

# The rule of law and why it matters

## What is the rule of law?

The rule of law is a set of important principles that ensure no one is above the law. The rule of law requires that the Government and its officials always act according to the law, overseen by independent and impartial courts.

There can be differences in the way people define the rule of law, but generally it includes principles like:

- Laws are made openly and transparently by elected representatives (in Aotearoa New Zealand, that is Parliament).
- Everyone is subject to the law, including the Government and its officials.
- Powers and punishments are applied to citizens only in accordance with the law.
- The law is clear and enforceable, and citizens can access and understand it.
- Citizens can access the courts and other dispute resolution processes to seek justice or to resolve disputes fairly, without excessive delay.
- There is an independent and impartial judiciary.

## Why does it matter?

The rule of law has an impact on our everyday lives. When the rule of law is strong, it helps to promote:

- **Democracy**, by ensuring elections are fair, and laws made by Parliament are properly applied and enforced.
- **Protection of our fundamental rights and freedoms**, including through legislation and the courts.
- **Social harmony**, by improving public confidence

in the law and the justice system, and ensuring everyone complies with the law.

- **Economic growth and social progress.** For example, by respecting property rights, and ensuring contracts and international laws are enforced.

Globally, the rule of law has been in decline, but it remains strong in Aotearoa New Zealand. We are currently ranked 6th in the world, with a score of 0.83 out of 1.00, on the World Justice Project's Rule of Law Index.

However, we do face some challenges. By addressing them now, we can ensure Aotearoa New Zealand remains committed to the rule of law and does not suffer the decline seen in other countries.

## What challenges are there to the rule of law here in Aotearoa New Zealand?

The Law Society surveyed the legal sector in 2024 and asked what the current challenges to the rule of law are in Aotearoa New Zealand. We also undertook wider research and reviewed our submissions on recent legislation and other consultations.

In our report, *Strengthening the rule of law in Aotearoa New Zealand*, some key challenges are discussed:

1. Access to justice
2. Developing good legislation
3. Judicial independence
4. Automated Decision Making