The rule of law refers to the idea that the same rules, standards and principles need to apply to all individuals and organisations, including to government itself. The concept is implemented in practice through a range of laws, codes and procedures that provide equal access to law and justice, and guarantee predictability, reliability and accountability of the legal system. It is considered a key element of good public governance as it is an essential prerequisite for maintaining peace and order, the provision of public goods and services, the effective control of corruption and economic development.

Existing definitions of the rule of law are manifold. This publication draws upon the model developed by the World Justice Project (WJP), which is one of the most systematic approaches to conceptualising and measuring the rule of law. According to their methodology, the systems upholding the rule of law comprise four universal principles: 1. the government and its officials and agents as well as individuals and private entities are accountable under the law; 2. the laws are clear, publicized, stable and just; are applied evenly; and protect fundamental rights, including the security of persons and property; 3. the process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient; 4. justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources and reflect the makeup of the communities they serve.

The WJP measures the rule of law through eight factors that seek to measure different aspects of the concept. The results for two of these factors are presented here: constraints on government powers and fundamental rights. The factor scores range between 0 and 1, where 1 signifies the highest score and 0 the lowest.

The factor measuring constraints on government powers gauges “the extent to which those who govern are bound by law. It comprises the means, both constitutional and institutional, by which the powers of the government and its officials and agents are limited and held accountable under the law. It also includes non-governmental checks on the government’s power, such as a free and independent press.” The OECD average for this factor lies at 0.75, and almost half of all OECD member countries reach a score above 0.8. A number of Nordic countries like Denmark, Finland, Norway and Sweden, but also Austria, the Netherlands and New Zealand perform particularly well on this factor. Hungary, Mexico and Turkey, in contrast, achieve scores below 0.5. Among OECD accession countries and other major economies, only Costa Rica scores above the OECD average.

The measure for the protection of fundamental rights includes information on effective law enforcement and due process of law, and the adherence to a range of basic human and labour rights that are established under international law. The scores on this factor are very similar to the scores for the constraints on government powers for most OECD countries as well as OECD accession countries and other major economies. The OECD average is only slightly higher with a value of 0.77. The exceptions are Hungary and Slovenia, which score considerably higher for fundamental rights than for constraints on government powers, as well as India and Ukraine, which achieve substantially higher scores for constraints on government powers than for fundamental rights. Consequently, there is a very strong positive correlation between the two factors. This result points to the fact that countries that have established checks and balances on government power also guarantee basic rights.

**Methodology and definitions**

Data are collected by the World Justice Project by a set of questionnaires based on the rule of law index’s conceptual framework. The questionnaires are administered to representative samples of the general public and legal experts. For the general public, a probability sample of 1 000 respondents in the three largest cities of each country is selected. In the case of legal experts, on average 24 experts per country are surveyed. The services of local polling companies are engaged to administer the survey to the public. Data are available for 28 OECD countries as well as 9 countries that are in the OECD accession process or are considered other major economies. All variables used to score each of the factors are coded and normalised to range between 0 and 1, where 1 signifies the highest score and 0 the lowest.

More detailed information on the selected factors of limited government powers and fundamental rights is available online at: http://worldjusticeproject.org/factors/constraints-government-powers and http://worldjusticeproject.org/factors/fundamental-rights.

**Further reading**


**Figure notes**

Data for Iceland, Ireland, Israel, Latvia, Luxembourg, the Slovak Republic and Switzerland are not available.

Information on data for Israel: http://dx.doi.org/10.1787/888932315602.
13. CORE GOVERNMENT RESULTS

Rule of law

13.5. Limited government powers, 2016

Source: World Justice Project

StatLink: http://dx.doi.org/10.1787/888933533682


Source: World Justice Project

StatLink: http://dx.doi.org/10.1787/888933533701

13.7. Limited government powers versus fundamental rights, 2016

Source: World Justice Project

StatLink: http://dx.doi.org/10.1787/888933533720