

Connecting Rule of Law Indicators with Human Security: Law as Institutions and Law from a People-Centered Perspective

Makiko Arai

Research Fellow, JICA Ogata Sadako Research Institute for Peace and Development

1. Introduction

The rule of law has often been described as one of the universal values of the international community. Alongside such principles as respect for fundamental human rights, the importance of the rule of law has long been recognized. In recent years, however, growing concern has been expressed over the erosion of the rule of law and backsliding from its principles.¹ Russia's invasion of Ukraine, which began in 2022, starkly demonstrated a situation in which a permanent member of the United Nations Security Council launched a war in direct violation of the UN Charter and international law, thereby undermining the rule of law as a foundation for maintaining the international order. In the United States as well, the Trump administration, from its early days, provoked intense debate through the extensive use of executive orders that lacked democratic legitimacy and, through pressure exerted on the judiciary, generated significant repercussions both domestically and internationally.

Thus, while the rule of law has recently attracted heightened global attention amid perceptions of crisis, a fundamental question remains: what exactly does this concept mean, what elements does it comprise, and by what criteria have its advancement or regression been assessed? Moreover, to what extent have existing efforts to visualize

and measure the rule of law succeeded in capturing its essential normative dimensions?

This article first provides an overview of debates surrounding definitions of the rule of law, and then introduces selected initiatives aimed at visualizing the concept through indicators, examining both their significance and their limitations. It further explores alternative ways of visualizing law from the perspective of people—dimensions that cannot be fully captured by indicators—and argues for the necessity of understanding the rule of law from the perspective of human security.

2. What Is the Rule of Law? Contested Definitions and the Rise of Indicator-Based Visualization

2.1. Essentially Contested Definitions and Operational Understandings in Practice

The rule of law is often described as an “essentially contested concept,”² and a wide range of definitions and

¹ See Arai (2024).

² The concept of “essentially contested concepts,” proposed by Gallie (1956), refers to concepts whose definitions and interpretations are inherently subject to enduring disagreement. Gallie identified seven characteristics that distinguish such concepts and argued that notions such as democracy and social justice fall into this category. Building on Gallie's theory, subsequent scholars, including Waldron (2002) and Collier, Hidalgo, and Maciuceanu (2006), have analyzed the rule of law as an essentially contested concept.

The views expressed in this report are those of the author(s) and do not necessarily represent the official positions of either JICA or the JICA Ogata Research Institute.

interpretations have been proposed by legal scholars and political scientists. Dicey (1885) famously formulated the rule of law in terms of the supremacy of law over all persons, the denial of arbitrary power, and the protection of individual rights through the common law, exerting a profound influence on the development of the liberal tradition in the United Kingdom. By contrast, Raz (1979) conceptualized the rule of law not as morally “good law” but as a set of conditions for a “good legal system,” emphasizing procedural and formal elements such as clarity, stability, and predictability in law.

Building on these debates, Tamanaha (2004) argued that multiple models of the rule of law coexist, ranging from formal to substantive approaches and from “thin” to “thick” definitions.³ By organizing the rule of law along these variations, Tamanaha sought to clarify its connections with the protection of rights and democratic governance. His framework offers a multidimensional perspective for analyzing the concept of the rule of law.

Meanwhile, understandings and practices of the rule of law in the field of socioeconomic development did not always align closely with these academic debates, but were driven primarily by functional considerations. Since the 1990s, the end of the Cold War has transformed the international order, moving it away from ideological confrontation. Values such as market-based economics, democracy, and human rights have come to be widely shared as international norms. At the same time, the rise of new institutional economics reinforced the view that institutional stability and legal predictability are essential to economic development, positioning legal system reform as a precondition for investment promotion and market formation.⁴

Against this political and economic backdrop, growing attention to the importance of the rule of law has shaped the field of development cooperation. In its 1997 report, the United Nations Development Programme explicitly identified

the rule of law as a key element of good governance and linked it to values such as institutional justice, civil rights, and accountability (UNDP 1997). The World Bank has implemented numerous legal and judicial reform projects by framing the development of legal institutions as a prerequisite for economic growth and poverty reduction. In 1999, the World Bank also released the Worldwide Governance Indicators (WGI), which include the rule of law as one of their core components. Within the United Nations, the Sustainable Development Goals (SDGs) were adopted by General Assembly resolution in 2015, and under Goal 16, “Peace, Justice and Strong Institutions,” strengthening the rule of law was explicitly articulated as a global objective (United Nations 2015).

2.2. The Visualization and Measurement of the Rule of Law through Indicators

Reflecting the growing recognition of the rule of law as a normative principle and its perceived importance in socioeconomic development, efforts to develop indicators for visualizing, objectively evaluating, and comparing the state of the rule of law have advanced since the 2000s. Indicators related to the rule of law have been developed by a variety of organizations, each employing distinct methodologies and evaluative frameworks. This section introduces three widely used and relatively comprehensive sets of indicators that aim to visualize and quantify the rule of law: the Varieties of Democracy (V-Dem) Democracy Indices, the World Bank’s Worldwide Governance Indicators (WGI), and the Rule of Law Index developed by the World Justice Project (WJP).⁵

(1) V-Dem Democracy Indices

The democracy indices developed by the V-Dem Institute constitute a set of international indicators designed to measure the diversity of democratic systems, positioning the rule of law as one of their constituent components. They include a broad range of indicators focusing on institutional dimensions, such as judicial independence, procedures for appointing judges, and the predictability of law. These indicators are constructed primarily on the basis of qualitative assessments

³ According to Tamanaha (2004), a “thin” definition of the rule of law refers to a definition with minimal requirements, understanding the rule of law primarily as an institutional structure focusing on formal and procedural aspects. By contrast, a “thick” definition encompasses not only institutional structures but also normative content, construing the rule of law as extending to substantive elements such as social justice and the protection of civil liberties.

⁴ For a detailed discussion of this background and the evolution of law and development studies, see Yamada (2007).

⁵ Other indicators of the rule of law have also been developed by organizations such as the Organisation for Economic Co-operation and Development (OECD), Transparency International, and Freedom House.

by experts. By providing long-term time-series data extending back to at least 1900, and in some cases much earlier, the V-Dem indices are well suited for historical analyses of institutional change. At the same time, however, they face limitations, including the potential influence of evaluators' subjective judgments, and they tend not to directly reflect subjective elements such as the lived experiences and perceptions of people in the countries being assessed. The V-Dem Institute's annual *Democracy Report* presents the Liberal Democracy Index, which goes beyond measures of "electoral democracy" by incorporating, as key elements of its "liberal" dimension, "the extent to which the executive is constrained by the legislature and the judiciary" as well as the protection of civil liberties under the rule of law.

(2) Worldwide Governance Indicators (WGI)

The Worldwide Governance Indicators (WGI), developed by the World Bank, assess national governance performance across six dimensions: (1) Voice and Accountability, (2) Political Stability and Absence of Violence, (3) Government Effectiveness, (4) Regulatory Quality, (5) Rule of Law, and (6) Control of Corruption. Among these, the Rule of Law indicator is composed of elements such as the ability to enforce contracts, the protection of property rights, the quality of the police and courts, confidence in the judicial system, and the extent to which members of society comply with the law. In this sense, the WGI can be understood as positioning the rule of law as an indicator closely associated with economic stability and the investment climate.

The WGI have a composite structure that integrates data from multiple private survey institutions and international organizations, and the organization's annual updates have led to their widespread use as a benchmark for policy evaluation and development cooperation. Key features of the indicators and their underlying data include the diversity of data sources and the statistical aggregation of subjective assessments. While the use of quantified scores facilitates international comparison, a limitation of the WGI lies in their emphasis on the formal soundness of institutions; as a result, they are less capable of capturing inward or experiential dimensions, such as people's lived experiences and perceptions of access to justice.

(3) The World Justice Project (WJP) Rule of Law Index

In contrast to these approaches, the Rule of Law Index developed by the World Justice Project (WJP), an independent, multidisciplinary organization, assesses the rule of law by organizing it into eight primary factors: (1) Constraints on Government Powers, (2) Absence of Corruption, (3) Open Government, (4) Fundamental Rights, (5) Order and Security, (6) Regulatory Enforcement, (7) Civil Justice, and (8) Criminal Justice. These are further disaggregated into 44 subfactors. Designed as a comprehensive index specifically focused on the rule of law, the WJP index is distinctive in that it combines expert assessments with population-based surveys in order to measure both institutional structures and citizens' experiences.

The areas evaluated by the index include, among others, the protection of fundamental rights and fairness in access to justice, enabling it to capture people's lived experiences alongside the formal soundness of institutions. Whereas the V-Dem Democracy Indices and the Worldwide Governance Indicators (WGI) place greater emphasis on institutional and structural dimensions, the WJP Rule of Law Index seeks to integrate institutions with people's experiences and perceptions, thereby allowing for a more multidimensional assessment of the effectiveness of the rule of law. The distinctive features of the WJP Rule of Law Index will be examined in greater detail in a later section.

3. What Indicators Bring and What Remains Unseen

As discussed above, indicators of the rule of law offer the advantage of representing the soundness of institutional arrangements in quantitative terms. By translating complex realities into numerical measures, such indicators enable cross-national comparison and the prioritization of policy interventions. In this sense, they constitute an important foundation for evidence-based policymaking and are expected to function as practical guides for government policymakers and development cooperation donors alike.

However, the consequences of quantifying the rule of

law are not necessarily limited to positive effects. This section examines the limitations of indicators designed to measure the rule of law, as well as the potential negative implications that practices of indicator-based quantification may produce.

3.1. Critical Scholarship on Rule of Law Indicators

As efforts to visualize and quantify the rule of law through indicators advanced, the 2010s witnessed a growing body of critical scholarship focusing on governance-related indicators, including those measuring the rule of law.

Merry (2011) cautioned against the risk that indicators may impose global norms on local contexts, emphasizing the need to attend to cultural diversity and contextual specificity. She argued that even though concepts and experiences—such as those related to violence against women—vary significantly across regions, processes of indicator construction often strip away these cultural and social contexts, translating complex realities into simplified numerical forms that can be rendered comparable across countries.

Davis et al. (2012) demonstrated, through theoretical analysis and a wide range of case studies, that indicators are not merely tools for measurement but rather technologies of knowledge production that create frameworks for classifying and comparing social phenomena, while simultaneously functioning as instruments that legitimize policy decisions and interventions by international organizations. The volume also provides a theoretical framework for analyzing the political nature and institutional effects of governance indicators, including rule of law indicators.

Merry, Davis, and Kingsbury (2015) conceptualized indicators as circulating between the global and the local, proposing an analytical framework that traces how indicators are produced, diffused internationally, influence policies and societies, and are subsequently contested or reinterpreted in local settings. The authors further highlighted the ways in which indicators, while presenting themselves as neutral and objective instruments of measurement, in practice operate as forms of “quiet power,” shaping and reinforcing power relations. Through case studies such as Freedom House indices and corruption indicators in Kenya, the volume critically examines how indicators may simplify reality and

reinforce existing power structures.

Drawing on a legal-anthropological approach, Merry (2016) offered a detailed analysis of the seductions of quantification and their political implications. From the perspective that indicators do not merely measure phenomena but actively constitute them, she critiqued the “myth of objectivity” associated with quantification and examined its influence on policy processes. In particular, she demonstrated how the use of indicators on gender-based violence and human trafficking in international policymaking can lead to the erasure of cultural contexts, thereby highlighting the ethical challenges inherent in the design of indicators related to human rights and governance.

Taken together, this body of scholarship illuminates, from multiple perspectives, the power-laden, political, and exclusionary dynamics that accompany the construction and use of rule of law indicators, and provides an indispensable theoretical foundation for critically examining the quantification of the rule of law.

3.2. What Indicators Fail to Capture: Visualizing Law from the Perspective of Individuals

Efforts to visualize the rule of law have traditionally focused on quantifying the existence and operation of formal public institutions. Typical examples of such approaches include numerical assessments of the degree to which particular institutions have been established, the presence or absence of legal frameworks, and the availability of courts. These initiatives represent what may be described as a form of *top-down* visualization and reflect an institution-centered approach. However, in order to understand how law exists, is used, and functions within society, it is equally important to visualize law from the perspective of individual people who use it. Even where formal institutions exist, the rule of law cannot be said to function substantively unless those institutions are understandable, accessible, and trusted by citizens.

For example, even when access to justice is formally guaranteed by law, marginalized groups—such as people living in poverty or members of minority communities—do not necessarily enjoy effective access to judicial institutions in practice. Komatsu and Arai (2020) point out that in many

developing countries, a combination of obstacles, including inadequate infrastructure, linguistic and cultural barriers, and distrust of formal institutions, makes access to justice particularly difficult for individuals who tend to be socially marginalized.

Thus, understanding the state of the rule of law in a given society requires more than the quantification of the existence or formal characteristics of institutions; it also necessitates an examination of ways to visualize law from a human-centered perspective. Capturing how individuals experience, perceive, talk about, and place trust in law from their own standpoints is indispensable to the substantive realization of the rule of law.

3.3. Key Insights from the WJP Index: Structural Innovations Incorporating the Perspective of People

In this regard, the aforementioned Rule of Law Index developed by the WJP merits particular attention for its structural design, which explicitly incorporates the perspective of people. This design reflects an understanding that the effectiveness of the rule of law depends not only on the formal establishment of institutions but also on citizens' experiences, perceptions, and trust. In addition to expert assessments, the WJP conducts large-scale population surveys in each country to measure factors such as levels of trust in legal institutions, perceived access to justice, experiences of discrimination, and understanding of legal procedures.

For example, the WJP index uses survey questions such as the following: "How much confidence do you have in civil courts?"; "How much confidence do you have in criminal courts?"; and "In the past two years, have you had a dispute or legal problem that you could not easily resolve?" It also includes follow-up questions asking whether respondents sought advice or assistance from any person or organization and whether they were able to obtain legal advice or legal representation, thereby revealing gaps between the formal design of institutions and citizens' actual experiences of using them.⁶

⁶ The questionnaires are publicly available on the World Justice Project's website: <https://worldjusticeproject.org/2021-wjp-rule-law-index-questionnaires>.

The WJP surveys also include questions that ask respondents whether they have experienced discrimination or unfair treatment by public authorities, including discrimination by the police or unfair treatment when seeking legal assistance, and whether such experiences were related to characteristics such as gender, ethnicity, disability, or economic status. Through these questions, the index evaluates institutional fairness alongside the protection of human dignity.

Moreover, in recent years, the WJP has increasingly shifted toward nationally representative sampling strategies, introducing survey designs that capture the experiences of a wider range of geographic areas and social groups, rather than focusing primarily on urban populations. As a result, the WJP index is able to highlight disparities in access to justice and levels of trust in legal institutions arising from regional and socioeconomic differences, rather than producing results skewed toward urban contexts.

By inclusively incorporating these diverse perspectives of people, the WJP index offers valuable insights by assessing the rule of law not merely in terms of institutional design but also in terms of its degree of penetration into society. Put differently, the WJP approach measures abstract concepts such as individual dignity and societal resilience through concrete citizen experiences, thereby making visible the connection between the rule of law and human security. Furthermore, the index can be regarded as a theoretically and practically useful tool insofar as it allows for the simultaneous assessment of the two core strategies of human security—protection and empowerment.

4. Understanding the Rule of Law from the Perspective of People: Insights from Legal Consciousness Studies

Finally, this section turns to insights from legal consciousness studies as a body of scholarship that offers important perspectives for visualizing law from the standpoint of people.

Since the 1980s, legal consciousness studies have

come to occupy a central position within the sociology of law. Merry (1990) conceptualized legal consciousness as an approach for analyzing how law permeates everyday life and is interpreted and given meaning by ordinary people, emphasizing the socially constructed nature of law. Silbey (2005) conceptualized legal consciousness not as individual attitudes toward law but as a form of social practice through which law is experienced, enacted, and reproduced in everyday life. More recently, Chua and Engel (2019) proposed what they term an “interactive and co-constitutive approach” (336), conceptualizing legal consciousness not as a static set of attitudes but as a dynamic process generated through ongoing social relationships. These theoretical developments highlight the need to understand the rule of law not simply as the existence of institutions but through people’s lived experiences and perceptions.

In Japan, large-scale social surveys—such as comparative surveys involving Japan, China, and the United States, as well as studies of dispute behavior—have been conducted since the 1970s. These surveys have shed light on patterns in the use of legal institutions, choices of dispute-resolution mechanisms, and levels of trust in the judiciary, thereby making visible the gap between the formal development of legal institutions and citizens’ actual practices. Research by Sato, Abe, and Ota and their collaborators, drawing on a nationwide civil dispute survey conducted between 2016 and 2020, provides an empirical analysis of the realities of civil disputes and the functioning of the justice system in contemporary Japan from both quantitative and qualitative perspectives (Sato, Abe, and Ota 2023). This body of work offers particularly rich insights for visualizing law from the standpoint of people.

Legal consciousness studies have also generated important insights for understanding the rule of law and legal practices in what are often referred to as developing countries. Engel and Engel (2010), in their analysis of how victims of traffic accidents in Thailand respond to injury and dispute processes, demonstrated that cultural and social factors help explain why formal legal procedures are often avoided or selectively engaged despite their institutional availability. Chua (2014), focusing on LGBT activism in Singapore, and Chua (2019), examining LGBT movements in Myanmar, analyzed the

interaction between legal institutions and social movements, illustrating how law can function simultaneously as a site of repression and a strategic resource for resistance. Furthermore, Dunn (2022), in her study of legal consciousness in post-conflict societies in the eastern Democratic Republic of the Congo, introduced the concept of “emergent hybrid legality” to show how citizens understand and use law within plural legal orders characterized by the coexistence of state law and customary norms.

Taken together, these studies of legal consciousness reveal the diversity of how law is understood and practiced within specific social contexts—dimensions that cannot be fully captured through purely numerical evaluations of the rule of law focused on institutional performance alone. Legal consciousness is not simply a matter of legal knowledge or attitudes; rather, it is a dynamic process formed through social relationships and cultural experiences, functioning as an interface between institutions and citizens. Accordingly, indicators designed to measure the rule of law would benefit from incorporating qualitative and quantitative data on people’s legal consciousness, alongside assessments of institutional development, in order to produce evaluations that more closely reflect lived realities. This perspective aligns with the shift discussed in the previous section, from visualizing law through *institutions* to visualizing law through *people*.

5. Conclusion

Through an examination of indicators, this essay has clarified the limitations and challenges inherent in efforts to visualize and quantify the rule of law, and has argued that the substantive realization of the rule of law requires a fundamental shift in perspective from *institutions* to *people*. Progress in institutional development does not necessarily translate into improved access to those institutions for ordinary people, and what remains invisible in indicators does not cease to exist simply because it cannot be numerically captured.

Viewing the rule of law from the perspective of people is deeply connected to the principles of human security. By integrating people’s perspectives into indicators of the rule of law, it becomes possible to promote the protection of dignity

and the strengthening of societal resilience through both protection and empowerment. For example, in societies affected by natural disasters or emerging from conflict, more adaptive and sustainable forms of recovery can be fostered when institutional development is linked with the legal empowerment of citizens. This integrated perspective is also consistent with the SDGs' commitment to "leaving no one behind." The visualization of the rule of law, therefore, need not be confined to the evaluation of institutions alone; rather, it can serve as a guiding framework for the realization of human-centered security. Through such integration, efforts to visualize the rule of law may come to capture the social practices that underpin and sustain human security itself.

References

- Arai, Makiko. 2024. "Human Rights, Culture, and Human Security: Rethinking the Universality Discourse." *Human Security Today* No. 2: 140–141. Tokyo: JICA Ogata Sadako Research Institute for Peace and Development.
- Chua, Lynette J. 2014. *Mobilizing Gay Singapore: Rights and Resistance in an Authoritarian State*. Singapore: NUS Press.
- . 2019. *The Politics of Love in Myanmar: LGBT Mobilization and Human Rights as a Way of Life*. Stanford, CA: Stanford University Press.
- Chua, Lynette J. and David M. Engel. 2019. "Legal Consciousness Reconsidered." *Annual Review of Law and Social Science* 15: 335–353.
- Collier, David, Fernando Daniel Hidalgo and Andra Olivia Maciuceanu. 2006. "Essentially Contested Concepts: Debates and Applications." *Journal of Political Ideologies* 11(3): 211–246.
- Davis, Kevin E., Angelina Fisher, Benedict Kingsbury and Sally Engle Merry, eds. 2012. *Governance by Indicators: Global Power through Quantification and Rankings*. Oxford: Oxford University Press.
- Dicey, Albert V. 1885. *Introduction to the Study of the Law of the Constitution*. London: Macmillan.
- Dunn, Holly. 2022. *Legal Consciousness and the Rule of Law in Post-Conflict Societies: Emergent Hybrid Legality in the Eastern Democratic Republic of Congo*. London: Routledge.
- Engel, David M. and Jaruan Engel. 2010. *Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand*. Stanford, CA: Stanford University Press.
- Gallie, Walter B. 1956. "Essentially Contested Concepts." *Proceedings of the Aristotelian Society* 56: 167–198.
- Komatsu, Kenta and Makiko Arai. 2020. "Access to Justice: To Protect Every and Each Person's Rights." *ICD News: Law for Development*, no. 83: 12–25. International Cooperation Department, Research and Training Institute, Ministry of Justice, Japan.
- Merry, Sally Engle. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press.
- . 2011. "Measuring the World: Indicators, Human Rights, and Global Governance." *Current Anthropology* 52(S3): S83–S95.
- . 2016. *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking*. Chicago: University of Chicago Press.
- Merry, Sally Engle, Kevin E. Davis and Benedict Kingsbury, eds. 2015. *The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law*. Cambridge: Cambridge University Press.
- Raz, Joseph. 1979. "The Rule of Law and Its Virtue." In *The Authority of Law: Essays on Law and Morality*, 210–229. Oxford: Clarendon Press.
- Sato, Iwao, Masaki Abe and Shozo Ota, eds. 2023. *Gendai Nihon no Funsō Katei to Shihō Seisaku: Minji Funsō Zenkoku Chōsa 2016–2020 [Disputing Process and Judicial Policy in Contemporary Japan: A National Survey of Civil Disputes, 2016–2020]*. Tokyo: University of Tokyo Press.
- Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323–368.
- Tamanaha, Brian Z. 2004. *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press.
- United Nations. 2015. *Transforming Our World: The 2030 Agenda for Sustainable Development*. A/RES/70/1. New York: United Nations General Assembly. <https://digitallibrary.un.org/record/3923923>.
- United Nations Development Programme (UNDP). 1997. *Governance for Sustainable Human Development: A UNDP Policy Document*. New York: UNDP. <https://web.undp.org/evaluation/documents/articles/gov.htm>.
- Waldron, Jeremy. 2002. "Is the Rule of Law an Essentially Contested Concept (in Florida)?" *Law and Philosophy* 21(2): 137–164.
- World Justice Project. 2024. *Rule of Law Index 2024 Global Press Release*. <https://worldjusticeproject.org/news/wjp-rule-law-index-2024-global-press-release>.
- Yamada, Miwa. 2007. "Hō to Kaihatsu Kenkyū to wa Nani ka——Kenkyū Nōto" [What Is Law and Development Studies? Research Note]. In *Hō to Kaihatsu: Kiso Kenkyū [Law and Development: Basic Studies]*, edited by Masayuki Kobayashi, 1–18. Chiba: Institute of Developing Economies, JETRO.