	Regions				
	Kherson	Lugansk	Chernigov	Khmelnitky	Kiev
Explained that it was not their jurisdiction, refused to register the application	12.8	11.5	9.5	-	14.3
Discouraged to act	6.4	1.3	-	-	4.8
Sent to other bodies, organizations	17.0	24.4	9.5	15.8	9.5
Registered my appeal	46.8	32.1	52.4	15.0	19.0
Took some actions after persistent requests	21.3	38.5	15.0	10.5	11.9
Did everything to help	25.5	47.7	30.0	5.6	9.5

However, at the same time, the study identified a group of respondents who did not find support in government organizations. Thus, 10.7% of respondents were refused to register their applications. Another 3.4% were discouraged to do anything, and 17.1% were referred to other bodies or institutions. So, for some respondents appealing to government bodies became some kind of barrier, which needed to be overcome to achieve a result. These data are confirmed by the answer to the question "Have you received support from government employees?" (Figure 2.20). Thus, 15.3% of respondents indicated that they had been repeatedly made clear that they disrupted the work of public officers. Legal issues of another 47.6% of respondents were treated formally.

A positive fact is that 34.4% of respondents indicated sympathy and assistance from employees of government bodies and institutions.

Fig. 2.20

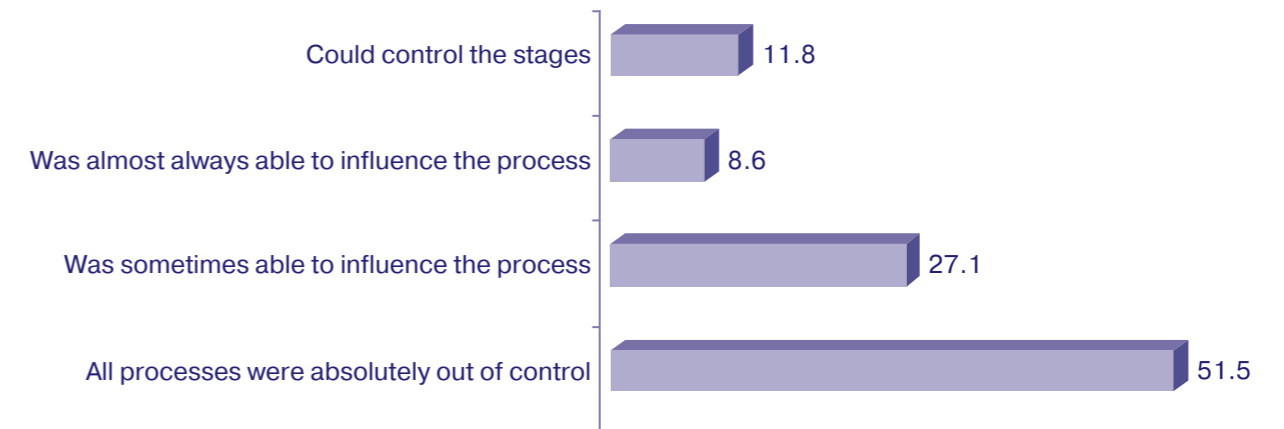
Attitude of employees of government bodies to respondents seeking help in solving legal problems



A separate factor which largely determines the success of attain justice is the ability to influence the process of problem solving in government bodies. The ability to control all the stages of the process was indicated by only 11.8% of respondents (Figure 2.21). Another 8.6% admitted that they had been able to "almost always affect the course of affairs." However 27.1% of respondents admitted that they had only been able to affect the process "from time to time." The majority of respondents (51.5%) stressed that all processes had been completely beyond their control.

Fig. 2.21

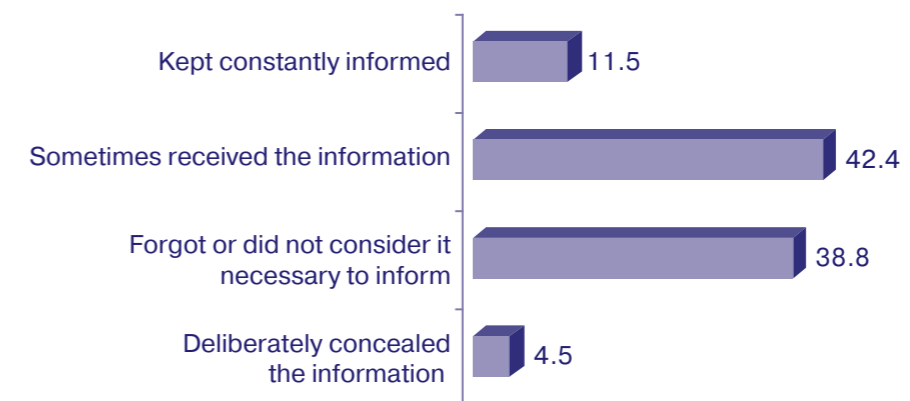
Evaluation of the the ability of respondents to influence the process of problem resolution in government bodies



In our opinion, one of the factors which caused this situation was absence of any system (and culture) of informing recipients of different legal services in government bodies. The person, who does not have any information about the progress of his case, loses any ability to respond and to influence the course of the process and becomes a kind of hostage of this situation, as in Kafka's novel "The Trial". Thus, 42.4% of respondents indicated that they had been receiving information about the progress of their case "occasionally" (Figure 2.22). Only 11.5% of respondents indicated that they had been constantly informed (these were the same respondents who indicated having the opportunity to influence the course of the process). At the same time, 38.8% of respondents who had applied to government bodies for help indicated the fact, that public employees did not consider it to be their duty to inform them or forgot to do it. Another 4.5% of respondents faced with the fact that information had been deliberately hidden from them.

Fig. 2.22

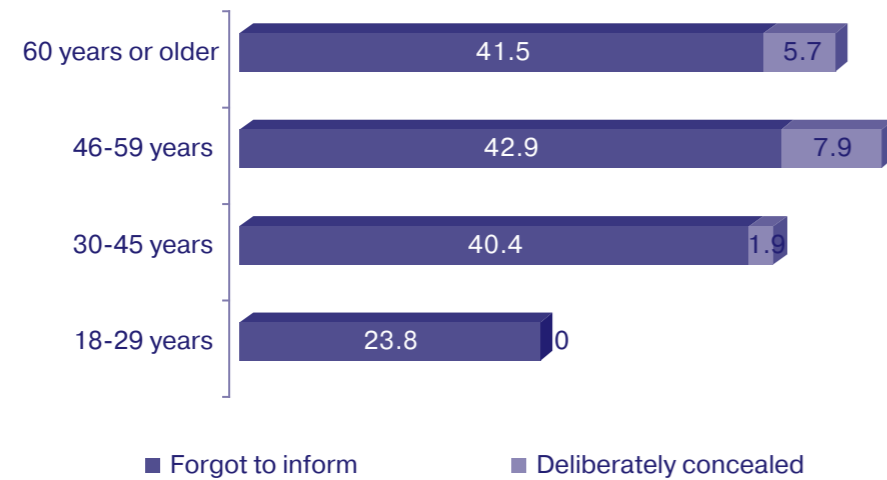
Evaluation of information provision to respondents in the course of their problem resolution in government bodies



Let us note that more than half of respondents over 46 years of age said they had not received any information on their case for one reason or another. Slightly fewer (42.3%) of respondents aged 30 – 45 became the victims of this kind of attitude. Only those younger than 30 years of age faced significantly less problems with getting information concerning their cases (Figure 2.23).

Fig. 2.23

Respondents' assessment of how well they were informed in the course of solving their legal problems in government bodies by age



It was interesting to study which of the agents of legal aid had the greatest influence on final outcomes of the cases (Figure 2.24, Table 2.16). Thus, the poll shows that social environment (relatives, friends and acquaintances) had the most significant impact on the outcome. To certain extent situation was positively influenced by respondents' lawyers. As for other agents, according to the analysis, they did not help in solving problems (although, did not make it worse).

Fig. 2.24

Distribution of respondents' answers to the question "Who influenced the outcome of your legal problem?"

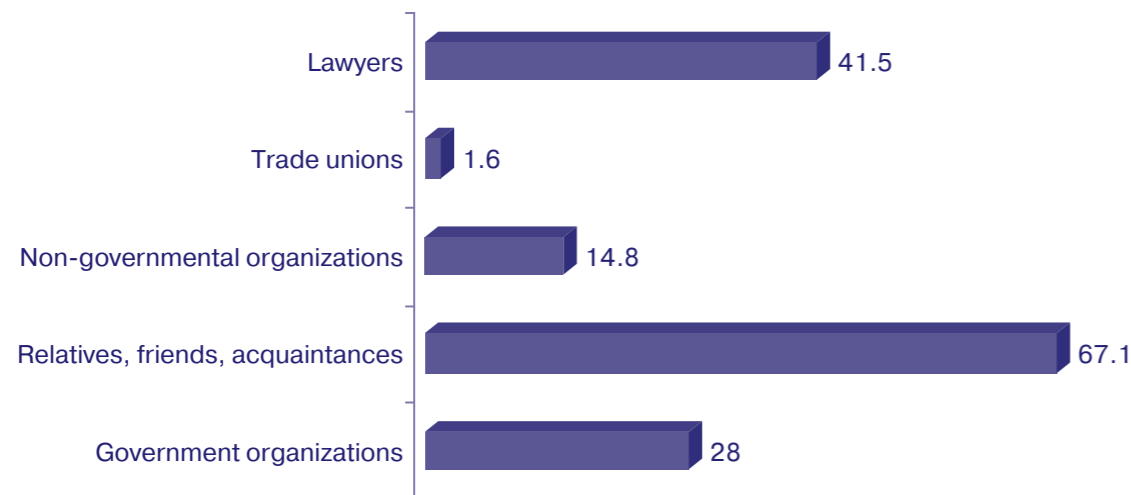


Table 2.16

Assessment of influence of various agents on the outcome of respondents' legal problems

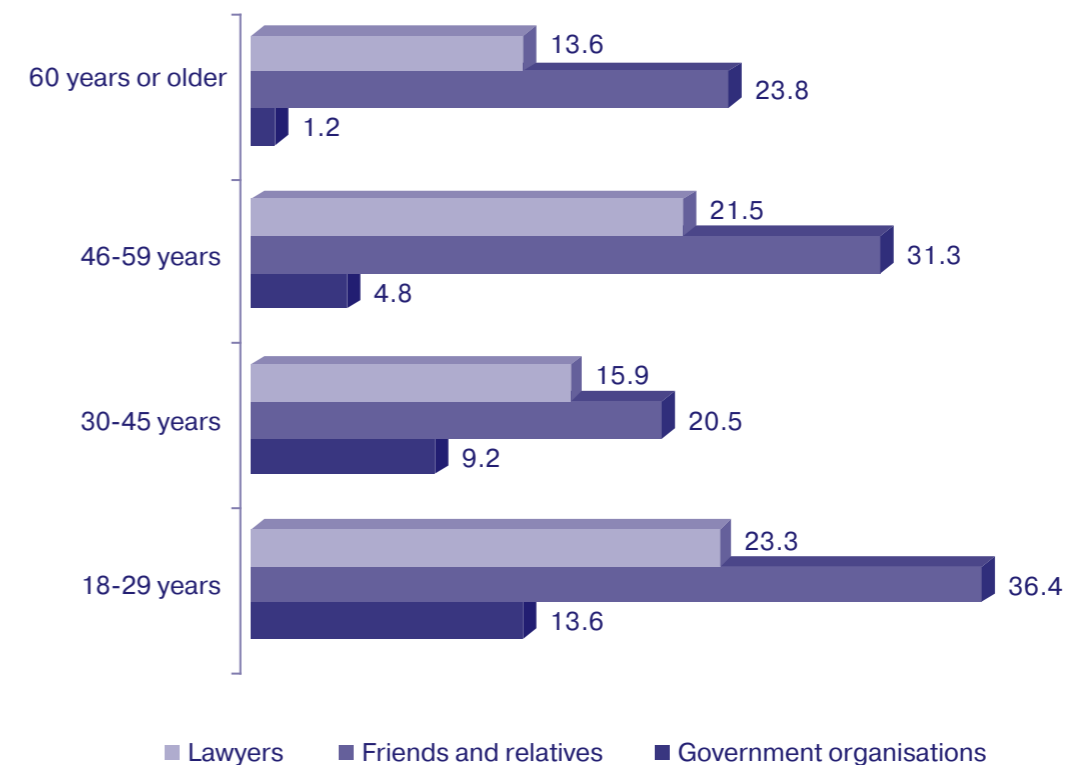
Agents of legal aid	Index of influence on the final result (max=1)
Government organizations	0.14
Relatives, friends, personal acquaintances	0.47
Non-governmental organizations officers	0.11
Trade unions	0.01
Lawyer	0.28
Other	0.11

The study found that the younger was the respondent, the more efficient was his appeal to government bodies. Thus, 13.6% of those younger than 30 pointed out that government organizations helped them in solving their problems. Among people over 60 the same was admitted by 1.2% (Figure 2.25).

In general, regardless of their age, for the majority of respondents the most significant help in dealing with legal issues came from relatives, friends and acquaintances. The second most effective agents of legal aid were lawyers. Government organizations rank third. Unfortunately, agents, such as trade unions and non-governmental organizations, play minor role in providing legal assistance to the population of Ukraine.

Fig. 2.25

Assessment of influence of various agents on the outcome of respondents' legal problems by age



BEHAVIORAL STRATEGIES for SOLVING LEGAL PROBLEMS (RESULTS OF CLUSTER ANALYSIS)

3

In order to explore the most common behavioral strategies in the event of legal problems and identify ways to address them in Ukraine, we performed a cluster analysis of the poll data. This method allowed us to undertake preliminary exploration, i.e. to study the structure of the population in question. Determination of the number of clusters was performed by using Ward's method and squared Euclidean distance. In this case, reliability and validity of the data was verified using the following procedures:

- Some variables were randomly deleted. Performing cluster analysis with reduced number of variables. Comparing the results with those obtained on the basis of full set of variables.
- Implementation of cluster analysis using k-means method.

The analysis was based on the following questions:

What exactly did you do to solve the problem?

1. Tried to negotiate with another party
2. Was searching for information on my own
3. Appealed with complaints and petitions to the relevant government organizations
4. Consulted with a lawyer
5. Consulted with friends, relatives and acquaintances
6. Participated in court proceedings, hearings
7. Other

What ways of legal problems resolution do you think are the most efficient in Ukraine today?

1. To seek resolutions through courts
2. Negotiate with the help of a lawyer
3. Seek help from government bodies
4. Solve the problem by evading the law (bribes, threats, connections)
5. Negotiate independently

6. Do nothing
7. Other
8. Cannot say

Did you try to obtain legal information from other sources on your own?

1. Yes, I did
2. No, I didn't

Did you receive legal consultation in regards to your problem?

1. No, I didn't
2. Yes, I did

Having performed clustering we formed 7 clusters:

- 1st cluster – 109 people
- 2nd cluster – 98 people
- 3rd cluster – 120 people
- 4th cluster – 144 people
- 5th cluster – 99 people
- 6th cluster – 102 people
- 7th cluster – 92 people

In addition, two-dimensional distributions by sex, age, education and financial position were constructed for each cluster in order to build a socio-demographic profile of representatives of each group. However, significant differences were seen only in respect of age. Therefore, the result can be seen as a fairly general profile for everyone who took some action to solve their problems.

Thus, more active were women (62.9% of respondents) with secondary professional (39.5%) and higher education (27.9%). Typically, these are people who have average (43.3%) and below average (34.6%) level of income. As to the distribution by age, the average age was 47, and the largest age group was people aged 30-45 (32% of respondents). In the description of each cluster below, age-related features of its representatives will be given.

1. Intelligent

This cluster includes people who had a pretty thorough approach to problem resolution and used most of the accessible ways to solve it. First of all, when faced with a problem, they turned for advice to a lawyer. This explains the highest rate of participation in trials, compared with other clusters, as well as more frequent appeals with complaints and petitions to government bodies. In addition to this "intelligent" people equally attempted to negotiate independently and consulted with their friends. They were more active compared with other groups in searching for information on their own.

People who prefer a multivariate solution consider going to court and seeking legal aid the most effective methods of solving legal problems. They are less likely to negotiate on their own. They also consider

assistance of government bodies quite ineffective. Thus, we can say that this category of people is the most active in solving their problems, relying mostly on competent legal aid rather than themselves.

It should be mentioned that such behavior is more typical for middle-aged and older age people (57.9% of respondents were 30-59 years of age). This is likely due to the fact that young people may experience financial difficulties, for example in case of getting legal aid from a lawyer, while older people no longer had enough energy to try various options to resolve the problem.

2. Pessimists

All the respondents assigned to this cluster found it difficult to name effective ways to solve problems in Ukraine. Perhaps this explains versatility of their actions to address existing problems. However, the outcomes were poor, which is a consequence of certain passivity of respondents in their actions. Most often, the "pessimists" tried to negotiate with another party and to a lesser extent consulted with relatives and complained to government bodies. Some have even consulted a lawyer. In general, however, none of the ways seemed effective to them. Research shows that it is linked to some pessimism in this group. Respondents did not hope that something would help, but, nevertheless, took some actions to address their problems.

This cluster is mostly represented by the elderly (over 40% are people aged 60 and over). Inactivity and pessimism in problem solving is typical for representatives of this group, which is partly explained by specifics of their age. These are accumulated negative experience, fatigue, poor health and lack of energy and desire to do something at all.

3. Determined individualists

For this group of respondents, the most effective way to solve their problem is independent agreement. In addition, the respondents of this cluster accept criminal methods of solving their issues. Such beliefs were reflected in the actions of the respondents. Most of them were trying to find a compromise with the other part and half lodged complaints and petitions with relevant authorities. These people are individualists who are not used to involving others in their problems. This explains very low involvement of friends and lawyers. However, representatives of this group do not look for information by themselves. Here we obviously have people who are strong, confident in their knowledge and power, and therefore prefer acting straight away rather than postpone things.

There is no any significant age related features in this group. Probably this kind of attitude to problems does not depend on age characteristics, but on one's personality or the nature of the problem.

4. Advise seekers

In general, actions of people of this group come down to getting advice from friends and relatives. Half of them are equally looking for information on their own and trying to negotiate with another party. Still, they don't undertake any active steps, such as contacting a lawyer for advice, writing a complaint to government bodies or participating in court sessions.

Despite this, in their opinion, the most effective ways to solve legal problems are going to courts, independent negotiations and legal advice.

This kind of behavior is most commonly observed among middle-aged people (39.6% of respondents were 30-45).

5. Compromise seekers

This cluster is very interesting due to discrepancy, or, rather, complete contrast between their actions and methods that they considered most effective in solving problems.

Thus, we can see an almost universal way to solve a problem - trying to negotiate with another party. Seeking legal advice from lawyers and writing complaints is absolutely ignored. "Compromise seekers" did not even try to search for some information and almost never consulted with their family. It is really surprising that, in general, most of respondents from this group did not consider independent negotiations an effective method! On the contrary the most effective methods recognized were seeking legal advice as well as addressing the court. In part, this discrepancy is due to the nature of the problems faced by this group of people. Thus, the largest number of their problems fall in the categories of "violations of consumer rights" and "work", where it is normally easier and more effective to solve the problem on the spot." Perhaps this also explains the absence of any significant differences in the cluster by age.

6. Disappointed

This cluster includes people who tried to solve their problems independently and other methods were chosen by fewer people. In general, their behavior in the face of the problem is very similar to the behavior of respondents from the 2nd group. However, it was even less active. Furthermore, people of this group did not have any doubts as to the most effective ways to solve their problems. According to them, these are criminal ways, and all other methods, such as going to court or getting legal advice, are rejected.

In sociology this type of behavior is observed when conflict and emotions, associated with failure to achieve goals, are eliminated by rejecting any institutional methods and using unlawful methods of solving problems. However, through a series of questions it was found that these people do not accept this form of action as their own. They simply believe that unlawful methods are now common in Ukraine and therefore effective. Those conclusions were made through analyzing the distribution of the responses to the questions such as "Did you solve the problem with the help of your relatives, friends and acquaintances?", "Did your relatives, friends and acquaintances influence the outcome of your case?", "How would you assess the effectiveness of the judicial system in Ukraine?" and "If your case had been taken to court - could you have hoped for a fair decision?". It turned out that assistance of relatives had virtually no impact on the problem resolution. With regard to the judicial system in Ukraine, the recognition of its failure was one of the most common responses among people of this cluster.

All of this suggests that people are disappointed in obtaining legal help by legal, fair and lawful methods. In our opinion, this explains inactivity on the part of people who simply do not believe that they are able to change anything.

It should be noted that this kind of attitude is least common among young people (11.7% of people aged 18-29), who are probably more optimistic and have not been disappointed yet. The greatest number of "disappointed" is observed among people of 30-45 years of age (39.8% of respondents).

7. Complainants

Representatives of this group were particularly interesting to study because, as they have categorically stated, everything they had undertaken, was lodging complaints and petitions with government bodies. However, answers to specific questions about their actions revealed that respondents actually "recalled" having undertaken other steps. Thus, answering the question "Did you receive legal advice regarding your problem?" almost half of people from this group said "yes, I did". Another quarter of the respondents answered "Yes, I did" to the question "Did you try to obtain legal information from other sources on your own?"

Every second person in the cluster believed that one of the most effective ways to address the problem is going to court. Fewer acknowledged the effectiveness of lawyers. Furthermore, this group was more likely to recognize the effectiveness of government bodies than people of other groups.

These responses indicate clearly paternalistic attitudes and expectations of people in this cluster. In their opinion, the State must take care of its citizens, respond to their needs and take care of their prosperity. Despite referring only to lodging complaints with government bodies, they nevertheless recognized the effectiveness of lawyers. Their approach to problem solving was not unidirectional. However they tend to expect help from the government, believing this is the way it should be, while actually trying to do something independently, i.e. turn to a lawyer and look for help on their own.

It should be mentioned that none of the clusters was clearly represented by young people (18-29 years), but their lowest concentration was observed in this particular group of people (7.6% of respondents). Here the majority were people over 60 (33%).

Thus, we have identified and studied the most common ways of solving problems in Ukraine. During the analysis we were faced with the fact that more than 40% of respondents chose to do nothing. Selected clusters clearly indicated the reasons of this choice. On the one hand, these were "internal" reasons, connected with character traits of people for who it was faster and easier to negotiate ("compromise seekers") or seek advice without actively applying anywhere ("advice seekers"). On the other hand, there were some "external" reasons, when people either did not know any effective ways to solve problems in Ukraine ("pessimists") or were completely disappointed with legal system of our country and inability to act in legal ways ("disappointed"). A separate group is represented by "paternalists", which clearly reflects the deep-rooted views on government involvement in the lives of citizens.

"REFUSAL to CONTEND" as a BEHAVIORAL STRATEGY in the PRESENCE of LEGAL PROBLEMS



The results of the study show that 54% of the total number of respondents have encountered some legal problems. One of the interesting results of the survey is the fact that among those who faced certain problems much more than a third of respondents took no action to address them – 41.4%.

Table 4.1

Activity of respondents in solving the problem (as % of responses)

Did you undertake any actions to solve the problem?	%
Yes, I did	58.6
No, I did nothing	41.4
Total	100

For subsequent analysis, we filtered this group of people using the SPSS package, which allowed a more detailed examination of their social and demographic characteristics.

Women were more reluctant in taking any actions to address their problems – 65%. The number of males was 35%.

Table 4.2

Gender distribution of respondents who refused to take any actions

Gender	%
Male	35.0
Female	65.0
Total	100

With regard to age distribution, the most inactive people are middle-aged (30 - 45 years – 31.2%) and senior (60 and older - 28.8%). To a lesser extent inactivity was present among older people (46-59 years – 22.1%) and youth (18-29 years – 18.0%).

Table 4.3

Age distribution of respondents who refused to take any actions

Age	%
18-29	18.0
30-45	31.2
46-59	22.1
60 and older	28.8
Total	100

More than half of the respondents were married (55.7%). The number of those who were not married and had other status in this regard was 44.3% (single (not married) - 13.5%, Widowed - 18.4%, divorced - 9.7%). The smallest percentage of respondents (2.7%) live in a de facto marriage.

Table 4.4

Marital status of respondents who refused to take any actions

Marital status	%
Married	55.7
Unmarried	13.5
Widowed	18.4
Divorced	9.7
De facto marriage	2.7
Total	100

Essentially, people from this group have secondary and secondary professional level of education – 64.7%. 24.0% of respondents have higher education. The smallest number of respondents have incomplete secondary education (6.3%) and incomplete higher education (5.0%) education.

Table 4.5

Level of education of respondents who refused to take any action

Level of education	%
Secondary incomplete	6.3
Secondary, secondary professional	64.7
Higher incomplete	5.0
Higher	24.0
Total	100

Most of people from this group live in villages or urban-type settlements (39.5%), as well as in small towns (38.5%). 21.9% of respondents live in regional centers.

Table 4.6

Place of residence of respondents who refused to take any actions

Place of residence	%
Regional centre	21.9
Town in the region	38.5
Village, urban-type settlement	39.5
Total	100

A significant part of respondents from this group are not employed in any area of work. Most of them are retired people (31.2%), housekeepers (9.7%) and unemployed (8.4%). Others are predominantly qualified workers and employees.

Table 4.7

Occupation of respondents who refused to take any actions

Occupation	%
Head (deputy) of enterprise, farm, organization	0.6
Middle management of shopfloor, section, department, senior accountant, senior engineer, etc.	2.2
Businessman	2.1
Farmer	0.2
Specialist in the field of economics	2.2
Legal professional	0.6
Teacher, academic	2.3
Doctor, health worker	3.2
Employee	9.3
Qualified worker	13.7
Builder, laborer	6.2
Farm worker	2.9
Unemployed	8.4
Housekeeper	9.7
Pensioner	31.2
Student	2.2
Shop assistant	1.1
Military	0.0
Law enforcement officer	0.8
Manager	0.2
Media worker	0.0
Other	0.9
Total	100

Considering financial situation of respondents who refused to take any actions, we should note that it is quite poor ("We have enough money in general, but cannot afford valuables" – 40.1%, "We have enough money for food but experience difficulties with buying clothes"-34.4%).

Table 4.8

Assessment of financial position of respondents (as % of responses)

How would you assess financial position of your family?	%
Can barely make both ends meet. Sometimes we don't have enough money for food	17.1
We have enough money for food but experience difficulties with buying clothes and shoes	34.4
We have enough money in general, but cannot afford valuables	40.1
We do not experience financial difficulties, except for major purchases	8.0
We do not have any financial difficulties	0.4
Total	100

As noted above, a large proportion of respondents (41%) indicated that they had not taken any action to solve their problems. At the same time, it is important to note that for 90% of respondents from this group it was important to solve their problem (rather important – 34.2%, very important – 55.4%).

Table 4.9

Importance of problem resolution for respondents (as % of responses)

How important is problem resolution for you?	%
Absolutely unimportant	2.2
Rather unimportant	6.4
Rather important	34.2
Very important	55.4
Cannot answer	1.8
Total	100

Socio-demographic characteristics of people who did nothing to solve important problems show that the group of respondents who refused to take any actions is predominantly represented by women (65%), middle-aged (30 - 45 years – 31.2%) or elderly (60 and older - 28.8%), married (57.4%), with secondary / secondary professional (64.5%) education. Most of them live mainly in villages and urban-type settlements (39.5%), as well as small towns (38.5%) and admit relatively poor financial situation ("We have enough money in general, but cannot afford valuables" – 39.8%, "We have enough money for food but experience difficulties with buying clothes"-34.2%).

In order to find out why this group of respondents did nothing to solve their problems, we analyzed different issues they faced and discussed their motivation of inactivity and their opinions about the most effective and common ways to solve legal problems. We also considered their attitude and assessment of the effectiveness of judicial system as a whole.

Thus, the most common problems faced by those respondents were consumer rights violation (34.0%), as well as issues related to work (26.5%) and medicine (25.2%).

Table 4.10

Problems faced by respondents who refused to take any actions (as % of responses)

Problems	%
Discrimination	5.4
Consumer rights violation	34.0
Work	26.5
Relationships with neighbors	15.1
Tenure	4.6
Money	12.9
Benefits	10.6
Family problems	4.5
Medicine	25.2
Injustice in government authorities	12.5
Problems with migration	0.5
Bodily injury	1.7
Educational system	2.9
Problems with obtaining, renewal of documents	7.1
Total	163.4

Analysis of free responses regarding the problem of violation of consumer rights has shown that purchasing of faulty goods often ends up with their return or exchange. According to the results of interviews and focus groups, people are satisfied with this scenario, as they find it easier to come to terms with the other part of the conflict, rather than spend extra money, time and nerves on litigations.

Although many respondents had faced this problem rather often, too few of them ever appealed to any institutions and lodged complaints.

It should be noted that respondents prefer not to contend the problem of false weighting and overcharging, because most of them believe that they won't be able to prove their rightness for lack of evidence. This issue (violation of consumer rights) is most commonly faced by women for the simple reason that they are generally responsible for purchasing food and paying bill.

Among the issues that respondents do not attempt to resolve, fairly significant portion is problems associated with medicine. These include unqualified medical care and neglect of health care providers, which in some cases result in serious consequences for patients' health, financial costs and expensive treatments. In part, this situation is explained by closed nature of health facilities and nearly complete lack of ability to prove medical malpractice and bring doctors to justice. The situation is also complicated by large monetary expenditures, such as legal services fees, which are, according to 52.8% of respondents, overestimated, and costs of litigations (Table 4.11).

With regard to problems related to work, analysis of free responses showed that the most important were nonpayment of wages, job cut and dismissal (often unlawful).

Table 4.11

Assessment of legal services costs (as % of responses)

Is current cost of legal services reasonable?	%
No, lawyers should charge more for their services	0.8
Yes, the cost of legal services is fair	13.0
No, legal services cost is too high	52.8
Cannot say	33.3
Total	100

With regard to problems related to work, analysis of free responses showed that the most important were nonpayment of wages, job cut and dismissal (often unlawful).

The majority of respondents, who live in villages and urban-type settlements with undeveloped infrastructure and lower standards of living than in cities and regional centers, often face the problem of job search. This problem is very common among women, especially those of retirement age, because they are least demanded for employment. Thus, due to lack of jobs and age and gender discrimination, this group of people is forced to take unskilled and low-paying jobs, or even reject employment.

Respondents believe that they cannot change this situation, and therefore take no actions to address their problems. According to the distribution of answers to a question regarding the reasons for their inactivity, the most significant number of respondents chose the alternative "I didn't think that this would change anything" – 56.2%.

A fairly high response rate fell to such alternatives as: "I believed it would be too stressful" – 27.3% and "I believed that the problem would work itself out" – 17.6%.

Table 4.12

Reasons for refusing to take any actions (as % of responses)

Reasons	%
Recognized the rightness of the other party of the conflict	1.0
Didn't attach importance to this	3.3
Believed the problem would solve itself	17.6
Believed it would be too time consuming	10.9
Believed it would be too costly	8.6
Believed it would be too stressful	27.3
Was fearful of acting	7.9
Didn't believe it would change anything	56.2
Didn't know where to apply for help	9.8
Other	1.1
Total	143.9

According to the respondents of this group, the most effective ways to solve legal problems in Ukraine are independent negotiations with another party – 32.5%, seeking solutions through court – 26.5%, criminal way (bribery, threats, connections) – 26.2%, and legal advice – 22.6%.

With regard to independent negotiation, this method is more typical in case of consumer rights violations, as was pointed out earlier.

The majority of respondents from this subgroup do not believe in the fairness of the judicial system and were sure that the most common method of solving problems is a criminal one (bribery, connections and threats) (Table 4.13). But because the level of income, as indicated, is not high, they would not be able to pay for legal services or affect legal process by evading law.

Table 4.13

Effective ways to solve legal problems (as % of responses)

Ways to solve	%
Seek solutions through court	26.5
Negotiate with the help of a lawyer	22.6
Seek help from government bodies	11.5
Solve the problem by evasion of law (bribes, threats, connections)	26.2
Negotiate independently	32.5
Do nothing	7.2
Other	1.4
Cannot say	12.5
Total	140.4

Such a high level of perceived effectiveness of solving problems through courts and with the help of lawyers cannot be regarded as real for the reason that respondents' opinion was not formed by personal experience, but rather under the influence of other factors. 80.3% of respondents had never participated in courts.

Table 4.14

Level of participation in courts (as % of responses)

Have you ever participated in courts?	%
No	81.0
Yes, as a defendant	5.6
Yes, as a plaintiff	9.3
Yes, in some other capacity	5.0
Total	101.0

With regard to the most common ways to solve legal problems, according to respondents, these are criminal ways (bribes, threats, connection) – 42.0%, courts - 26.5% and independent negotiations – 25.3% (Table 4.15).

Table 4.15

Common ways to solve legal problems (as % of responses)

Ways to solve	%
Seek solutions through court	26.5
Negotiate with the help of a lawyer	17.0
Seek help from government bodies	7.0
Solve the problem by evasion of law (bribes, threats, connections)	42.0
Negotiate independently	25.3
Do nothing	6.6
Other	0
Cannot say	12.3
Total	136.7

Thus, we can see that criminal ways and individual negotiations, according to respondents, are not only the most effective, but also the most common ways of solving legal problems these days.

It should be also borne in mind that in these types of settlements (villages, urban-type settlements and small towns) the system of "cronism" is particularly well developed. This shapes stereotypes about the prevalence and effectiveness of solving problems by evading law (connection, bribes and threats) in this group of people. As a result, they are deprived of any hopes for a just solution of their problems. This explains why this group of respondents does not believe in the effectiveness and fairness of the judicial system in Ukraine. More than half of respondents assess the work of judicial system in Ukraine as ineffective – 54.6% (rather ineffective – 27.9%, ineffective in general – 26.7%) and 46.9% of respondents could not have hoped for a just solution of their case in court. They believe that the main determining factor in solving any issues in court is material prosperity (the rich have an advantage – 85.9% of respondents).

Table 4.16

Assessment of effectiveness of judicial system in Ukraine (as % of responses)

How would you rate the effectiveness of the judicial system in Ukraine?	%
The work of the judicial system is absolutely effective	2.6
The work of the judicial system is more effective than ineffective	21.8
The work of the judicial system is more ineffective than effective	27.9
The work of the judicial system is absolutely ineffective	26.7
Cannot say	20.9
Total	100

It should be noted that representatives of this category, as stated previously, live predominantly in villages, urban-type settlements and small towns in regions. Perhaps the place of their residence affects their ability to act. The following factors could explain this situation: limited access to relevant information (Internet is not available), location and working hours of law firms and government bodies which could help in problem resolution are not always convenient.

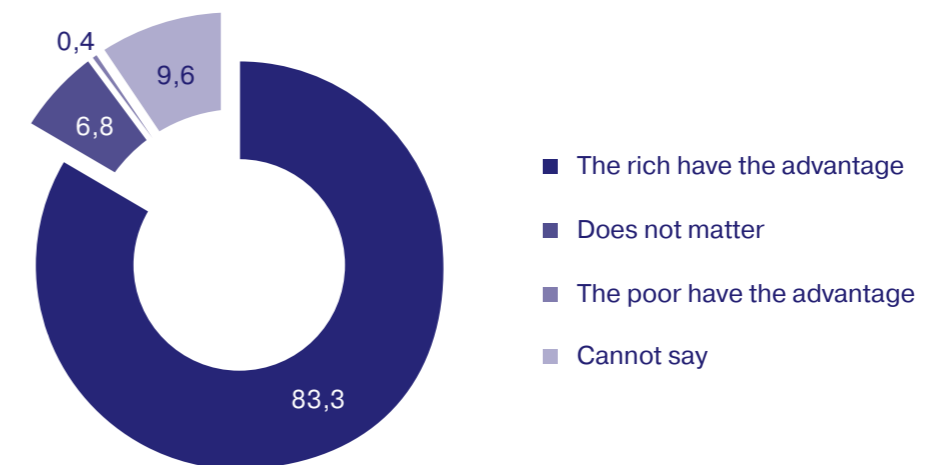
Table 4.17

Assessment of fairness of judicial system in Ukraine (as % of responses)

Would you expect a fair decision when seeking solution in court?	%
Yes, sure	5.5
More likely yes than no	26.5
More likely no than yes	23.6
Definitely no	23.3
Cannot say	21.1
Total	100

Fig. 4.1

Opinion of respondents as to the fairness of judicial system in Ukraine



In addition, age plays a significant role in how actively people address their problems. As noted earlier, a large percentage of respondents who did not take any actions are pensioners. Tackling many problems is very time and energy consuming, which is rather difficult for people of retirement age.

Thus, considering all the above points, we can conclude that the main causes of inactivity of this group are the following:

1. Personal perception, based on negative information and experiences. According to respondents who refused to take any actions, most government bodies and institutions are corrupt, so there's no point in trying to solve their problems through these bodies and hope for a just solution without proper income.
2. Lack of confidence and desire to preserve resources (both material and psychological) in conjunction with the conviction that it is easier to solve problems independently by agreeing with another party than through government bodies.
3. Barriers that are expressed in unavailability of legal aid and information. The existence of these barriers is caused by such factors, as place of residence (type of locality), age and financial situation.

Barriers to justice

5

A separate line of research was examination of barriers that prevent Ukrainians from solving their legal problems. In order to study them in detail, we identified 3 stages on the path to justice, which may have all sorts of obstacles:

- making decisions about taking or not taking any action;
- seeking legal advice and / or applying to government agencies;
- problem resolution in court.

Stage 1. Making decisions about taking or not taking any actions

At this stage victims decide whether to spend their resources in order to solve their problem and what would be the cost, and assess whether solving the problem is important. Of course, one can assume that this choice depends on the kind of problem and the magnitude of losses incurred by the victim, etc. However, according to the results of the study, people don't always attempt to solve problems directly related to material costs and lying in the area of legal regulation. Thus, among people facing the problem associated with their work, 55.1% did not try to do anything despite the fact that for 79.4% of them solving work related issues was very important, and for 17.3% it was "rather important". Similar situation exists with those who encountered problems with medical services (59% of them did nothing). This may be explained by different reasons, but it is obvious that in dealing with those kinds of problems people run into certain barriers to justice and are less able to independently influence the successful resolution of the issue.

Stage 2. Seeking legal advice and / or applying to government agencies

At this stage, if the applicant finally decides to act upon the problem, he/she is faced with a number of questions: where to go, how much it would cost (in tangible and intangible equivalent) and which agency would be the most effective. Thus, the major problem is finding relevant information about authorities, methods and application procedures. The applicant may first seek legal assistance from a lawyer and then turn to government bodies, or vice versa. Also, he can immediately go to a government organization without consultation and legal support.

Table 5.1

Activity of respondents in solving various problems (as % of responses)

Problem	Did you undertake any action to solve the problem?	
	Yes, I did	No, I didn't
Discrimination	55.2	44.8
Consumer rights violation	58.8	41.2
Work	44.9	55.1
Relationships with neighbors	55.6	44.4
Tenure	84.2	15.8
Money	59.8	40.2
Benefits	68.3	31.7
Family issues	80.9	19.1
Medicine	41.0	59.0
Injustice in government bodies	65.7	34.3
Migration problems	75.0	25.0
Bodily injury	84.6	15.4
Educational system	50.0	50.0
Problems with obtaining, renewal of documents	57.8	42.2
Total	58.7 (779 respondents)	41.3 (549 respondents)

As shown by the results of the study, the effectiveness of legal aid in Ukraine still remains controversial. To test the efficiency level, we have identified two groups of respondents: those who both turned to government bodies and sought legal advice, and those who only appealed to government authorities. The ratio of these two groups turned out to be uneven and was 88.2% to 11.8%. Having performed weighing on the basis of this feature, we equated the samples and analyzed the impact of this feature on the success rate of problem resolution (Table 5.2).

Table 5.2

Level of effectiveness of legal aid (as % of responses)

Have you solved the problem you encountered?	Which authorities did you turn to?	
	Both government bodies and other places where I could get legal advice	Government bodies only
Yes, it has been completely solved	31.0	19.1
Yes, it has been partially solved	17.2	23.6
No, everything remained as before	43.7	33.7
No, things became worse	8.0	23.6
Total	100	100

* Differences are significant at the level of 0,026

Despite the ambiguity of the results, it may be noted that attempting to solve problems with the help of legal advice is more effective than without it.

Stage 3. Problem resolution in court

Finally, the last stage on the way to justice is legal proceedings, and there are certain difficulties and obstacles here as well. Based on the results of the study, we were able to identify the following barriers to justice: financial, information and time related, bureaucratic (postponement of the case, corruption, etc.), emotional (stress, anger and helplessness), barrier of secondary victimization, barrier of language of proceedings, barrier of timeliness, controllability barrier, etc.

Financial barrier

Material barrier is not the most impassable obstacle for those respondents who did not want to take any actions to solve their problems (only 8.6% thought it would be too costly). At this stage, the main reason for inaction is a lack of faith in being able to change things ("did not think it would change anything" – 56.3%), which can be regarded as a psychological barrier on the part of the individual (lack of confidence) as well as a result of perceiving the justice system as a bureaucratic barrier. Financial barrier becomes more tangible when the respondent actually wants and tries to solve the problem. For example, among those who wanted but could not get legal advice regarding their problem, most people indicated the material factor as the major obstacle ("cost of services was too high" – 54%).

We should separately note that financial barriers to getting legal advice are admitted by representatives of all socio-economic groups. The results showed that, regardless of the level of income, respondents believe that the cost of legal aid is too high (Table 5.3).

Table 5.3

Assessment of legal costs charged by lawyers by different socio-economic groups (as % of responses)

Do you think that the cost of legal advice is reasonable?	How would you assess financial position of your family?			
	Barely make ends meet	We have enough money for food but experience difficulties with buying clothes	We have enough money in general, but cannot afford valuables	We do not experience financial difficulties, except for major purchases
Hard to say	40.1	38.8	32.8	28.4
Cost of legal advice is too low	1.5	2.0	1.8	1.0
Cost of legal advice is fair	10.3	14.2	17.4	21.1
Cost of legal advice is too high	48.1	45.0	48.0	49.5

Information barrier

Usually, one of the most striking manifestations of an information barrier to justice is absence of any information about the bodies that could assist in solving legal problems. However, this is not quite true for Ukraine. Thus, "not knowing where to go" has become an obstacle in solving the problem for only 9.8% of the respondents. The information barrier became more noticeable in course of search for legal advice services. For example, among those respondents who wanted to get legal assistance, 25.5% were unable to find a specialist.

It was particularly easy to determine where to go regarding the problem for those respondents who sought help in government organizations (58% – "easy" and "rather easy"). This can be explained by the fact that most of respondents applying to government authorities also turned to legal aid professionals, where they could be instructed on the ways to solve their problems and provided with the advice of where to go (Table 5.4).

It should be noted that among those who applied to government authorities, there was no single person not in need of legal advice, which indicates the high importance of those services for the population.

Table 5.4

Use of legal aid among those who applied to government bodies (as % of responses)

Did you seek legal aid?	Frequency	%
No, and I didn't want to	0	0
No, but I wanted to	21	12.3
Yes I did	149	87.7
Total	170	100

Most of those who appealed to government authorities admit that they had limited access to information about their problem. Only 11.5% of those who turned to government bodies were kept informed about the case (Table 5.5).

Table 5.5

Access to information in the process of problem solving (as % of responses)

To what extent were you informed about the process of problem solving in government bodies?	%
Important information was deliberately hidden from me	4.5
I was forgotten or officers did not consider it their duty to inform me	38.8
I sometimes received the information	42.4
I was constantly kept informed	11.5
Other	2.9
Total	100

An important point in the information access is controlled status of employees of government bodies. The majority of respondents who asked government authorities for help, faced with their closed nature and non-transparency of processes (Table 5.6).

Table 5.6

Level of controllability of problem resolution in government bodies (as % of responses)

To what extent were you able to monitor the progress of solving the problem in government bodies?	Frequency	%
All procedures were absolutely out of my control	87	51.5
Sometimes I was able to influence the process	46	27.1
I could almost always influence the process	15	8.6
I was able to control all the stages of the process	20	11.8
Other	2	1.1
Total	169	100

Physical and time accessibility of legal aid

Fear of these barriers was an obstacle in solving problems for 11.3% of those who did not take any actions.

When looking for legal advice, time barrier was not a significant obstacle (the specialist or the organization was too far away – 13.4%; Working hours did not suit me – 4.1%; had to wait for too long – 2.9%).

At the same time, the problem of remoteness of legal advice agency from the victim’s place was one of the major barriers. Obviously, this barrier is less important for residents of regional centers than for small town residents and residents of villages and urban-type settlements. This is explained by unequal accessibility of legal services (in particular, their physical remoteness).

Table 5.7

Outcome of problem resolution by place of residence (as % of responses)

Has your problem been resolved?	Type of locality		
	Regional centre	Town in the region	Village or urban-type settlement
Yes, it’s been completely solved	42.5	36.7	36.6
Yes, it’s been partially solved	12.9	12.5	13.4
No, everything remained as before	41.2	40.7	41.3
No, things became worse	3.1	9.2	8.1
Cannot say	0.3	0.9	0.6
Total	100	100	100

**Differences are significant at the level of 0,028*

Barrier of legal aid effectiveness

Another barrier to justice is low effectiveness of legal aid in solving problems. According to the research, legal assistance in Ukraine does not always positively influence the course of solving problems. In addition, it can be seen that cost of the services of lawyers does not affect their performance, that is,

the outcome was almost identical regardless of whether the respondent was paying for legal advice or not (Table 5.8). Let us note that this does not imply low quality of these services, but rather indicates the ineffectiveness of legal assistance (both paid and free) within the existing justice system.

Table 5.8

Outcome of problem resolution depending on the cost of legal services (as % of respondents)

Has your problem been resolved?	How much did you pay for legal aid?	
	Did not pay (0 UAH)	Paid (from 10 to 5000 UAH)
Yes, it’s been completely solved	30.9	31.6
Yes, it’s been partially solved	17.9	12.7
No, everything remained as before	40.7	48.1
No, things became worse	10.5	7.6
Total	100 (162 respondents)	100 (79 respondents)

**Differences are not statistically significant*

The study of the effectiveness of various legal institutions in solving legal problems attracts special research and practical interest. According to the results of the study, government bodies are effective only in 39% of cases (9.2% – “very helpful” and 29.8% – “rather helpful”). The situation with the assistance of lawyers is much better (31.4% – “very helpful” and 41.4% “rather helpful”). Involvement of employees of non-government organizations cannot be described as effective in assisting people who turned to them for help (20.8% – “very helpful” and 23.7% – “rather helpful”).

Corruption barrier

This barrier to justice has also been identified based on the results of respondents’ assessment of the Ukrainian judicial system. Thus, in the opinion of the majority of citizens, our judicial system is ineffective (54.1% – “rather ineffective” and “very ineffective”), which is a consequence of its injustice and prejudicialness. There is a correlation between the answers to the questions “If your case was taken to court – would you hope for a fair decision?” And “How would you rate the effectiveness of the judicial system in Ukraine?” (Spearman coefficient = 0.481).

In addition, most respondents believe that material status of participants of the process is influential in legal proceedings (83.3% think that the rich have an advantage, and only 6.7% believe that courts treat everyone equally).

Most respondents indicated that the most common way to solve legal problems in Ukraine these days is bypassing the law by using bribes, threats and connections (42.7%). In the assessment of effectiveness this method also takes one of the leading positions (21.5%). This is certainly a barrier to fair justice, because legitimate ways of solving problems lose their importance, and the illegal ones restrict access to justice to the people who do not accept these methods and are unable to stand against them.

Bureaucratic barrier

Bureaucratic barrier is an integral part of any problem-solving process in government bodies. When asked the question "What were the actions of government bodies employees?" 28.5% of respondents indicated that they took some actions after persistent requests only, 20.3% were sent to other bodies and organizations and 12.7% of citizens were told that their problem was not their jurisdiction and refused registration of application. The attitude to respondents' problems was formal and inattentive in most cases, and sometimes even hostile ("I have been repeatedly made clear that my problem disrupted their work" – 15.3%, "the problem was treated formally, they didn't care" - 47.6%).

Emotional barrier (Stress and emotions)

Emotional barrier has a huge effect during the first stage of problem resolution process. Most of those who took no action, explain that "they were afraid of taking any actions" (7.9%), "believed that it would be too stressful" (27.1%) "did not believe that their actions would change anything" (feeling of helplessness) (56.3%).

Secondary victimization

Barrier in the form of secondary victimization shows up in those cases where a person, confronted with a problem, becomes a victim of injustice, humiliation and crime in the process of its solution. A striking example of this phenomenon may be the attitude of government authorities to the victim. Thus, 4.5% of respondents who applied to government bodies in order to solve their problems noted that important information on their case had been deliberately concealed from them.

Table 5.9

Essence of legal aid (as % of responses)

What was the essence of legal aid?	Frequency	%
My interests were represented before the other party	41	15.1
My paperwork was prepared	109	39.8
I was helped in court	47	17.2
I was assisted in telephone conversations	14	5.0
I was helped to get in touch with the other party	15	5.6
I was helped to come to terms with the other party	24	8.9
I was directed to relevant government bodies	65	23.7
I was advised what to say and what to do	132	48.0
I was helped to meet the right people	18	6.5
I was helped to bribe the right people	3	1.1
I did not get any help	26	9.6
Other	5	1.8
Total number of responses	501	100
Total number of respondents	274	

Specialized knowledge, language as a barrier

One of the significant barriers to justice is inability of many people to tackle their problem independently due to legal ignorance and illiteracy. According to the survey, most people sought legal help in order to overcome this particular barrier (Table 5.9).

Brief description of the main barriers to justice with reference to specific problems

As we have said before, every problem has its own unique character, which implies distinctive features of its solution and barriers to the latter. Let us have a look at a few examples. Thus, the most common problem, as identified by the study, is violation of consumer rights. A more detailed examination of this problem has shown that the majority of victims in this case tried to solve the problem (58.8%). The rest (41.2%) experienced such major barriers to its solution as "not believing that something would be changed" (51.4%) – **bureaucratic and frustration barriers**, "believing that it would be too stressful" (36.3%) – **emotional barrier**, "believing that it would be too time consuming" (22.4%) – **time barrier**. After these, the most common are problems, related to work. Here, the main reasons for inaction are as follows: "did not think that it would change anything" (63.4%) – **bureaucratic and frustration barriers**, "believed that the problem would solve itself" (26.1%), "afraid of taking any actions" (22.0%) – **emotional barrier**. Problems associated with medicine rank third, and there barriers were the following: "did not think that it would change anything" (67.1%) – **bureaucratic barrier and barrier of frustration in the system**, "believed that it would be too stressful" (29.3%) – **emotional barrier**, "thought that it would be too expensive" (17.3%) – **financial barrier**. Another burning problem is benefits (receiving, calculating payments, re-issuance). Here, the most serious obstacles are: "did not think that it would change anything" (37.5%) – **bureaucratic and barrier of frustration in the system**, "believed that it would be too stressful" (30.0%) – **emotional barrier**, "believed that the problem would solve itself" (27.0%), "did not know where to go" (20.2%) – **informational barrier**.

Thus, the most common barriers during the first stage of solving problems in most areas are: bureaucratic barriers and the barrier of frustration in the system, as well as emotional one. In some cases a significant role is played by material, time and informational barriers. At the stage of applying to one or another institution of legal aid, people face even more barriers. Here, the most pronounced are the barriers of bureaucracy and corruption, material and informational barriers, barrier of effectiveness of legal aid, controllability barrier, barriers of secondary victimization, special legal knowledge, etc. And finally, at the last stage (resolution of a problem in court) the most important are corruption and bureaucratic barriers (only about 7% of the population can be fully confident in the equitable solution), financial costs (cost of legal advice), emotional barrier (stress during the process of litigation), barrier of language of proceedings, etc.

Summarizing the review of barriers to justice in Ukraine, we can conclude that the main barrier to solving problems is lack of faith in being able to change anything. This leads to frustration of people before legal problems, which this is explained by low effectiveness of legal system, bureaucracy, corruption, prejudice to the common people, delaying procedures, etc.

EVALUATION of LEGAL SYSTEM, COURTS and WAYS of SOLVING LEGAL PROBLEMS in UKRAINE



Analysis of the most effective and most common ways of solving legal problems in Ukraine shows a very low appraisal of work of government bodies by citizens. Thus, just over a tenth of respondents believe that help of government institutions in solving legal problems is an effective method, and even fewer (7.9%) think it's a common one. It is obvious that for a number of reasons, government authorities do not cope with their mission and are not able to provide the Ukrainians with an effective way to justice.

Table 6.1

What are the most common and effective ways of solving legal problems in Ukraine

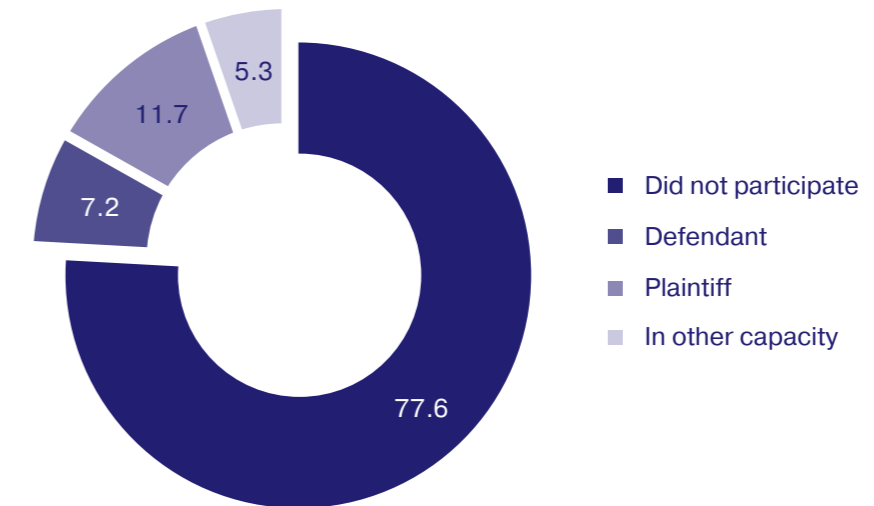
Effective	Rating			Common
Seek solutions through courts	33.4%	1	42.6%	Solve the problem by evading law (bribes, threats, connections)
Negotiate independently	27%	2	30.2%	Seek solutions through courts
Negotiate with the help of a lawyer	27%	3	21.5%	Negotiate independently
Solve the problem by evading law (bribes, threats, connections)	21.5%	4	21.4%	Negotiate with the help of a lawyer
Seek help from government bodies	11%	5	7.9%	Seek help from government bodies
Do nothing	3.7%	6	3.5%	Do nothing

The exception is the data received in respect of courts. Thus, as it was mentioned above, most often residents of Ukraine choose court as a government body to assist them in solving their legal problems. Going to court is considered the most effective way to solve legal problems by respondents (as indicated by 33.4%). However, when talking about what path is the most common in Ukraine, courts were indicated by no more than 30.2% of respondents. At the same time, 42.6% of respondents believe that in Ukraine it is normal to solve problems by law evasion by using bribes, threats or connections. This is despite the fact that effectiveness of this method is admitted by no more than 21.5% of respondents. Thus, in the minds of Ukrainians the usual way of solving legal problems often goes around government bodies. And even though courts are recognized more effective, they are used less frequently than illegal methods.

At the same time, it should be noted that the vast majority of respondents (77.6%) never participated in courts. 7.2% of respondents participated as defendants and 11.7% as plaintiffs. Thus, the opinion of the majority of Ukrainians about effectiveness of solving legal problems in courts is not based on their own experience.

Fig. 6.1

Experience of respondents in courts



The situation with out-of-court forms of legal issue settlement is a bit different. Thus, over a quarter of Ukrainians (27.0%) believe that effective methods could include negotiations with the other party either independently or with the help of a lawyer. However, the prevalence of these methods in Ukraine is admitted by a little more than one fifth of respondents (21.5%).

Table 6.2

Assessment of effectiveness of different ways to solve legal problems by residents of different regions

The way to solve legal problem	Regions				
	Kherson	Lugansk	Chernigov	Khmelnytsky	Kiev
Through courts	28.2	28.4	56.1	40.9	23.0
With the help of a lawyer	15.7	26.8	43.5	29.7	22.0
With the help of govt. bodies	9.4	9.1	24.4	11.2	5.8
By evading law	17.4	30.8	10.5	14.5	23.9
Independent negotiation	23.6	33.3	41.7	13.8	21.3
Do nothing	9.1	2.9	1.9	5.4	1.4

The survey also revealed which of the ways to solve legal problems are considered to be the most effective in different regions of Ukraine. Thus, the solution of legal problems by evasion of law is believed to be the most effective method by a substantial part of the respondents in the Lugansk (30.8%) and Kyiv (23.9%) regions. The second most effective way to solve legal problems for the residents of these areas is independent agreement (Lugansk – 33.3%, Kiev – 21.3%). Thus, we can say that for more than one

third of respondents in the Lugansk and a fifth of respondents in Kiev regions the most effective ways to solve legal problems are law evasion and avoidance of agencies or persons providing legal help. It would be just to mention that the opinions of residents of the Kyiv region divided almost evenly. Thus, 45.0% of respondents in this region indicated that the effective way to solve legal issues is turning to professional bodies and professionals (court, lawyer), and 45.2% believe in avoiding existing legal system (law evasion, bribes, threats, or independent settlements).

However, we should note that for the residents of the Chernigov and Khmelnytsky regions the most effective way to solve legal problems is going to court. Thus, this was indicated by the majority (56.1%) of the Chernigov region respondents, and by 40.0% of respondents in the Khmelnytsky region. This method implies the demand for legal aid. That is why 43.5% of the respondents in the Chernigov region indicated that the assistance of a lawyer is important in solving legal issues.

Table 6.3

**Prevalence assessment of different ways to solve legal problems
by residents of different regions**

The way to solve legal problem	Regions				
	Kherson	Lugansk	Chernigov	Khmelnytsky	Kiev
Through the court	22.2	25.4	54.7	43.9	15.5
Help of a lawyer	12.1	24.3	30	23.5	16.2
Help of govt. bodies	8.6	4.4	20.6	7.7	4.2
By evading the law	37.9	52.1	24.4	37.8	48.2
Independent negotiation	23.0	24.3	40.1	8.7	14.8
Do nothing	11.8	2.7	0,8	3.1	1.6

It is interesting to see how effectiveness of different ways of legal problem solving is evaluated by residents of different types of localities. Thus, residents of regional centers prefer to solve problems in courts (40.7%) and negotiate with another party (33.7%). Many of them (29.8%) also indicate lawyers as an alternative in solving legal problems. Residents of smaller towns also prefer courts (39.0%) and lawyers (32.5%), although less frequently. At the same time criminal way (bribes, threats and connections – 23.3%) is more important to them. It should be noted that for residents of villages and urban-type settlements the following methods are almost equally important: court (25.3%), lawyer (21.0%) and independent negotiations (23.3%). Moreover, among the villagers and urban-type settlement residents a lot of people (23.3%) find it difficult to assess the effectiveness of any of the ways to solve legal problems.

These data are significantly different from respondents' opinions about the most common methods of solving legal problems. Thus, regardless of the size of settlement, the majority of respondents pointed to a criminal way as the most common. This opinion was especially popular in regional centers – 53.8%. Also the common form of resolving legal issues is using courts (32.6% in regional centers, 33.3% – in regional towns, 26.4% – in urban-type settlements).

It should also be noted that 17.8% of respondents from villages and urban-type settlements found it difficult to estimate the prevalence of different ways to solve legal problems, and 4.3% of them believe the most common way is refraining from any actions at all.

The study of prevalence of various methods of solving legal problems in different regions reveals a different picture. Thus, most residents of the Chernigov (54.7%) and Khmelnytsky (43.9%) regions indicate courts as the most common way to solve legal problems. However, it should be noted that 37.8% of the Khmelnytsky region respondents recognize that various illegal activities are also common in solving legal issues. In the Kherson, Lugansk and Kiev regions most respondents indicated that the most common ways to resolve legal problems are illegal practices (connections, bribery and threats).

It should also be noted that in the Luhansk region solving legal problems without using legal system resources is considered both widespread and effective by the majority of respondents.

Given that less than a quarter of respondents participated in courts, it is interesting to see how residents of Ukraine perceive courts in general. Although 33.4% of respondents believe that these days going to court is the most effective method of solving problems, the majority of Ukrainians do not tend to idealize efficiency and effectiveness of the judicial system as a whole. This simply indicates that it is perceived as more effective compared to other options. At the same time, courts are considered to be rather effective by no more than 25.8% of respondents. Performance of the judicial system is seen as rather ineffective by 28.5% of respondents, while another 25.6% consider it generally ineffective.

As seen from the results of the study, the rating of effectiveness of courts is the lowest in larger towns. Thus, among inhabitants of villages and urban-type settlements inefficient work of courts is mentioned by a little more than half of respondents (51.7%), while among residents or towns in regions and regional centers this is true for 53.7%, and 61% respectively.

Table 6.4

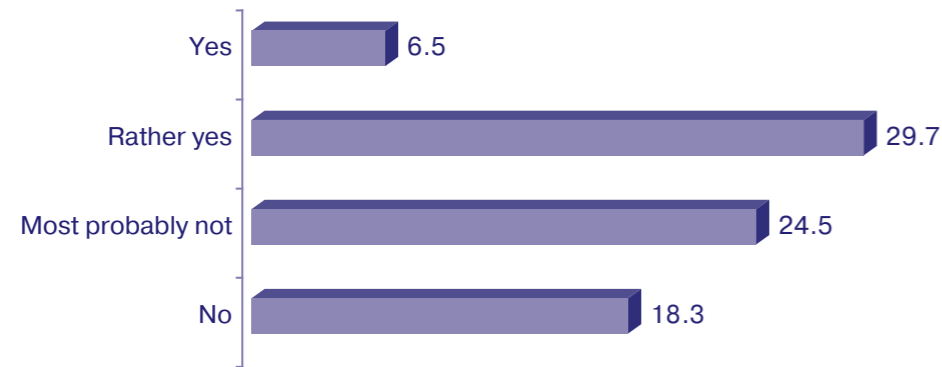
**Assessment of effectiveness of judicial system by residents
of different regions of Ukraine**

Region	Assessment of judicial system (% of respondents)	
	Effective	Ineffective
Kherson	26	56.1
Lugansk	17.8	58
Chernigov	61.4	31.1
Khmelnytsky	26	54.5
Kiev	13.5	61.9

In addition, many Ukrainians do not feel optimistic about equitability of decisions of Ukrainian courts. Hence, 18.3% of respondents indicated that they could not have hoped for a fair decision of their case in court. Another 24.5% believe that the solution would most likely be unfair. Thus, 42.8% of respondents were skeptical about justice in Ukrainian courts. And although a significant proportion of respondents (36.2%) more or less believe that courts would pronounce an equitable decision, another 20.1% find it difficult to answer this question.

Fig. 6.2

Distribution of respondents' answers to the question "Do you think the court would have passed an equitable decision in your case?"

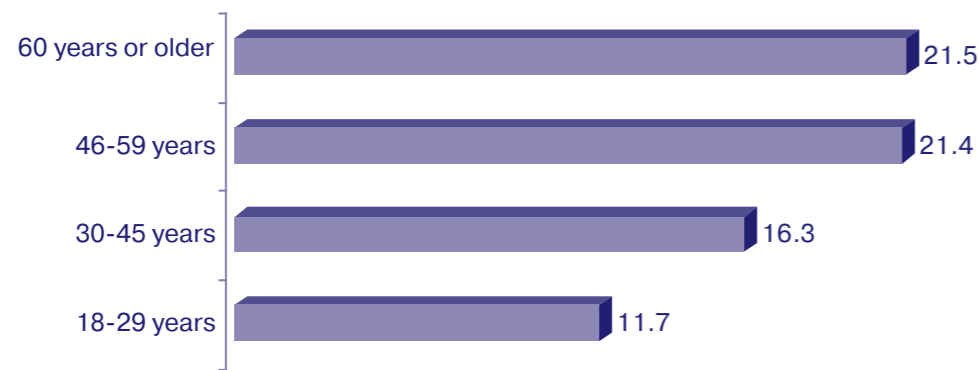


As well as in case of effectiveness of courts, residents of regional centers were more skeptical with respect to fairness of court judgments than those living in villages and urban-type settlements. So, 47.6% of them believe that they cannot hope for a fair court judgment in their case. Among residents of regional towns and villages the same applies to 43.7% and 40.1% respectively.

The study also shows that skepticism about fairness of Ukrainian courts accumulates with age. For example, among respondents aged 18-29 only 11.7% said that they generally could not hope for a just solution, while among people older than 60 this number was 21.5%

Fig. 6.3

Distribution of respondents' answers to the question "Do you think the court would have passed an equitable decision in your case?" by age



The survey data show that in general people of Ukraine are very disappointed in the judicial system and often do not expect fair decisions from modern Ukrainian courts. More than half of respondents from the Kherson (56.1%), Lugansk (58.0%), Khmelnytsky (54.5%) and Kyiv (61.9%) regions assess performance of judicial system in Ukraine as ineffective. This kind of attitude is naturally reflected in expectations of respondents – the majority of respondents in the Kherson, Lugansk and Kiev regions noted that they could not have hoped for a fair decision. The same is believed by 42.7% of respondents in the Khmelnytsky region.

Table 6.5

Distribution of responses of to the question "Do you think the court would have passed an equitable decision in your case?" by region

Region	Estimation of probability of equitable decision (% of respondents)	
	Yes	No
Kherson	33.1	56.6
Lugansk	26.8	45.2
Chernigov	61.1	24.8
Khmelnytsky	43.9	42.7
Kiev	29.2	42.7

According to the data, it is only in the Chernigov region where most residents (61.4%) evaluated judicial system as effective. Those same respondents expect courts to produce equitable decision with regard to their legal problems.

Fig. 6.4

Assessment of the role courts play in protecting the rights of Ukrainian citizens



There is no one opinion as to the role played by courts in protecting the rights of Ukrainian citizens. 13.7% of respondents found it difficult to answer this question. We should note that opinions of other respondents divided almost evenly: 41.4% of respondents to one extent or another recognized the importance of courts in protecting the rights of Ukrainian citizens, and 44.8% indicated that the role of courts is low.

Table 6.6

Role of courts in protecting the rights of Ukrainian citizens by region

Region	Role of courts (% of respondents)	
	Important	Almost unimportant
Kherson	39.5	47.7
Lugansk	31.6	54.1

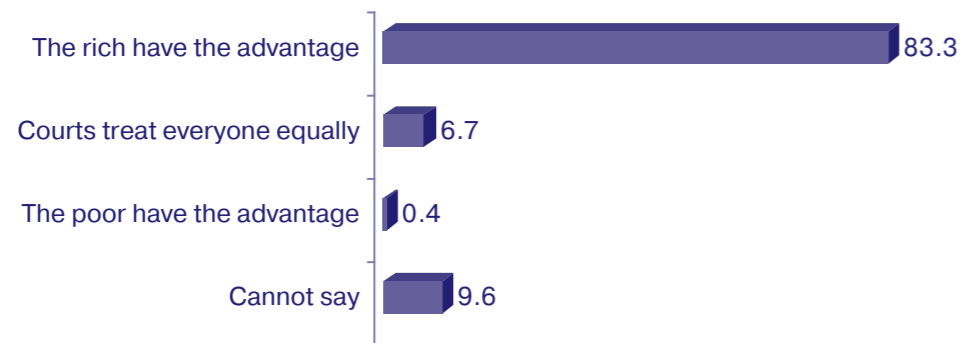
Region	Role of courts (% of respondents)	
	Important	Almost unimportant
Chernigov	64.9	28.3
Khmelnitsky	51.9	36.4
Kiev	32.9	47.5

Let us note, that in the course of the study we've identified and repeatedly confirmed the trend of a more skeptical perception of courts' performance by residents of regional centers and towns in regions. This is also confirmed by the distribution of answers to the question of the role of courts in protecting the rights of ordinary citizens in Ukraine. More than half of respondents living in regional centers (58.0%) consider the role of courts insignificant. This same point of view is adopted by 45.2% of respondents from small regional towns. It's also worth mentioning, that residents of villages and urban-type settlements traditionally put more faith in government institutions in general and courts in particular – 39.9% of respondents indicated that courts play only a minor role in protecting the rights of Ukrainian citizens.

The last factor, which indicates the degree of skepticism that has accumulated among Ukrainians in respect of courts is the fact that 83.3% of respondents believe that decisions made by courts are affected by prosperity of trial participants, and that the rich will have the advantage. Only 6.7% of respondents believe in the supremacy of law and equal treatment of all participants. Unfortunately, we can acknowledge that reputation of courts in Ukraine is largely eroded by both numerous corruption scandals and unfair decisions. That is what makes the majority of Ukrainians think that the key to justice is cash.

Fig. 6.5

Assessment of impartiality of Ukrainian courts



In summary, we would like to note that, according to respondents, the most effective method of solving legal problems is seeking solutions through courts. This was pointed out by 33.4%. At the same time, it should be noted that Ukrainians' opinions of courts are very contradictory. Ukrainian citizens do not trust courts, although they believe that going to court is effective. This is a general conclusion of the poll. The study revealed significant skepticism, accumulated in the society, regarding this institution. 42.8% of respondents do not believe that court would make an equitable decision in their case, and 44.8% do not believe that courts play an important role in protecting the rights of Ukrainian citizens. 83.3% of respondents believe that decisions of courts are affected by wealth and the rich will always have the advantage. Thus, the indicated «effectiveness» of going to court cannot be explained by the fact that respondents believe in equitable decisions. They only indicate that this decision can be enforced effectively. In some way, these data are supplemented by the fact that law evasion (bribes, threats and connections) was identified as the

most widespread method for solving legal problems in Ukraine. The prevalence of this method was pointed out by 42.6% of respondents.

At the same time, such an opinion looks like a persuasion that is not supported by personal experience, and, therefore, seems rather stereotyped. This is proved by the fact that the majority of respondents have never participated in courts.

Separately, it is worth noting that the least common and effective method, according to respondents, is seeking help from government organizations. Thus, solving legal problems with the help of government agencies was recognized effective by 11% and common by less than 7% of respondents.

RESULTS of FOCUS-GROUPS and INTERVIEWS

7

1. Assessment of problem situation

For a more in-depth and detailed analysis of the availability of legal aid in Ukraine, focus groups with legal experts and interviews with clients were conducted. There were 5 focus-groups altogether in the Kherson, Lugansk, Kiev and Khmelnytsky regions.

During the focus-group participants were asked to assess the prevalence of legal problems faced by the population of Ukraine from their own experience. The following problems were identified by the experts:

- difficulties associated with home ownership (registration, selling, buying, renting, redevelopment, etc.)
- benefits (receiving, calculating payments, re-issuance)
- violation of consumer rights (delivery of faulty goods, services, violation of terms of delivery)
- violations by government bodies (rudeness, unfairness, complexity of procedures, corruption)
- work (unpaid wages, illegal actions of authorities, etc.)
- financial matters (the return and repayments of debts, insurance, deposits, loans, unfair charges).

Are the problems that require legal aid representative for the majority of the population of Ukraine? In other words, how largely is one of the most common legal problems in Ukraine – the problem of consumer rights violation – represented in courts? Experts' assessment of this situation was rather controversial. They acknowledged that it is still quite unusual for people to seek legal support. People normally start looking for legal assistance if the issue is really important to them or they have got no other choice. By no means all problem situations requiring legal resolutions make people start to undertake some steps. There are some general trends related to certain parameters, such as place of residence or socio-demographic status, as well as occupational characteristics of clients. For example, in rural areas the most common cases are related to property and the right of ownership. Villagers complain more about enforced privatization of land. Privatization of land is free of cost by law, but in reality it actually attracts some costs and charges.

Free privatization exists on paper only, but in reality I have never seen it. There are no people who received free land. For example, in the Lugansk region people are forced to privatize their house land plots. The same is true in the villages. It is a massive violation of law and people have got no money for it. So they turn to lawyers for help.

From the comments of legal experts, Lugansk

For the elderly and retirees the most relevant issues are those related to benefits and subsidies, as well as inheritance. Women are increasingly turning for help with family problems (divorce, the right for upbringing the child after divorce, alimony, custody, adoption). People of working age are often faced with work related disputes. The number of complaints related to banks and deposits is roughly equal. In the regional centers the problem of the non-payment of social obligations of the government to "the children of war" is very common. Very often people complain about either inequitable judgments or lack of access to justice. Dissatisfaction is often caused by the work of militia and prosecutors who do not respond to requests and complaints. Their answers are often off the point which substantially slows down the process of problem resolution.

Besides complaining about extortions by a huge number of inspection bodies, businessmen are dissatisfied with delays in VAT refunds.

The current issue is failure to return the VAT. Tax inspectors in tax authorities do not want to register declarations of the companies, which the government owes money. This is a mere self-activity of tax officers, asking for money to speed up registration. On the other hand there is a secret decree to crush small and medium businesses. In October each entrepreneur has to pay 900 UAH to the pension fund, which is absolutely illegal, because those payments are retroactive.

From the comments of legal experts, Kiev

A separate group of appeals were complaints regarding unfair treatment by government authorities. According to the experts, this category of cases accounts for 40-50% of all cases.

There is an impression that the State is at war with its citizens. As soon as officers see that a person does not really orientate in the bureaucratic intricacies, they immediately reject an application or delay the case.

From the comments of legal experts, Kherson

Why do we need an Administrative Court in the country? A Special Court in the State! This is because bodies of executive power don't work properly.

From the comments of legal experts, Lugansk

The experts also noted that in the cities public authorities become the subject of complains more often. In villages people are less law literate. In addition, in villages there is a limited physical access to lawyers. In some areas there are only one or two lawyers in the entire district center. If a lawyer is also a relative of a public officer it becomes virtually impossible to reach justice.

Imagine that a lawyer is related to a judge, prosecutor, etc. Thus, the person who is in opposition to, say, procuracy or militia is in fact deprived of justice. We've seen cases where lawyers either refused to take a case or, which is even worse, serve two masters. In rural areas there are many people who are unable to hire a lawyer for financial reasons. In the absence of other alternatives they are completely deprived of legal aid.

From the comments of legal experts, Kiev

The present situation of confrontation between government bodies and interests of individual citizens and communities clearly demonstrates the relevance of formation and development of civil society in the form of a third sector – non-governmental organizations and associations that could effectively fight for their rights. Active opposition between the state and the emerging associations is well illustrated by the example of registration troubles faced by the Association of apartment owners. Local authorities do not want to lose their sources of money and illegal income.

Speaking about the registration of the Association of apartment owners, we should note a large number of initiatives to break away from slavish dependence on Housing departments and unlawful tariffs. People get organized, act by the rules with the help of lawyers and submit documents. In courts they are faced with deliberate delays on the part of local government bodies. This is because it is unbeneficial for Housing departments and their indirect owners – deputies and mayors.

From the comments of legal experts, Kherson

Duration of issue resolutions in courts depends largely on each individual case and all subjects involved in the process – the other party, lawyers, prosecutor and judge. The average time of duration of litigation is about a year. Cases related to property and criminal liability take the longest.

The length of proceedings is one of the foundations of corruption in courts. If you bribe the judge, your case will be sped up. If you don't, it will take ages, or someone else can meanwhile bribe the judge to delay the case.

From the comments of legal experts, Kiev

There are no any legitimate reasons to make a judge speed up a case. The situation has somewhat improved after some changes in the criminal procedure legislation. Some experts point at a formal opportunity to hold a judge liable for unjustified delays in legal proceedings. In practice, however, none of the experts could recall any cases of judge prosecution for such misconduct.

There has been a change in the law of Judicial System and Status of Judges. Delaying legal proceedings became the ground for bringing the judge to responsibility. Any judge could be prosecuted, as the violation of the terms of legal proceedings is the violation of an oath. We have received a lot of complaints related to this. We tried to go against the actions of judges, but each time we received the answer from the Council of Justice saying that no violations had been found.

From the comments of legal experts, Kiev

2. Actions

Faced with one or another problem, people usually choose several basic behavioral strategies, i.e. disregard the problem, actively seek help, and try to solve the problem independently, come into conflict or try to negotiate. As shown by the survey of experts regarding their vision of the main behavioral models, the active position is usually taken by people who have got nothing to lose. For example, by pensioners or those who lost their job and try to get in back or compensate for its loss. In the event of injustice on the part

of government bodies, people either try to defend their rights through legal ways or solve their problems informally. In cases where the conflict with government authorities may change things for the worse, people prefer to negotiate without turning to formal methods.

Entrepreneurs are afraid of going to courts because it is very easy for the state machine to crush a business and people are afraid of it. There are very many different methods: threats, involvement of law enforcement agencies and tax officers who have huge enforcement powers.

From the comments of legal experts, Kiev

People resort to official legal procedures in the following cases: they've got nothing to lose even if they don't succeed in court, they don't have sufficient financial resources, they could not find any mediator for unofficial negotiations or they believe in justice (these are listed in descending order of supporters). Today the number of those who still believe in the ability of the legal system to administer justice independently and impartially is critically low. Amid this sort of nihilism, the experts have noticed an important change in the psychology of people in regards to the role of courts in resolving disputable and problematic issues. More and more people, including those of "the old school", perceive courts as normal and natural mechanism of legal state in resolving disputable issues.

More and more people are trying to resolve their issues through courts. During the Soviet period people felt ashamed of going to courts. They believed that courts only deal with criminals. These days even older people with all sorts of stereotypes start turning to courts. This trend manifests the establishment of civil-law relations of civil society.

From the comments of legal experts, Lugansk

The choice of a lawful or unlawful ways of solving legal problems is determined by a number of important factors. Firstly, it is the nature of the case, and, therefore, resources needed in the process of resolution. In case of financial or private property problems which an applicant is afraid of losing or is hoping to receive, it is highly probable that he/she will do his best to attract additional "arguments" in order to enforce the chances. Secondly, it is the relevance of the problem. Usually it takes a few months or even years for the case to be resolved in court. If a person is not ready to wait for that long, he/she will turn to unofficial and often unlawful methods of solving legal problems. In general, the experts have noted the following trend – the richer the person, the more chances that he/she will choose to evade law. This can take place within the formal course of legal proceedings (bribing judges and prosecutors, threatening witnesses, etc.) and in order to stop the case from going to court.

3. Accessibility of justice and barriers

People often face a number of barriers on their way to justice which to one extent or another inhibit access to good quality legal services. According to the results of the study, there are a few key barriers to justice. These include costs of services and procedures, time needed to resolve legal problems, lack of relevant information, stress and negative emotions. Let us have a look at each one in detail.

3.1 Cost of legal aid

Are people ready to pay for legal services? Do they actually pay and how much? As shown by the interviews of the experts, this is the major barrier that forces many people to either refuse to take their case to court or think hard about the worthwhileness of starting the process. The average cost of legal advice in Ukraine is about 50-100 UAH. In case of the need to prepare a written application or a claim, this sum goes up to 200-300 UAH. Is it much or not? This is a difficult question to answer. If this helps a client to get some help or answer his question, this sum is not that critical for most residents, except for pensioners and other categories of poor people who may need free legal assistance. The financial side of the problem is especially difficult for residents of smaller towns and villages where 50UAH is a substantial sum of money.

Is one consultation enough to solve most problems? This is possible in a number of cases, for example, when one needs to prepare a complaint, to get an abstract from the regulatory document or receive an advice on how to behave with different subjects of the case. But most of the experts admitted that it is difficult to help a client within one consultation. Thus, the person needs to come back again and again having to pay for each visit. To add to this, some lawyers deliberately draw their clients into more services, explaining those with different reasons, such as difficulty of the case, volume of relevant information, need of additional consultations, etc.

There is no place where a person can get full information within a single consultation. He/she will need to come back a few times. At the same time many new lawyers do not take money for counseling. But they make people depend on them. They provide advice to a client in such way, that he comes back to them for further assistance.

From the comments of legal experts, Kherson

The most expensive type of services is court-room support. The least pricey is definitely preparation of a claim or a general consultation. Lawyers charge for their services in two ways: % of the case value (around 10-20%) and hourly fee. The second way is becoming more popular because a lawyer gets paid despite the final outcome of the case. Sometimes a mixed system is applied: a client pays for consultations and court-room support and, in case of success, a lawyer gets his interest. This approach to charging makes people refuse their services, because delays in processing of cases become too pricey.

Lawyers are paid for participating in courts irrespective of outcome and charge separately for preparation of documents. Even if there were no court hearings, they still charge for coming to court. For example, when the court adjourned five times, the client had to pay his lawyer for coming to court and spending his time there. People have been taught to pay whenever they go. They experience some kind of shock when you tell them they don't need to pay you. They still try to bring something, like a bottle of milk. They bring it, leave it and run away. "This cannot be free! You paid for your phone calls to me. Take this, please!"

From the comments of legal experts, Kherson

However, a formal cost of legal services is just a part of all costs associated with legal proceedings. Often a lawyer proposes "to ease" the process of solving the issue if he personally knows a judge or a prosecutor. Usually, a lawyer-judge tandem can speed up the process, provided a client is ready to pay. Those who can afford such extra costs usually go for it. But for many people those costs are unbearable, which makes this kind of barrier more powerful.

3.2 Time as a resource for access to justice

How much personal time does a person need to resolve a legal problem? Does this prevent people from taking any actions? As it was mentioned earlier, it takes a while for a case to be resolved in court. For some clients this could be a major barrier to justice. The majority of the interviewed experts think this way. However, once people decide to solve their problems in a legal way through courts, they wait for as long as it takes. To some extent this depends on the case itself and the circumstances of proceedings, as well as the personality of the client. If the final decision means a lot for the client, he/she will wait till the end. At the same time, if the person is not morally prepared to fight for his case or does not feel comfortable with certain procedures, then the length of the litigation might influence his decision to refuse the help of Themis and take a shortcut. Anyway, the one who dares to take the official way these days, must arm himself with patience.

A lot depends on the nature of the case. In some cases it is fine to wait. But when the case is really important and everything depends on how fast it can be resolved, then it is understandable why people try to avoid going to court.

From the comments of legal experts, Kherson

There is a number of people who are willing to go to the European Court of Justice. They are fighters by their temperament and spirit. And there are conformists, weak people who quickly give up and refuse to fight.

From the comments of legal experts, Lugansk

3.3 The role of information in accessing justice and its availability

How easy is it to find some relevant legal information these days and can an average person understand and use this information? The answer may be both yes and no. Lately the volume of legal information has increased in geometrical progression. There is an enormous amount of legal information in bookshops, bookmarkets, specialized publications and the Internet. Thus, any person who knows what sort of information he needs can get it rather easily. But there is a potential problem here. By no means all people who need to have their legal problems solved know exactly what kind of information they need and where to look for it. This is quite difficult without some basic legal knowledge.

The same sorts of difficulties wait for people coming to courts to lodge applications, get an advice or solve their problems. There are no any clear instruction boards here and court workers (judges, secretaries, experts) refuse to give any information or advice.

It is almost impossible to get information or advice in court. Court workers argue that this is not their job. Sometimes people do not even need to go to court to defend their rights. There are other forms of legal defense. At the first glance there is plenty of information on the Internet on where to go and where to lodge a complaint. But this information is dispersed, so it is rather difficult to find some relevant information for a particular case.

From the comments of legal experts, Lugansk

Thus, the only way to understand what to do is seeking help from a professional lawyer with some experience. Naturally, this sort of help comes at a price. The experts are skeptical of all attempts of common people to present their own interests in courts. Often, this only worsens the situation because people do

not fully understand the subject matter and may not be able to formulate their claim. Despite their duty to identify and correct those sorts of mistakes, judges don't do it in most cases.

I think that people need to know when they have the right to ask for help. And then a specialist does the job. No single person can know everything. Terminology is a business of a specialist.

From the comments of legal experts, Kiev

It is useless for an ordinary person to go to court. In one case he makes mistakes in preparing his documents, and in the other he forgets to register something. When a judge starts talking to him, he does not have a clue what's going on.

From the comments of legal experts, Kherson

Thus, a new barrier is formed between a person seeking justice, and justice itself. This barrier is the lack of information or failure / inability to take advantage of existing information.

3.4 Stress and secondary victimization

Being in court is stressful for people, especially if this is their first time. Negative emotions can be invoked by the details of the process and by the actions of its participants. Feelings of helplessness, fear and anxiety for their safety or the safety of their loved ones, biased accusations by witnesses or prosecutor – all these and other issues create a negative background accompanying litigation. Institutional (depersonalized) principles of courts do not provide an individual approach to every person and his problem.

When you go to court, you might think that a professional judge is going to sort things out, but then, when you face all this mud and injustice, you start getting the idea that there is no justice here. This could have a huge psychological impact on you.

From the comments of legal experts, Kiev

Very often in our practice, judges do not behave properly and are even rude. This greatly discourages people from going to courts and expecting something there. In this sense, there are some judges who can be called abnormal. They are traumatized by many years of such practice, where they wallow in a mass of cases and where they themselves are the victims of this situation – they scream, kick people out of the court room and call militia.

From the comments of legal experts, Lugansk

Besides all of the above, there is a strong likelihood that a victim of injustice or crime may experience additional stress and, in some cases, become a victim of psychological pressure. For example, if a woman became a victim of sexual violence, the actions of law enforcement agencies (militia, prosecutors, court) can cause (and, as experts point out, do) a victim further suffering by their careless attitude and accusing her of being guilty in what's happened to her. A witness often becomes a defendant in the course of a trial without any good reason. After proceedings his status changes back to the witnesses, but no one makes any apologies to him. No one really cares about the feelings of a wrongly accused person.

The behavior of procuracy is the ugliest. All they do is they make people go in circles. Your claim is denied in procuracy, and then you go to court where you get a cancellation. And then you get another denial from procuracy on the same grounds.

From the comments of legal experts, Kherson

To confirm their information about difficulties and barriers to justice, the experts pointed to the discrepancy between the situation in Ukraine and European norms of access to justice.

According to the results of monitoring of access to justice conducted in 2008-2009 in Kherson and three districts of the region by the following indicators: 1) ability to find a courthouse, 2) ability to obtain information in the court office, 3) ability to obtain information about where and who to turn to in court, 4) physical conditions in courts (furniture, toilets, etc.), 5) equal treatment of all litigants by judges, we largely fall short of the European standards.

From the comments of legal experts, Kherson

When clients talk about solving their legal problems, they note, that one needs a lot of stamina, because it takes a lot of time and is emotionally challenging. Given these factors, even material costs do not seem to be a significant obstacle.

This is very, very stressful. If you go to procuracy with a complaint, they might suddenly make you guilty of something.

From the comments of clients, Lugansk

4. Agents of legal aid

Today there are two major players on the market of legal services. They are lawyers and organizations / persons who provide legal advice. If there is a criminal case, then no one but a lawyer can act as an official party of the judicial process (represent his client's interests in court). If we are talking about any other case, then physical or legal entity with which one has a contract is entitled to represent interests of the parties. In this context, the role of a lawyer can be taken by any subject under the Law. Based on a different classification, we can say that there are three main types of sources of legal aid – government organizations, private or commercial structures and public (non-governmental) organization. The experts were asked to answer the question about the relationship, role and performance of these subjects of legal assistance in Ukraine.

The majority of the market is occupied by lawyers and legal aid agencies. Experts noted that in most cases it is best to contact a lawyer, if a person wants to get quality assistance in resolving the problems. A lawyer will be able to provide case administration from start to finish. If, however, a person needs an advice or representation in court in a civil or administrative case, he can seek help from legal advisers (in the form of a natural or legal person).

Legal clinics often created by the educational establishments for law students are still extremely rare in our country. In addition, people are not inclined to entrust inexperienced young people with important problems, even if they work under the supervision of more experienced academics. For righteousness' sake it should be noted that employees of legal clinics themselves see their main role as providing information and clarification of legal rules. This explains their minor role in the provision of legal aid to the population.

Each treatment depends on the nature of the issue. If this is a rather complex problem, a lawyer is the only option. I believe there is no point in going to legal advisers, gathering information and wasting your time and money. If an issue is complex enough and it definitely needs a court decision, it is better to go straight to a lawyer. In case of child support payments, divorce, a subsidy, a general consultation or a social question it is better to turn to legal clinic: it is a good practice for both students and people. The aim of legal clinics is to explain legal issues to people, like lodging an appeal to a government body, prepare a claim or a petition or settle down problems with neighbors.

From the comments of legal experts, Belaya Tserkov

Nevertheless, the experts assess the effectiveness of lawyers and legal advice rather critically. People often encounter their incompetence and unwillingness to act in the best interests of a client (i.e. in case of family ties between a lawyer and a judge or a prosecutor).

These days you can hardly find a fine professional lawyer. There is very few of those, who care about their reputation. Besides, lawyers are always tied to courts. That is why they are reluctant to spoil their good relationships with judges for some matter of principle. A lawyer will not come into conflict with a structure that will "put pressure" on him: this means playing against his client.

From the comments of legal experts, Lugansk

As for non-governmental organizations, the main players here are those who receive grant funding and organizational support to provide legal assistance to the population. Their number is still extremely small for such a large country. The experts noted a relatively high effectiveness of such forms of legal support, especially if compared to the performance of government bodies and, in some cases, private agencies. This is especially true for those areas where lawyers or legal advisers are not available.

In public organizations human rights activists don't charge for their consultations: they work, so to speak, at the behest of their heart. They are not interested in playing to someone else's advantage, so they tell people the truth.

From the comments of legal experts, Lugansk

A special assessment was given by the experts to government authorities that provide legal assistance. Their performance is far from ideal. Most of the feedback on the quality of their work is rather negative. The experts point at unprofessionalism of their officers, duration of procedures and timing of providing relevant information to clients. In cases where someone comes to the wrong quarter and the question is not in their sphere, the law requires the appeal or request to be transferred to the relevant body. In reality, government officers just let you know that your request was incorrect. Thus, the person is left one on one with the problem.

Often there are no professional lawyers in City Council public receptions, and bureaucrats who do not have a clue in legal issues send people to other organizations. Yet, they get their salaries! What are they paid for?

The website of Ministry of Justice actively reports the effectiveness of their receptions, where people can get legal aid. They have reports for each district and each town. But when I rang all their numbers I could never get through.

From the comments of legal experts, Kherson

In cases where the requested information may actually or potentially harm the organization itself, the information is distorted or simply becomes unavailable.

A legal adviser in a government body is a person who holds onto his job, so he will never disclose any information that could potentially harm his employer. Thus, a client cannot benefit from this sort of help.

From the comments of legal experts, Belaya Tserkov

All experts admitted a very low level of public trust in government structures because of ineffectiveness of their work. In some cases they even harm their clients.

This is also admitted by the clients who regularly encounter different problems when dealing with government bodies. The most significant problem is never-ending queues. This is especially hard for pensioners who find it difficult to spend hours in queues.

The queues are huge there. In some cases you never get what you need.

From the comments of the clients, Kherson

Such queues, as well as inconvenient work schedules, pose significant problems for working people.

I need to take a whole month off work, this business takes ages! In order to find out what to do I have to obtain leave at work, visit a huge number of organizations and turn to lawyers.

From the comments of the clients, Kherson

Besides this, people complain about delayed procedures. While they waste their time looking for all kinds of certificates, the ones they managed to obtain previously get expired. The following statement gives a clear idea of what is going on in government organizations.

My mother went there and she was told to come back in August. When she came in August she was told that everyone is on holidays and she'd rather come back in the middle of September. On the 15th of September there was no decision on her case yet so she was asked to come back in October. In October they told her to return on the 16th of December. She is an old person and it is very hard for her to come each time, having to join the queue at 5am with no success at all. Now we don't know whether she'll get her money or not.

From the comments of the clients, Lugansk

Some respondents had an impression that this kind of inappropriate behavior of employees of public institutions (refusal to pay money, ignoring applications, non disclosure of desired information, delaying procedures) is due to the fact that they are influenced by higher authorities. Often, such attitude simply makes people cease fighting.

I spent two years running around courts to be paid a debt at work. Each time they ask to bring different papers instead of asking to bring all at once. I said that I would not go there anymore.

Now I have friends who have some problems, but they do not even want to seek any help there: they think that it's absolutely pointless. Many people think the same way.

Laws are written on paper, but no one follows them. Laws are made for simple people, but no one cares about obeying them. This is my point of view.

From the comments of the clients, Lugansk

5. Effectiveness of legal system in Ukraine

Speaking about the effectiveness of our legal system in general, the experts paid attention to several key aspects. Firstly, the notion of effectiveness was defined as potential and feasible opportunity to defend provision of law regardless of circumstances. This means that regardless of the subject and the situation, the court will be on the side of those who are protected by law. In this context, justice in Ukraine draws substantial skepticism of the experts. The following theses prove the point.

First of all, in most cases solving legal issues in court is semi-legal or illegal in nature. Themis's eyes in Ukraine are not closed – they are wide open and carefully apprise everyone who resorts to her services. She assesses the benefits of taking any decisions in favor of one or another party. So, when choosing between the legitimate way to resolve legal issues before the court and the ability to "smooth out and simplify" the process, it is easier and more effective to choose the second alternative and bribe this capricious lady with weights in hands, provided you've got enough financial resources. This once again demonstrates that Ukrainian corruption is institutionalized and widespread. Moreover, in many cases this makes things easier. Public opinion is increasingly inclined to think that thanks to corruption schemes it is easier to live and work because it minimizes contact with a complicated and inconvenient system of government bodies.

The second point logically follows from the first one: it is extremely difficult for a common person to get fair access to justice these days. This is in part explained by the problem of dualism of law. One expert described it as follows.

We have a written law (the Constitution, codes, all the laws), but there is "the usual" law (law of tradition, the right of feudal privileges) for the ones at power. This is the old feudal law, where justice is selective. In Soviet times there was "the telephone law", which is present today in a different form.

From the comments of legal experts, Lugansk

A problem becomes particularly difficult when a person is opposed to personal interests of law enforcement officials who use law to their own advantage.

Causes of injustice in courts, especially in small towns, are similar everywhere. There is a bond between a prosecutor, a chief of police, a judge and a tax officer. They are the masters of life who run their business and control their territory. Therefore, any attempt of an ordinary man to achieve something that affects their interests directly or indirectly is doomed to failure. Thus, this "bunch" is the principal obstacle to equitable resolutions of many cases.

From the comments of legal experts, Lugansk

Experts' pessimism about the future development of the justice system is reflected in their vision of what should be done in order to give any person in Ukraine equal access to qualified legal assistance. This situation certainly requires responses from both the government and civil society. This was agreed upon by all survey participants. The methods to achieve this may be different. The main lines of proposed reforms were:

- activation of population in defending their rights and liberties by raising the level of legal awareness and reducing legal illiteracy;
- efficient regulation of amenability of government officials (and judges in particular) for making unlawful decisions or poor performance;
- along with the increased amenability of judges for unlawful decisions a real independence of courts should be ensured;
- establishment of independent institutions of legal support (by the example of Free legal aid offices).

Despite the overall negative trends in the justice system in Ukraine, some experts still expressed cautious optimism in the estimates of its future. This optimism is based largely on the belief that Ukraine will not swerve from the path of European integration which is the key to creating and maintaining common standards of justice. In addition, there is a growing protest potential as an indicator of increasing civic awareness, which may also subsequently lead to positive changes in government bodies in general and in law enforcement agencies in particular.

CONCLUSIONS

1 Among the problems identified in the research, which are faced by people in their everyday life and require legal intervention, the most commonly found were: violation of consumer rights, conflicts at work and in violations by government authorities. Among the least common problems were the following: discrimination, addressing the consequences of injuries and migration issues.

2 Respondents of the retirement age are primarily concerned with registration and receipt of benefits, and working-age people are preoccupied with problems associated with their employment. The issues of consumer rights violation are particularly relevant in the Kherson, Lugansk and Kiev regions, and conflicts at work and difficulties with registration of benefits are the most crucial issues in the Chernigov and Khmelnytsky regions.

3 Dealing with problems and legal interventions carry a price for country residents. Thus, estimating the cost of their legal problems, respondents mentioned lost income in the form of damages associated with the loss of working hours or work in general and spoiled reputation (37%). The second most important category of losses is health-related (24%). This includes treatment costs, medical examinations, tests, etc. One fifth of respondents (20%) had to pay travel costs associated with their problem resolution. Professional services costs were incurred by 15% of respondents. Yet another 14% of respondents had to pay legal charges and fees associated with obtaining certificates and different kinds of receipts.

4 By no means all respondents were able to resolve their problem by the time of the survey. Despite all the costs and efforts, the problematic situation remained unresolved for 41% of respondents and got even worse for 7.5% of respondents. Those who were able to resolve their problem achieved it mostly by their own efforts (53%). Only 13% of pollees could count upon their close ones. Participation of government, public and private institutions in this process was minimized. This proves that in most problematic situations Ukrainian citizens are left one on one with them.

5 Active position of respondents in solving their problems is reflected in their choice of unofficial methods. 57% tried to negotiate with another party of the conflict and 35% consulted with representatives of their social environment reference groups, i.e. friends, relatives and acquaintances. Appealing to government authorities with complaints and petitions is less common (38%), as well as seeking legal advice (21%). Moreover, the smaller the locality where respondents live, the more people turn to official structures to resolve their problems. Only 9% of respondents decided to actively participate in court hearings and proceedings.

6 Motivation of respondents' active position is the following: protection of their own rights (43%), defending the right (42%), self-protection (23%), material consideration (19.5%), protection of property (19%) and family (14%), desire to punish the guilty (5.6%).

7 These days it is not difficult to get legal advice. This is confirmed by the fact that only 6% of respondents could not do it with the main reasons being as follows: high cost (52%), lack of professionals (24%), lack of ability or willingness of professional or agency to help (13%). At the same time, when faced with difficulties, people seek information about the opportunity to obtain legal support primarily from their close ones - friends, relatives and colleagues (74%). Previous experience is relied upon by 17% of respondents. After this people turn to the wider sources of information - advertising (8%), Internet (7%) and mass media (5%).

8 The average cost of legal consultation today is between 50-100 UAH. Despite the fact that high cost of legal services is a major barrier to justice this amount is deemed to be acceptable by the majority of respondents.

9 The forms of legal assistance received from various sources can be allocated into three main groups: consulting customers as to the objects and subjects of the legal issue (where to go, who to turn to, what to say or what to do), preparation of documents, mediation and representation of clients' interests in official or unofficial settings. However, the study found that there is no direct link between getting legal assistance and successful problem resolution. Among the respondents who received legal services, the number of successful and unsuccessful pursuers was equal. In turn, 63% of those respondents who did not receive or did not seek legal help for one reason or another were able to resolve their problems by other means.

10 The study revealed that despite the importance of legal problems, a substantial number of respondents (41.4%) refused to take any actions to address their issues. The key reasons for inaction are as follows: personal perception based on negative information and experience, self-doubt and desire to preserve resources (both material and psychological) in conjunction with conviction that it is easier to resolve problems independently by agreeing with another party of the conflict than by seeking help from public authorities.

11 The study identified barriers to getting legal assistance and information. Presence of these barriers is often caused by such factors as place of residence (type of locality), age and financial situation. Among the most common barriers faced at the stage of deciding about taking or not taking any actions the most significant are bureaucratic barriers, barrier of frustration in the system and emotional barrier. In certain areas such barriers as financial, time and information barrier also play a significant role. At the stage of appeal to one or another institution of legal aid, the number of barriers increases. Here, the most significant barriers are bureaucracy, corruption, financial and informational barriers, as well as barriers of legal aid effectiveness, controllability, secondary victimization and specific legal knowledge. And finally, at the last stage (legal proceedings in court) the following barriers come to the fore: corruption and bureaucratic barriers (only about 7% of the population believe in equitable decision), financial costs (cost of lawyer services), emotional barrier (stress in the process of litigation), the barrier of language of court proceedings, etc. However, the main barrier to problem resolution is lack of faith in being able to change things. This leads to impotence of people in face of legal problems due to low effectiveness of the legal system, its bureaucracy, corruption, prejudice to the common people, delaying of procedures, etc.

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Survey results indicate that, according to respondents, the most effective method of solving legal problems is seeking solutions through courts. This was pointed out by 33.4% of respondents. At the same time, it should be noted that Ukrainians' opinion about courts is rather contradictory. Ukrainian citizens do not trust their courts, although they believe in their effectiveness. The study revealed significant skepticism regarding this institution accumulated in the society. 42.8% of respondents do not believe that court would pass an equitable decision in their case, and 44.8% do not believe that courts play important role in protecting the rights of Ukrainian citizens. 83.3% of respondents believe that decisions made by courts are affected by one's wealth and the rich will always have the advantage. To some extent, these data are supplemented by the fact that the most widespread method of legal problem resolution in Ukraine is law evasion (bribes, threats, connections). Prevalence of this method was indicated by 42.6% of respondents. It should be also mentioned that, according to respondents, appeals to government organizations are the least common and effective way to solve legal problems. Thus, applying to government agencies for help was thought to be effective by 11% and common by less than 7% of respondents.