

**JUDICIARY OF THE 21ST CENTURY: HOW THE LITERATURE SUGGESTS A
NEW WAY TO EVALUATE THE JUDICIARY USING THE PERCEPTION OF
CITIZENS¹**

***O JUDICIÁRIO DO SÉCULO XXI: COMO A LITERATURA SUGERE UMA NOVA
FORMA DE AVALIAR O JUDICIÁRIO A PARTIR DA PERCEPÇÃO DO CIDADÃO***

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ABSTRACT: It is essential to implement a new way of evaluating the judiciary that considers the perception of citizens, particularly in the 21st century, where there is a pressing need to involve society in discussions about improving public services. In addition to utilizing information from specialists such as lawyers, public servants, and judges, citizens can provide a new perspective that can help enhance the quality of judiciary services. The objective of this article is to present the state-of-the-art on the subject of "Judiciary Evaluation" and how citizens' perceptions can be integrated into this process. The findings of the theoretical study reveal a lack of research on citizen and judiciary evaluation, emphasizing the importance of including citizens in the judiciary evaluation model.

KEYWORDS: Legitimacy, stakeholder, social power, management of the judiciary, citizen.

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RESUMO: É fundamental implementar uma nova forma de avaliar o Judiciário considerando a percepção dos cidadãos, especialmente em pleno século XXI, com a necessidade premente de incluir a sociedade na discussão do aperfeiçoamento do serviço público. Além de utilizar informações de especialistas como advogados, servidores públicos e juízes, o cidadão pode apresentar um novo olhar que ajudará a melhorar a qualidade dos serviços do Judiciário. O objetivo deste artigo é apresentar o estado da arte no tema “Avaliação do Judiciário” e como a percepção do cidadão pode fazer parte desse processo. Os resultados do estudo teórico mostraram que há carência de estudos sobre avaliação cidadã e do Judiciário, e, portanto, haverá uma clara contribuição se ressaltarmos a necessidade de incluir o cidadão em um modelo de avaliação do Judiciário.

PALAVRAS-CHAVE: Legitimidade, parte interessada, poder social, gestão do judiciário, cidadão.

1. INTRODUCTION

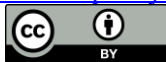
The Judiciary is responsible for interpreting, defending, and applying the law in legal cases and acts on behalf of the State. Well-informed citizen knows that the Judiciary is essential for democracy⁵, the promotion of economic growth⁶ and the improvement of the well-being of society⁷. However, society perceives the cost and length of these processes, a reality that involves the growing number of lawsuits that negatively impact the judicial field. In Brazil, recent estimates showing that there are more than 77.3 million pending lawsuits⁸, a considerable number that negatively affects the Judiciary's reputation. In Portugal, the media daily prints news of what has already been configured as the biggest crisis of the local judicial system in the last four decades, especially regarding costs and slowness. In the United States of America, for example, some federal judges have a workload of more than a thousand cases per year, which is considered excessive since an average of 600 cases is

⁵ SEN, Maya. *Courting deliberation: An essay on deliberative democracy in the American judicial system*. Notre Dame JL Ethics & Pub, 2013.

⁶ FELD, Lars; VOIGHT, Stefan. Economic Growth and Judicial Independence: Cross Country Evidence Using a New Set of Indicators. *European Journal of Political Economy*, v. 19, n. 3, pp. 497-527, 2013.

⁷ SAMPAIO, Joelson Oliveira. *Essays on trust in the judicial system: Evidence from Brazil*. Universidade de São Paulo, 2015.

⁸ CONSELHO NACIONAL DE JUSTIÇA. Relatório Justiça em Números. Brasília: CNJ, 2022.



already deemed to be a high number. Additionally, the number of pending federal cases mandated by civilians has exceeded 330 thousand cases in one year⁹.

In recent years, the importance of public opinion has grown enormously in our society, largely due to the role of traditional media and, more recently, digital media. It is fair to say that there is a global movement to increase social integration and awareness. We can find examples of this in women's right gender movements, democratic pleads and racial equality protests. All of them demonstrate the necessity of understanding and integrating public opinion^{10 11}. In fact, the perception of the citizen is already used to evaluate public services, such as healthcare, education, and security.

In other words, the systematic opinion of the citizen to evaluate services and the use of assessments to improve the provision of the service, composing a system that is permanently in feedback with the opinion of the citizen, are contributing to a greater effectiveness of the services provided.

Despite the great impact on the citizens' life, why does society contribute so little to the evaluation of the Judiciary? The problems begin with the measurement of this perception itself. There is a diversity of index and conclusions, especially because the methodologies used differ so much. Each country has different means to understand and evaluate the Judiciary. The Latin American Barometer, for example, in 2020, pointed that 36% of Brazilian population trusts the Judiciary, one of the highest rates, only behind Uruguay and Costa Rica¹². According to data from ICJ Brasil collected between November 2020 and January 2021, this rate was of 40%. Datafolha registered that, in September 2021, 31% of the Brazilian citizens do not trust in the Judiciary, a percentage that was of 23% in 2019¹³.

⁹ Cf. UNITED STATES COURTS. *Court Orders and Updates during the COVID-19 pandemic*, 2020. Available at: <<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>>.

¹⁰ Cf. BUECHLER, Steven M. *Understanding Social Movements: Theories from the Classical Era to the Present*. Routledge, 2016.

¹¹ CALDERÓN, Fernando; PISCITELLI, Alejandro; REYNA, José Luis. *Social Movements: Actors, Theories Expectations*. Routledge, 2018.

¹² Cf. Latinobarometro. *Annual Public Opinion Survey*, 2020. Available at: <<https://www.latinobarometro.org/latContents.jsp>>.

¹³ Cf. *Piora avaliação do Congresso Nacional*. DataFolha, 24 sep. 2021. Available at: <<https://datafolha.folha.uol.com.br/opiniaopublica/2021/09/piora-avaliacao-do-congresso-nacional.shtml>>.



We see different ways of collecting, analyzing, and showing the data. Therefore, the difficulties to evaluate the Judiciary are understandable.

It is common to find studies also measuring the functionality of the Judiciary, but it could be said that there is a knowledge gap when it comes to measuring or evaluating the Judiciary from the citizen's perspective¹⁴. A modern and contemporary management demands adding the component associated with the citizen's perception to the existing models.

In this line, most of the studies imply that only specialists should evaluate the system, therefore stating knowledge as the core concept of evaluating systems of the Judiciary. Staats, Bowler and Hiskley¹⁵ use this notion by which those who know the Judiciary, or its institution are more prepared to evaluate it. Other study¹⁶ also agrees that experts, lawyers, or civil servants are enabled to evaluate the institutions and the Judiciary. These researchers believe that either a citizen could be influenced by the results when using the Judiciary or a citizen does not have enough knowledge about the Judiciary, and therefore could not evaluate it.

The literature regarding Legitimacy and Stakeholder theories¹⁷ presents the idea that social agents, the citizens, are the ones who legitimate powers of the State, such as the Judiciary. The premise of knowledge being essential for evaluating does not stand in the wake of the social theories, since they attest citizens are some of the most important agents to validate powers of the State. So, the citizen perception should be considered in order to improve the Judiciary.

¹⁴ FUNDAÇÃO GETULIO VARGAS. Estudo da Imagem do Poder Judiciário brasileiro. Rio de Janeiro: FGV, 2019. Available at: <https://ciapj.fgv.br/sites/ciapj.fgv.br/files/estudo_da_imagem_do_judiciario_brasileiro.pdf>.

¹⁵ STAATS, Joseph L., BOWLER, Shaun; HISKEY, Jonathan. Measuring Judicial Performance in Latin America. *Latin American Politics and Society*, v. 47, n. 4, pp. 77–106, 2015.

¹⁶ DESTA, Biniyam K. Investigation of Judicial Service Quality in Customer Satisfaction: The case of Dire Dawa city courts, Ethiopia. *Journal of Law, Policy and Globalization*, v. 84, pp. 1-17, 2019.

¹⁷ Cf. DEEGAN, Craig. *Financial Accounting Theory* (4th ed). McGraw Hill, 2014.

Cf. FREEMAN, Edward et al. *Stakeholder theory: the state of the art*. Cambridge Press, 2010.



In this context, this article aims, first, to identify the state-of-the-art in the assessment of the Judiciary, namely identifying theories and judiciary models of evaluation that attest public opinion as an important trait of the evaluation. And second, to include citizen perception as a part of the process of evaluating the judiciary. A set of six hypothesis are proposed at the end of this paper, in order to create a new model to evaluate the Judiciary.

2. RESEARCH METHODOLOGY

This work is a theoretical approach that proposes to analyze the literature about evaluation of the Judiciary, as well as the social theories which help to understand the importance of citizen perception in this context.

Sources were selected due to their scope and relevant works in the research area. To identify relevant literature an automatic search of the terms in the title, abstract and keywords was performed, using Web of Science, Scopus, and Google Scholar databases. Thus, were included in this literature review works that feature models with conceptual application to the judiciary; stakeholder, legitimacy, social power, and Judiciary; Court or Supreme and evaluations of the Judiciary. Also, criteria to exclude works were applied: articles that were not in Portuguese or English; research in areas not related to management; research with methodological deficiencies; and works that are not fully available. The idea of searching for texts also in Portuguese is due to the fact that Brazil could be an important country for testing, validating and applying the model proposed in this article. The Brazilian Judiciary' has signaled the increasing importance of listening to the voice of the citizen in the evaluation of the Judiciary.

Therefore, the research is only bibliographical and does not plan to use any practical research whatsoever. The data was collected mostly from articles published in Journals ranked Q1 and Q2, but journals Q3 and Q4 were also used due to the relatively little research on Judiciary evaluation using citizen perception.

The analysis is only qualitative and intends to evaluate the literature behind these research themes related to evaluation of the Judiciary.



3. EVALUATION OF THE JUDICIARY

There are some ongoing initiatives that are being developed to assess the justice system based on the opinion of citizens¹⁸. However, the knowledge gap about the Judiciary, according to some authors¹⁹, may be impacting the reliability and credibility of these assessments. Such evaluations can be found in studies using already consolidated scales (namely Servqual) to assess the quality of service for users of the system, such as lawyers and public servants²⁰.

Throughout these studies, the authors intend to find an evaluation of the service's quality using already well-developed scales to assess quality or satisfaction based on perceptions of the stakeholders. However, most of the time they were evaluating quality based on lawyers', judges' and public servants' perceptions of the Judiciary.

In other areas such as healthcare and education, there is a widely used model, which is the Servqual scale, created by three North Americans marketing professors in 1988²¹. This scale takes into consideration the measurement of the gap between the customer's expectation and the perception of the services provided. It uses a questionnaire composed of 22 items. In these items, five dimensions of quality are evaluated: tangibility, reliability, responsiveness, assurance and empathy. Afterwards, a classification taxonomy was developed for two evaluation methods: the first was proposed by Parasuraman et al., which represents the American school of thought, and the second is known as the Scandinavian or Nordic model, developed by Gronroos.

¹⁸ EUROPEAN COMMISSION. EU Justice Scoreboard European Commission, 2017. Available at: <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en>.

¹⁹ EUROPEAN COMMISSION FOR EFFICIENCY OF JUSTICE. Evaluation Scheme, 2020. Available at: <<https://rm.coe.int/cepej-scheme-en-cepej-2020-16rev-/1680a1d49a>>.

²⁰ PATTERSON, Christopher T. Toward Service Excellence: A Preliminary Assessment of Service Quality in Georgia Courts. *Institute for Court Management Court Executive Development Program 2008-2009 Phase III Project*. Available at: <<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.361.8009&rep=rep1&type=pdf>>.

²¹ PARASURAMANN, A et al. Servqual: A Multiple Item Scale for Measuring Consumer Perceptions of Service Quality. *Journal of Retailing*, v. 64, n. 1, pp. 12-40, 1988.



The American model has two different perspectives for measuring service quality. The first is based on the disconfirmation paradigm, in which satisfaction is seen as a mathematical function of the disconfirmation between performance and expectation. The Servqual scale was built in this paradigm, and it has been proved useful in several studies for measuring service quality²². The second perspective is based on the performance paradigm, which assumes that the expectation of a service is always qualified or conditioned by the service received and, consequently, the expectation can be ignored and only performance will be measured²³. The Servperf scale is a tool built under this paradigm, and it is the focus of several studies along the same lines as the previous one²⁴. Both instruments are similar: Servqual measures expectation and perception, and Servperf measures perception using only this battery of questions. Servqual is multidimensional, while Servperf focuses on only one of the dimensions.

The scales were used to measure quality of services, using public servants as respondents. The answers were then analyzed using statistical methods such as Factor Analysis or Structure Equations. Each of the dimensions was considered a factor, to which scores were attributed, helping the authors to understand which dimensions are more important. In Servqual and Servperf scales, performance and quality of services were the main attribute analyzed.

Different authors²⁵ tried to measure effectiveness using not only perception, but also some general variables to access the quality of the system. Along these lines, the “Florence” project on access to justice, developed by Mauro Cappelletti and Bryant Garth²⁶, dealt with the three renewal “waves” that sought to expand access to the claim of rights within the Judiciary. Thus, the first wave reflected the creation of initiatives aimed at

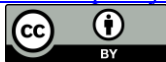
²² ALDEHAYYAT, Jehad. Organizational characteristics and practice of strategic planning in Jordanian hotels. *International Journal of Hospitality Management*, v. 30, n. 1, 2011, pp. 192-199.

²³ Cf. CRONIN, Joseph; TAYLOR, Steve. Measuring service quality: reexamination and extension. *Journal of Marketing*, v. 56, n. 3, pp. 55-68, 1992.

²⁴ Cf. CRONIN, Joseph; TAYLOR, Steve. Servperf versus Servqual. *Journal of Marketing*, v. 58, n. 1, pp. 125-131, 1994.

²⁵ Cf. MURILLO, Rodrigo. Understanding the Service Quality Perception Gaps between Judicial Servants and Judiciary Users. *International Journal for Court Administration*, v. 6, n. 2, pp. 84–105, 2014.

²⁶ CAPPELLETTI, Mauro; GARTH, Bryant. Acesso à justiça. Trad. Ellen Gracie Northfleet. Porto Alegre: Sérgio Antônio Fabris, 1988, pp. 67-68.



providing and improving assistance to the economically disadvantaged. The second wave dealt with the effectiveness of the protection of diffuse rights, such as the environment, consumer relations, among others. At the time, it became evident that there was a need to reconcile the protection of individual rights with the damages caused by collective actions. The third wave sought to broaden the notion of access to justice by creating new procedures, mechanisms and institutional channels with the aim of preventing and resolving disputes.

Next, Kim Economides²⁷, who also participated in the Florence Project, proposed a fourth renewal wave that focused on legal service providers, that is, the lawyers themselves. The focus shifted to legal service providers and the approach is divided into two analyses: the first on citizens' access to legal education and entry into the legal professions; and second, how these operators, once invested in their careers, would be prepared to do justice.

In line with this perspective of proposing effective improvements to access to justice, Kazuo Watanabe²⁸ proposed solutions that take into account the level of litigiousness in the country and the limitation of the Institutions to resolve this high number of demands. From this perspective, the author is one of the great promoters of adequate methods of conflict resolution in Brazil, with emphasis on works in the areas of conciliation and mediation.

Other variables such as number of cases per court or cases backlogs were used to base their conclusions, but mostly they access quality using scales and the perception of users which are, in this case, experts. They understand that users such as lawyers, public servants and defenders could give a most precise interpretation of the procedures of the Judiciary. In general, these studies do not consider the citizen perspective, because knowledge of the Judiciary was a necessary trait to participate in the query.

²⁷ ECONOMIDES, Kim. Lendo as ondas do “movimento de acesso à justiça”: Epistemologia versus metodologia? In: PANDOLFI, Dulce, [et al]. (orgs). Cidadania, justiça e violência. Rio de Janeiro: Ed. Fundação Getulio Vargas, 1999, p. 73.

²⁸ WATANABE, Kazuo. Acesso à justiça e sociedade moderna. In: GRINOVER, Ada Pellegrini; DINAMARCO, Cândido Rangel; WATANABE, Kazuo (Coord.). Participação e processo. São Paulo: Revista dos Tribunais, 1988.



Patterson²⁹, when evaluating the quality of services in Georgia's courts in the USA, concluded that the Servqual scale would be ideal for measuring the perception of the service by users and experts (lawyers and judges), agents in the provision of the service. Each one of the dimensions was analyzed from the perspective of the agents, especially those in direct contact with the people and users.

Destá³⁰ assesses the quality of courts in Ethiopia, using the Servqual model and measuring consumer satisfaction. The study evaluates the dimensions of the model and compares it with a measurement of consumer satisfaction, making the assessment a little more complete than the study of Patterson.

Staats³¹ present a model that differs from the others in the sense that it does not evaluate the Judiciary from the perspective of service provision, and consequently does not make use of the Servqual scale or similar, but rather builds a model based on five dimensions, namely: Independence — Supreme Court and other courts; Accountability — honesty of the system, Competence of the judges and Competence of the supreme courts; Efficiency of the judicial system; Effectiveness — promoting civil freedom and protecting human rights; and Accessibility — access to the courts by all classes.

There are some studies attesting the Judiciary's quality around the world, also based on different approaches other than the Servqual and Servperf scales. The CEPEJ has a European Justice Score: it is a tool to compare systems among the members with the goal of seeing the real scenario of the country. The variables analyzed are duration of the lawsuits or cases, number of pending lawsuits and court capacity to deal with work overload. They use objective indicators to try to understand quality. To calculate the Justice Score, they use statistical methods such as the factor analysis.

In these barometers and scores, they also tend to use the notion of trust in the system, associated with the concepts of transparency, integrity and confidence in the

²⁹ PATTERSON, Christopher. Toward Service Excellence: A Preliminary Assessment of Service Quality in Georgia Courts. *Ob. Cit.*

³⁰ Cf. DESTA, Biniyam Kebede. Investigation of Judicial Service Quality in Customer Satisfaction: The case of Dire Dawa city courts, Ethiopia. *Ob. Cit.*

³¹ STAATS, Joseph; BOWLER, [Shaun](#); HISKEY, [Jonathan](#). Measuring Judicial Performance in Latin America. *Ob. Cit.*



operation of the system. Nevertheless, once again they turn their questions to those who use the system, with a broader concept, not only focusing on specialists, but on users of the system, including citizens.

Likewise, based on the need for quality management and leadership within the courts, the system identified seven areas of focus for improvement so that the court can achieve the desired level of excellence. This type of evaluation intends to use the results of the research to improve the processing and operation of the Judiciary.

The Organization for Cooperation and Economic Development³² also evaluates the Judiciary with studies about quality and effectiveness of Justice. They usually analyze the budget, number of pending lawsuits and the duration of the lawsuits, and also analyze the needs of the internal client: lawyers, judges and public servants, seeking for opinions on quality of the services.

The World Bank³³ produces a report, called Doing Business, which analyzes advantages and disadvantages of doing business across different economies. Among the criteria chosen for the assessment in 2019, there are some that are linked to the effectiveness of the Judiciary. In 2021, the World Bank announced that the research was discontinued. Although it was not a study specifically designed to understand the Judiciary, it is also a score that has some variables regarding the effectiveness of the Judiciary evaluated by the users of the system. They also measured confidence or trust in the system, among the variables.

Another barometer is the Rule of Law index, created by the World of Justice Project³⁴. The index is formed by eight factors: constraints on government power, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice and criminal justice. The index intends to show an overview of the

³² ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. Relatórios Econômicos da OCDE Brasil, nov. 2015. Available at: <<https://www.oecd.org/economy/surveys/Brasil-2015-resumo.pdf>>.

³³ WORLD BANK. *Brazil Making Justice Count: Measuring and Improving Judicial Performance in Brazil*. Available at: <<http://documents.worldbank.org/curated/en/625351468017065986/pdf/327890REPLACEM10AS0PREVIOUS0RECORD1.pdf>>

³⁴ WORLD JUSTICE PROJECT. *Rule of law index*. Available at: <<https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>>.



government, democracy and Justice in general. It is a little different from other types of evaluation in the sense that it tries to use citizens' and experts' opinions.

Another example is the Trust Index in Brazilian Justice (ICJBrasil), a quantitative survey carried out in seven Brazilian states and the Federal District, based on a representative sample of the population. The survey covers three types of questions about perceptions, habits and attitudes, regarding the evaluation of the Judiciary. Its goal is to systematically monitor the feeling of the population concerning the Brazilian Judiciary. Depicting the citizen's trust in an institution means identifying whether the citizen believes that this institution fulfills its function with quality, if it does so in a way that the benefits of its performance are greater than its costs and if this institution is considered in the day-to-day life of the common citizen. In this sense, they use trust as an indicator³⁵.

Another important research to understand the image of the Judiciary in Brazil was done in 2019³⁶. The study intends to provide to society some data with a wide range of information on: perceptions and expectations regarding the performance of the Brazilian Judiciary; the assessment on the fulfillment of its functions, namely, guaranteeing individual, collective and social rights and solving conflicts between citizens, institutions and State; the identification of their contributions in the construction of values such as equality, democracy, citizenship; and the perspective on the relations between the powers of the republic — Legislative, Executive and Judiciary. It analyzes the variables: Attitudes and feelings toward democracy, society and the Judiciary. The intention was to understand how citizens, users or nonusers, perceive the Judiciary. This research was groundbreaking due to the fact that it analyzes citizen perception.

³⁵ GROSS, Luciana et al. *Relatório ICJBrasil*. São Paulo: FGV Direito SP, 2017.

³⁶ FUNDAÇÃO GETULIO VARGAS. Estudo da Imagem do Poder Judiciário brasileiro. Rio de Janeiro: FGV, 2019. Available at: https://ciapj.fgv.br/sites/ciapj.fgv.br/files/estudo_da_imagem_do_judiciario_brasileiro.pdf.



4. MANAGEMENT FOR IMPROVEMENT OF THE JUDICIARY

Judiciary management is a discussed topic in surveys about the Judiciary³⁷. It reflects one of the current discussions of the greatest interest in the public sector: the supposed crisis that affects the judiciary in several countries. From the perspective of administrative and economic theories, the crisis has been characterized much more due to lack of management than due to lack of resources. Although the management of the Judiciary is a topic essentially linked to the area of public administration, the theoretical bases of studies were sought in other areas of knowledge, mainly in economics and law.

In the USA, a commission was formed in 1960 to verify Judicial performance. Every state in the country has its own commission, which oversees the quality in the system. The commission is an independent state agency responsible for investigating complaints of judicial misconduct and incapacity, and also for disciplining judges. The commission's mandate is to protect the public sphere, enforce rigorous standards of judicial conduct and maintain people's confidence in the integrity and independence of the judicial system. While most of the judges are committed to keeping the high standards expected of the Judiciary, an effective method of disciplining judges who engage in misconduct is essential to the operation of the American judicial system. Commission proceedings provide a fair and appropriate mechanism to preserve the integrity of the judicial process. Therefore, they use indicators such as public service production, caseloads and duration of process to improve the Judiciary services.

The Judiciary performance in the United Kingdom is evaluated by CEPEJ³⁸. They also have internal evaluations of services and judges. The Parliament has a Court Statistics for England and Wales, a guide to statistics on caseload, case outcomes and court performance, covering Magistrate, Crown and civil courts and tribunals. It also covers court

³⁷ GOMES, Adalmir de Oliveira; GUIMARÃES, Tomás de Aquino. Desempenho no Judiciário: conceituação, estado da arte e agenda de pesquisa. *Revista de Administração Pública Rio de Janeiro*, v. 47, n. 2, pp. 379-401, 2013.

³⁸ Cf. EUROPEAN COMMISSION FOR EFFICIENCY OF JUSTICE. *Evaluation Scheme, 2020*. Available at: <<https://rm.coe.int/cepej-scheme-en-cepej-2020-16rev-/1680a1d49a>>.



closures since 2010, courts workforce, judicial diversity and expenditure on courts³⁹. Court statistics for England and Wales are reported separately for each type of court: criminal, civil and family. These statistics are published quarterly and annually, providing information about caseload and performance by tier of court. Tribunal statistics are also published separately, in a quarterly and annual release (by financial year). The statistics in the UK are used to improve performance and to maintain the quality of the services provided to the people. Public management benefits from the evaluation and controls the indicators in order to improve quality in general.

The German Judiciary also has a department for Court Statistics. The Court Statistics aims to provide accessible and comprehensive information about its role and work, its structure and the different types of proceedings. The annual report shows the Federal Constitutional Court's role in the international legal order and highlights meetings with other institutions held to exchange views, as well as other events and some selected statistics every year. Besides providing this general information and other insights into the Court's daily work, the annual report also looks at several important cases decided by it. The report concludes with an outlook on some of the cases expected to be decided the following year⁴⁰. These types of report help public management to improve quality of the legal system and Judiciary services.

In Portugal, the Judiciary has a department responsible for measuring numbers related to Justice. The Justice Statistical Information System covers several areas, including courts, registries and notaries, police forces and other support investigation bodies, alternative dispute resolution bodies and the reinsertion and enforcement of sentences⁴¹

In Brazil, the report called Justice in Numbers is largely used by public management to improve the quality of Judiciary Services. The report includes indicators like: the location of the physical structure of the Judiciary; the general staff; revenue; internal and external

³⁹ UNITED KINGDOM PARLIAMENT. *Court Statistics for England and Wales, nov. 2021*. Available at: <<https://commonslibrary.parliament.uk/research-briefings/cbp-8372/>>.

⁴⁰ THE FEDERAL CONSTITUTIONAL COURT. *Annual Report*. Available at: <https://www.bundesverfassungsgericht.de/SharedDocs/Downloads/EN/Jahresbericht/jahresbericht_2021.pdf;jsessionid=10C899F16DD08DE117972D6D3705F932.2_cid354?_blob=publicationFile&v=8>.

⁴¹ JUSTICE STATISCS. *The numbers of justice in Portugal, 2021*. Available at: <<https://estatisticas.justica.gov.pt/sites/siej/en-us>>.



appeal rates; procedural processing time until the sentence, until the discharge and the average age of the collection; a reconciliation index; the most frequent subjects and procedural classes; and a Justice Comparative Productivity Index (IPC-Jus), which compares the service provided (downloaded processes), according to the resources consumed (staff, budget, demand and stock). To calculate this index, the technique of Data Envelopment Analysis (DEA) is used, identifying the most efficient courts, that is, those that manage to produce more with less resources.

a. Social Theories

In the following section we are discussing three theories in social science that will help to understand and support the idea that is essential for the evaluation of the Judiciary to use the citizen's perception: Legitimacy, Stakeholder and Social Power Theories.

b. Legitimacy Theory

According to Voeten⁴², Legitimacy consists in the belief of a large part of the population that an institution or the public power can exercise effective control over any matter, that is, the citizen has to recognize the formal and effective authority of the institution or State, so to speak. Although the State has legitimate power, this may not actually be the case. When we specifically evaluate the Judiciary, we often realize that the slowness of the courts, whether due to excessive lawsuits or lack of personnel, brings disbelief to this power. Widespread disbelief in democratic systems can bring about a breakdown of the system itself.

This conception competes with the sociological conception, which describes three potential sources of Legitimacy: traditional, charismatic and rational. The traditional source is legitimate due to the inherent authority of the position; for example, a throne. The charismatic source is legitimized by the affective response to it, and the rational one is

⁴² VOETEN, Erik. Public Opinion and the Legitimacy of International Courts. *Theoretical Inquiries in Law*, v. 14, n. 2, pp. 411-436, 2013.



legitimate because it applies rules and laws in a direct manner. For Luhmann⁴³, Legitimacy is “a generalized disposition to accept decisions of content not yet defined, within certain limits of tolerance”. Social legitimacy refers to the level in which an entity is in conformity with current social norms and values⁴⁴.

Legitimacy can be defined as some independent concepts, namely: Organizational Legitimacy, Pragmatic Legitimacy, Moral Legitimacy and Cognitive Legitimacy.

Maurer⁴⁵ was the first researcher to use the term Legitimacy in an organizational context, when he affirms that “legitimacy is the process by which an organization justifies its right to exist to a hierarchically superior system or at the same level”.

Pragmatic Legitimacy is based on the interests of the people assisted by the organization. It usually involves direct exchanges between the organization and its audience, but it can also encompass broader political, economic and social interdependencies. In both cases, audiences tend to examine organizational behavior to assess the practical consequences of their activities⁴⁶.

Moral Legitimacy reflects a normative assessment of the organization and its activities. Unlike Pragmatic Legitimacy, it judges whether the activity is “the right thing to do” and not on judgments about whether a particular activity benefits the person doing the assessment.

Cognitive Legitimacy is based on cognition and not on interest or evaluation. For Aldrich and Fiol⁴⁷, Cognitive Legitimacy also results from the diffusion of particular beliefs, norms and values or knowledge.

According to the theory, social factors make up an essential tool in the understanding of legitimacy. Legitimacy is also the result of socially recognized beliefs,

⁴³ LUHMANN, Niklas. *Legitimação pelo procedimento*. Brasília: Editora da UNB, 1980, p. 30.

⁴⁴ DOWLING, John; PFEFFER, Jeffrey. Organizational Legitimacy: Social Values and Organizational Behavior. *The Pacific Sociological Review*, v. 18, n. 1, pp. 122-136, 1975.

⁴⁵ MAURER, John G. *Readings in organizational theory: Open system approaches*. Random House, 1971, p. 361.

⁴⁶ WOOD, Donna J. Corporate Social Performance Revisited. *The Academy of Management Review*, v. 16, n. 4, pp. 691–718, 1991.

⁴⁷ ALDRICH, Howard. E.; & FIOL C. Marlene. Fools Rush In? The Institutional Context of Industry Creation. *Academy of Management Review*, v. 19, n. 4, pp. 645–670, 1994.



norms and values. Therefore, we can visualize that the Judiciary is only legitimated when it is recognized by the citizen.

c. Stakeholder Theory

For Freeman⁴⁸, the Stakeholder Theory emerged as a new approach to understand and solve three interconnected management problems: the problem of understanding how value is created and marketed, the problem of connecting ethics and capitalism and the problem of helping managers think about management. Based on Freeman et al.'s work, several authors define “stakeholders” and develop their studies in different fields, but there seems to be a consensus that the variety of approaches may have caused the difficulty of defining and analyzing “interested parts”.

The analysis by Friedman and Miles⁴⁹ is similar to that of Greenwold⁵⁰. Friedman and Miles, when studying the different concepts of stakeholders, place at one extreme the concepts that relate stakeholder management to a strategic action, considering these agents as critical, essential elements for the company's survival; at the opposite extreme, there are those concepts that emphasize the legal or institutional aspects that oblige companies to deal with stakeholders. Between these two approaches, there is the chain that defines stakeholders in terms of their power, influence and ability to affect an organization.

In the concept of Freeman⁵¹, the management model aimed consists of three levels of analysis:

- 1) The rational level — stakeholder mapping: identifying who are the stakeholders of the organization, building a “map” of them and their interests, leading a plan considering problems;
- 2) The process level — understanding the environment: observing the procedures that are operating standards of the company;

⁴⁸ FREEMAN, Edward R., et al. *Stakeholder theory: the state of the art*. Cambridge Press, 2010.

⁴⁹ FRIEDMAN, Andrew; MILES, Samantha. *Stakeholders: theory and practice*. Oxford University Press, 2006.

⁵⁰ GREENWOLD, Michelle. The importance of stakeholders according to business leaders. *Business and society review*, v. 106, n.1, pp. 29 – 49, 2001.

⁵¹ FREEMAN, Edward R., et al. *Ob. Cit.*



3) The transactional level — interacting with stakeholders: understanding how the organization negotiates/bargains with its groups of interest, what are the channels of communication used by the company and seeing if they are in accordance with the map of the groups of interest (rational level) and the company's procedures (process level).

For the recognition and analysis of stakeholders, many typologies were developed. For some authors like Clarkson⁵² and Freeman⁵³, the stakeholders are separated into the primary or secondary ones. According to these authors, the primary stakeholders are those groups that are fundamental to the sustainability of the company, without which the company would not survive; for Clarkson⁵⁴, they are formed by shareholders, consumers, employees and suppliers. The secondary stakeholders are the Government and the community, among others.

As we can verify through the literature, the Stakeholder Theory helps us understand and see the citizen as an important stakeholder in the process of evaluating the Judiciary.

d. Social Power Theory

It is not an easy task to define Power or Social Power. The concept of power is so important that searching for a simple definition is a mistake⁵⁵. Most people believe that power is a basic force behind human behavior⁵⁶, no wonder defining it concerns disciplines from science to humanities. Even though power has different definitions, it is possible to group it into three categories: (1) power as influence; (2) power as a potential influence and (3) power as outcome control.

⁵² CLARKSON, Max. B. A stakeholder framework for analyzing and evaluating corporate social performance. *The academy of management review*, v. 20, n.1, pp. 92 – 117, 1995.

⁵³ FREEMAN, Edward; HARRISON, Jeffrey; WICKS, Andrew C. *Managing for stakeholders: survival, reputation, and success*. Yale University Press, 2007.

⁵⁴ CLARKSON, Max. B. *Ob. Cit.*

⁵⁵ LUKES, Steven. *Marxism and Morality*. Clarendon Press, 1986.

⁵⁶ RUSSELL, Bertrand. *Power: A New Social Analysis*. New York: Routledge, 1938.



Simon⁵⁷ defined A as having power over B when A's behavior causes B's behavior. According to Dahl⁵⁸, A has power over B to the extent that A can get B to do something that B would not otherwise do. Most of the power literature actually addresses social influence. The Social Influence literature focuses on the strategies that change behavior as a result of interpersonal interaction⁵⁹.

Uphoff⁶⁰, based on a Weberian perspective, defined power as a probability that one agent within a social relationship will be positioned to carry on its own will despite resistance. It's a possibility of inducing forces. Emmerson⁶¹ removed influence from the definition of "power" and has defined power as a resource or outcome of control.

Power and domination go together, and someone only has power when another one is dispossessed of it. This concept is related to a North American sociology theory known as the "Zero Sum Theory", which says that one can only have power when another or others are deprived of it⁶².

Therefore, Social Power theory rely on the fact that every change in society is first consolidated among the citizens, and changes can only be validated if approved by most of the society. Power is only legitimate when it is based on the opinion of society. According to this theory, it is important to understand citizen opinions to have a legitimate power, such as the Judiciary.

5. DISCUSSION AND IMPLICATIONS

Considering the theoretical basis presented previously, most studies state that only those directly involved with the Judiciary or experts in the process would be able to

⁵⁷ SIMON, Herbert. Rational Choice and the structure of the environment. *Psychological Review*, v. 63, n. 2, 129-138, 1956.

⁵⁸ DAHL, Robert. The concept of power. *Journal of the Society for General Systems Research*, v. 2, n. 3, pp. 201-215, 1957.

⁵⁹ TURNER, Adrian; MARTINEK, Thomas J. Teaching for understanding: A model for improving decision making during game play. *Quest*, v. 47, n. 1, pp. 44-63, 1995.

⁶⁰ UPHOFF, Norman. Distinguishing Power, Authority & Legitimacy: Taking Max Weber at His Word by Using Resources-Exchange Analysis. *Polity*, v. 22, n. 2, pp. 295-322, 1989.

⁶¹ EMMERSON, Harold C. Survey of Problems Before the Construction Industry: A Report Prepared by Sir Harold Emmerson. *Construction Reports 1944-98*, 1942.

⁶² DAVIDAI, Shai; ONGIS, Martino. The politics of zero-sum thinking: The relationship between political ideology and the belief that life is a zero-sum game. *Science Advances*, v. 5, n. 12, pp. 1-11, 2019.



competently evaluate it. This article intends to demonstrate that an evaluation of the Judiciary should also incorporate the citizen perception.

In a variety of articles⁶³, number of variables were studied, such as: Knowledge about the Judiciary; Trust in the Judiciary; Satisfaction with the Judiciary services; relation among democracy powers; evaluation of the operation of the Judiciary; feelings and motivation towards the justice system; confidence in the justice system; number of cases per judge; case overload per lawyer; efficiency of process; delays and time of process.

Among the variables analyzed we stress the importance of knowledge, trust and satisfaction. Knowledge about the Judiciary is also a recurrent variable in research. Most researchers believe that just specialists or those who know the law in depth should have the right to assess the system. Citizens, according to some authors, are considered bias, since their opinion is influenced by negative results when using the Judiciary or when they are not favored by judges' decisions.

Therefore, what we are discussing is the importance of reconsidering the gap of Knowledge. A citizen, user or nonuser, is also able to perceive quality based, for example, in experience, the difference between expectation and results, and also the level of information they have about the Judiciary.

Some international barometers use the citizens' trust perception⁶⁴. Sometimes they study confidence in the system, others test trust in institution or magistrate, for example⁶⁵. Therefore, variable trust or confidence is recurrent in several studies and barometers.

Taking into consideration Legitimacy Theory, laws and rules are only able to operate if citizens find them legitimate or even if trust the system. If citizens trust the Judiciary, there is an impact on how they evaluate it. This relates to the notion that a power can only be legitimate if approved or sanctioned by the citizens (Legitimacy Theory). It can also be related to expectations: citizens trust political agents or institutions when they believe they will act as they should.

⁶³ Cf. FUNDAÇÃO GETULIO VARGAS. *Estudo da Imagem do Judiciário Brasileiro*. Ob. Cit.

⁶⁴ Cf. WORLD JUSTICE PROJECT. Ob. Cit.

⁶⁵ Cf. FUNDAÇÃO GETULIO VARGAS. *Estudo da Imagem do Judiciário Brasileiro*. Ob. Cit.



On the other hand, civil confidence in political institutions (which is often conflated with the concept of trust) may depend more specifically on the citizens' belief that political institutions act competently, in the sense that they are able to perform the functions that are legally or constitutionally assigned to them. Trust is a variable normally used to understand if the citizen believes in institutions, and with the Judiciary, it is no different.

In Gross's⁶⁶ and FGV's⁶⁷ respondents, citizens and experts were questioned about trust in the Judiciary: they were asked if they trust in the institutions and judges, for example. Therefore, trust should affect the perception the Judiciary evaluation.

Present evaluations being held in different countries, such as the US⁶⁸, has important inputs from public servants and users of the Judiciary. The results lead to changes in process and an increase in efficiency of the Judiciary. They even measure if citizens trust the Judiciary as a whole.

After the discussion above, we can say that knowledge and trust are essential to evaluate the Judiciary. But it is also important to analyze the satisfaction of the citizens with the Judiciary.

Destá⁶⁹ and Govender⁷⁰ used Servqual scales to measure satisfaction with the services provided by the Judiciary. They believe it is necessary to measure the relation between perception and services provided, indicating the satisfaction of those who use the Judiciary. The respondents were public servants, lawyers and judges. The results directly influence the evaluation of the Judiciary as a whole. Vigoda-Gadot⁷¹ argues that citizens who view public services as political in nature, unfair and unethical may first react by expressing lower levels of satisfaction and trust, and only then, with time and experience, translate their dissatisfaction with the Government into more tangible reactions towards it

⁶⁶ GROSS, Luciana et al. *Relatório ICJBrasil*. Ob. Cit.

⁶⁷ FUNDAÇÃO GETULIO VARGAS. *Ob. Cit*

⁶⁸ UNITED STATES COURTS. *Court Orders and Updates during the COVID-19 pandemic, 2021*. Ob. Cit.

⁶⁹ DESTA, Biniyam. Investigation of Judicial Service Quality in Customer Satisfaction: The case of Dire Dawa city courts, Ethiopia. *Journal of Law, Policy and Globalization*. Ob. Cit.

⁷⁰ GOVENDER, Kristina K. Exploring public transport service quality: The case of minibus taxi service in South Africa. *Eurasian Business Review*, v., 6, n. 1, pp. 101–116, 2016.

⁷¹ VIGODA-GADOT, Eran. *Citizens' Perceptions of Politics and Ethics in Public Administration: A Five-Year National Study of Their Relationship to Satisfaction with Services, Trust in Governance, and Voice Orientations*. *Journal of Public Administration Research and Theory*, v. 17, pp. 285-305, 2006.



and the political system. Miller⁷² states that the citizens' preference is very hard to understand, especially when analyzing elected politicians, so understanding directly if the citizen is satisfied should help to evaluate the Judiciary.

In our opinion and considering the literature cited before, knowledge, trust and satisfaction are interconnected and could be essential variables to understand how citizens evaluate the Judiciary.

Countries such as the USA, Brazil, Portugal, UK and Germany have a variety of indicators that help them regulate and manage the Judiciary. They hardly ever use variables connected directly to the citizen perception.

Therefore, considering the literature, knowledge, trust and satisfaction are essential variables to understand citizen's evaluation of the Judiciary. Therefore, the model proposed has four dimensions and defines a set of six hypotheses to be tested. The model uses both direct and indirect relationships. First, a relation is proposed between trust and satisfaction: higher level of trust mean higher satisfaction with the Judiciary (H1). A second relation is proposed between knowledge and satisfaction: there is a weak relation between both variables (H2). The hypothesis three is that there is a direct relation between satisfaction and evaluation of the Judiciary. A satisfied user usually means a better evaluation of the Judiciary (H3). The hypothesis four states that there is a direct, strong and positive relation between trust and evaluation of the Judiciary (H4). The hypothesis five is that there is a weak relation between knowledge and evaluation of the Judiciary (H5). We also would like to confirm that knowledge has a weak positive relation with trust (H6).

The implications of this research should affect the policy makers, the Judiciary, the citizen and the academy. The policy makers, by giving new insights and inputs for them to develop public policy better adherent to what the citizen needs in terms of the Judiciary. It will also directly affect the Judiciary by improving their process. The management of the Judiciary could be more efficient and their processes would be optimized with the citizen's insights. A new type of evaluation, which includes citizen perception, should give more

⁷² MILLER, Susan. N. Administering Representation: The Role of Elected Administrators in Translating Citizens' Preferences into Public Policy, *Journal Of Public Administration Research and Theory*, v. 22, n. 4, pp. 853-886, 2013.



legitimacy to the Judiciary as a hole. For the citizen it would be beneficial to have more influence in the public sphere. The literature is also scarce regarding citizen participation in the Judiciary, so the new model will provide new insights and theories to evaluate the Judiciary.

6. FINAL CONSIDERATIONS

The main goal of this article is to present the state-of-the-art of the subject “Evaluation of the Judiciary” and how the citizens’ perception could be integrated into this critical process. Legitimacy, Stakeholder and Social Power theories support that the participation of citizens in the evaluation of institutions or social services provided by the State, as it is important and necessary. The Management theories affirm that a periodic evaluation of services is essential for their improvement. In recent years, there has been an increase in citizen’s participation in world decisions. Considering that, we could say it is almost an obligation of the Judiciary to make an effort to include citizens’ perceptions in the management of internal processes.

Theoretical research indicates that there is a shortage of studies on citizens' evaluation of the Judiciary. Therefore, emphasizing the importance of considering citizens' opinions in the Judiciary evaluation process would make a valuable contribution. The available literature on citizens' perception of Judiciary evaluation is scarce and hard to access, and further research in this area would help clarify why it is crucial to listen to citizens' perspectives.

We believe that the Judiciary would benefit greatly from a broader range of inputs in its evaluation process, including input from the public regarding Judiciary public policies. This type of evaluation should not only consider the opinions of experts who work with the Judiciary regularly but also those who use or are impacted by the Judiciary - the citizens. Given the Judiciary's direct impact on society, particularly concerning justice and fairness in decision-making, it is crucial to involve citizens in the evaluation process. The findings of this research should contribute to developing new public policies that are more closely aligned with citizens' needs.



The Judiciary would benefit greatly from process improvements, particularly with ideas on how to enhance its performance. Society has a keen interest in the activities of the Judiciary, which has the fundamental principle of providing services that meet collective needs efficiently and effectively. Therefore, the Judiciary manager must prioritize efficiency and effectiveness in its management. In this regard, variables such as the speed of the process could benefit from citizen input to make the process more efficient.

According to the literature, improving the quality of the Judiciary can be achieved by increasing the capacity of case management, investing in infrastructure, and decreasing caseloads, among other measures. However, most of these actions are based on expert assessments, and the citizen, an important stakeholder, is often not included in the process. Listening to citizens' perspectives on the quality of services provided by the Judiciary could provide valuable insights for more precise evaluations. Factors such as fairness of judge's decisions and the quality of services provided could be improved by considering the citizen's perspective. Given the scope of the Judiciary's services, it is essential to consider the vision of other stakeholders, including citizens, in addition to experts.

While the theoretical study presents a compelling argument for the inclusion of citizen perception in the evaluation of the Judiciary, a limitation of the current research is the lack of empirical data to support this argument. Therefore, future studies should focus on collecting data to test and validate the model presented in this article, which could help address this limitation and provide more concrete evidence for the importance of citizen input in the evaluation of the Judiciary.

REFERENCES

- ALDEHAYYAT, Jehad. Organizational characteristics and practice of strategic planning in Jordanian hotels. *International Journal of Hospitality Management*, v. 30, n. 1, 2011, pp. 192-199.
- ALDRICH, Howard. E.; & FIOLE, C. Marlene. Fools Rush In? The Institutional Context of Industry Creation. *Academy of Management Review*, v. 19, n. 4, pp. 645–670, 1994.



-
- BUECHLER, Steven M. *Understanding Social Movements: Theories from the Classical Era to the Present*. Routledge, 2016.
- CALDERÓN, Fernando; PISCITELLI, Alejandro; REYNA, José Luis. *Social Movements: Actors, Theories Expectations*. Routledge, 2018.
- CAPPELLETTI, Mauro; GARTH, Bryant. *Acesso à justiça*. Trad. Ellen Gracie Northfleet. Porto Alegre: Sérgio Antônio Fabris, 1988.
- CLARKSON, Max. B. A stakeholder framework for analyzing and evaluating corporate social performance. *The academy of management review*, v. 20, n.1, pp. 92 – 117, 1995.
- CONSELHO NACIONAL DE JUSTIÇA. Relatório Justiça em Números. Brasília: CNJ, 2021.
- CRONIN, Joseph; TAYLOR, Steve. Measuring service quality: reexamination and extension. *Journal of Marketing*, v. 56, n. 3, pp. 55-68, 1992.
- CRONIN, Joseph; TAYLOR, Steve. Servperf versus Servqual. *Journal of Marketing*, v. 58, n. 1, pp. 125- 131, 1994.
- DAHL, Robert. The concept of power. *Journal of the Society for General Systems Research*, v. 2, n. 3, pp. 201-215, 1957.
- DAVIDAI, Shai; ONGIS, Martino. The politics of zero-sum thinking: The relationship between political ideology and the belief that life is a zero-sum game. *Science Advances*, v. 5, n. 12, pp. 1–11, 2019.
- DESTA, Biniyam K. Investigation of Judicial Service Quality in Customer Satisfaction: The case of Dire Dawa city courts, Ethiopia. *Journal of Law, Policy and Globalization*, v. 84, pp. 1-17, 2019.
- DEEGAN, Craig. *Financial Accounting Theory* (4th ed). McGraw Hill, 2014.
- DOWLING, John; PFEFFER, Jeffrey. Organizational Legitimacy: Social Values and Organizational Behavior. *The Pacific Sociological Review*, v. 18, n. 1, pp. 122-136, 1975.
- ECONOMIDES, Kim. Lendo as ondas do “movimento de acesso à justiça”: Epistemologia versus metodologia? In: PANDOLFI, Dulce, [et al]. (orgs).



-
- Cidadania, justiça e violência*. Rio de Janeiro: Ed. Fundação Getulio Vargas, 1999, pp. 69-75.
- EMMERSON, Harold C. Survey of Problems before the Construction Industry: A Report Prepared by Sir Harold Emmerson. *Construction Reports 1944-98, 1942*.
- EUROPEAN COMMISSION. EU Justice Scoreboard European Commission, 2017. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en. [Last seen: 28 sept. 2022](#).
- EUROPEAN COMMISSION FOR EFFICIENCY OF JUSTICE. Evaluation Scheme, 2020. Available at: <https://rm.coe.int/cepej-scheme-en-cepej-2020-16rev-/1680a1d49a>.
- FELD, Lars; VOIGHT, Stefan. Economic Growth and Judicial Independence: Cross Country Evidence Using a New Set of Indicators. *European Journal of Political Economy*, v. 19, n. 3, 2013, pp. 497-527.
- FREEMAN, Edward et al. *Stakeholder theory: the state of the art*. Cambridge Press, 2010.
- FRIEDMAN, Andrew; MILES, Samantha. *Stakeholders: theory and practice*. Oxford University Press, 2006.
- FREEMAN, Edward; HARRISON, Jeffrey; WICKS, Andrew C. *Managing for stakeholders: survival, reputation, and success*. Yale University Press, 2007.
- FUNDAÇÃO GETULIO VARGAS. Estudo da Imagem do Poder Judiciário brasileiro. Rio de Janeiro: FGV, 2019. Available at: https://ciapj.fgv.br/sites/ciapj.fgv.br/files/estudo_da_imagem_do_judiciario_brasileiro.pdf. [Last seen: 30 oct. 2022](#).
- GOMES, Adalmir de Oliveira; GUIMARÃES, Tomás de Aquino. Desempenho no Judiciário: conceituação, estado da arte e agenda de pesquisa. *Revista de Administração Pública Rio de Janeiro*, v. 47, n. 2, pp. 379-401, 2013.
- GOVENDER, Kristina K. Exploring public transport service quality: The case of minibus taxi service in South Africa. *Eurasian Business Review*, v. 6, n. 1, pp. 101–116, 2016.
- GREENWOLD, Michelle. The importance of stakeholders according to business leaders. *Business and society review*, v. 106, n.1, pp. 29 – 49, 2001.
- GRONROOS, Christian. *Strategic Management and Marketing in Service Sector*. Swedish School of Economics and Business Administration. London: Chartwell-Bratt, 1982.



-
- GRONROOS, Christian. *Service Management and Marketing: Managing the Moments of Truth in Service Competition*. Lexington Books, 1990.
- GRONROOS, Christian. *Service Management and Marketing: A Customer Relationship Management Approach*. 2a ed. John Wiley & Sons Ltd, 2000.
- GRONROOS, Christian. The perceived service quality concept – a mistake? *Journal of Service Theory and Practice*, v. 11, n. 3, pp. 150-152, 2001.
- GROSS, Luciana et al. *Relatório ICJBrasil*. São Paulo: FGV Direito SP, 2017.
- JUSTICE STATISCS. The numbers of justice in Portugal, 2021. Available at: <<https://estatisticas.justica.gov.pt/sites/siej/en-us>>. Last seen: 8 sept. 2022.
- Latinobarometro. *Annual Public Opinion Survey*, 2020. Available at: <<https://www.latinobarometro.org/latContents.jsp>>. [Last seen: 8 sept. 2022.](#)
- LUHMANN, Niklas. *Legimitação pelo procedimento*. Brasília: Editora da UNB, 1980.
- LUKES, Steven. *Marxism and Morality*. Claredon Press, 1986.
- MAURER, John G. *Readings in organizational theory: Open system approaches*. Random House, 1971.
- MILLER, Susan. N. Administering Representation: The Role of Elected Administrators in Translating Citizens' Preferences into Public Policy, *Journal Of Public Administration Research and Theory*, v. 22, n. 4, pp. 853-886, 2013.
- MURILLO, Rodrigo. Understanding the Service Quality Perception Gaps between Judicial Servants and Judiciary Users. *International Journal for Court Administration*, v. 6, n. 2, pp. 84–105, 2014.
- ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. Relatórios Econômicos da OCDE Brasil, nov. 2015. Available at: <<https://www.oecd.org/economy/surveys/Brasil-2015-resumo.pdf>>.
- PATTERSON, Christopher T. Toward Service Excellence: A Preliminary Assessment of Service Quality in Georgia Courts. *Institute for Court Management Court Executive Development Program 2008-2009 Phase III Project*. Available at: <<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.361.8009&rep=rep1&type=pdf>>.



-
- PARASURAMANN, A et al. Servqual: A Multiple Item Scale for Measuring Consumer Perceptions of Service Quality. *Journal of Retailing*, v. 64, n. 1, pp. 12-40, 1988.
- Piora avaliação do Congresso Nacional. DataFolha, 24 sep. 2021. Available at: <<https://datafolha.folha.uol.com.br/opiniaopublica/2021/09/piora-avaliacao-do-congresso-nacional.shtml>>. Last seen: 8 sept. 2022.
- RUSSELL, Bertrand. *Power: A New Social Analysis*. New York: Routledge, 1938.
- SAMPAIO, Joelson Oliveira. *Essays on trust in the judicial system: Evidence from Brazil*. Universidade de São Paulo, 2015.
- SEN, Maya. *Courting deliberation: An essay on deliberative democracy in the American judicial system*. Notre Dame JL Ethics & Pub, 2013.
- SIMON, Herbert. Rational Choice and the structure of the environment. *Psychological Review*, v. 63, n. 2, 129-138, 1956.
- STAATS, Joseph L., BOWLER, Shaun; HISKEY, Jonathan. Measuring Judicial Performance in Latin America. *Latin American Politics and Society*, v. 47, n. 4, pp. 77–106, 2015.
- THE FEDERAL CONSTITUTIONAL COURT. *Annual Report*. Available at: <https://www.bundesverfassungsgericht.de/SharedDocs/Downloads/EN/Jahresbericht/jahresbericht_2021.pdf;jsessionid=10C899F16DD08DE117972D6D3705F932.2_cid354?__blob=publicationFile&v=8>.
- TURNER, Adrian; MARTINEK, Thomas J. Teaching for understanding: A model for improving decision making during game play. *Quest*, v. 47, n. 1, pp. 44-63, 1995.
- UNITED KINGDOM PARLIAMENT. *Court Statistics for England and Wales, nov. 2021*. Available at: <<https://commonslibrary.parliament.uk/research-briefings/cbp-8372/>>. Last seen: 8 sept. 2022.
- UNITED STATES COURTS. *Court Orders and Updates during the COVID-19 pandemic, 2020*. Available at: <<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>>. Last seen: 8 sept. 2022.
- UPHOFF, Norman. Distinguishing Power, Authority & Legitimacy: Taking Max Weber at His Word by Using Resources-Exchange Analysis. *Polity*, v. 22, n. 2, pp. 295–322,



1989.

- VIGODA-GADOT, Eran. *Citizens' Perceptions of Politics and Ethics in Public Administration: A Five-Year National Study of Their Relationship to Satisfaction with Services, Trust in Governance, and Voice Orientations*. *Journal of Public Administration Research and Theory*, vol. 17, pp. 285-305, 2006.
- VOETEN, Erik. Public Opinion and the Legitimacy of International Courts. *Theoretical Inquiries in Law*, v. 14, n. 2, pp. 411-436, 2013.
- WATANABE, Kazuo. Acesso à justiça e sociedade moderna. In: GRINOVER, Ada Pellegrini; DINAMARCO, Cândido Rangel; WATANABE, Kazuo (Coord.). *Participação e processo*. São Paulo: Revista dos Tribunais, 1988.
- WOOD, Donna J. Corporate Social Performance Revisited. *The Academy of Management Review*, v. 16, n. 4, pp. 691–718, 1991.
- WORLD BANK. *Brazil Making Justice Count: Measuring and Improving Judicial Performance in Brazil*. Available at: <http://documents.worldbank.org/curated/en/625351468017065986/pdf/327890REPLACEM10AS0PREVIOUS0RECORD1.pdf>>. Last seen: 8 sept. 2022.
- WORLD JUSTICE PROJECT. *Rule of law index*. Available at: <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>>. Last seen: 8 sept. 2022.