INSTITUTO
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DE LISBOA

Evaluation and management of the Judiciary: A new model based on the citizen perception

Carlos Augusto Lopes da Costa

Doctor of Management

Supervisors:

PhD, Raul Manuel da Silva Laureano, Associate Professor of ISCTE – University Institute of Lisbon, Portugal

PhD, Antonio Lavareda, President of the Scientific Council of IPESPE (Instituto de Pesquisas Sociais Políticas e Econômicas, Brasil) and Collaborating Professor of the Graduate Program in Political Science at UFPE (Universidade Federal de Pernambuco, Brasil)

December, 2022

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At the beginning of 2019, I talked with a great friend, Professor Dr. Marcus Vinicius Rodrigues, about wanting to do a doctorate. At that time, aged 57, after more than 30 years out of academia, it was a big challenge. It was when he spoke of an excellent institution in Lisbon, the ISCTE–IUL. I presented the necessary documentation, and with joy and pride, the submission was approved. Here, I already make the first thanks to my dear friend and master, Prof. Dr. Marcus Vinicius Rodrigues, who is no longer with us.

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RESUMO

Desenvolver estudos para aprimorar a avaliação e os serviços prestados pelo Judiciario, incorporando a participação do cidadão, representa um desafio para a academia, especialmente no século XXI, com o incremento da demanda para o envolvimento da sociedade no aprimoramento dos serviços públicos, com destaque para os do Judiciário.

Nesse contexto, recorre-se às teorias da legitimidade, do stakeholder e do poder social para fundamentar a importância da inclusão do cidadão na avaliação desse importante poder. As teorias indicam que a eficácia das instituições, especialmente as que prestam serviços públicos, como o Judiciario, deriva do gerenciamento de suas demandas, especialmente por parte de grupos de interesse que possuem poder sobre as instituições ou que conferem legitimidade a elas.

A inclusão da participação dos cidadãos na avaliação do Judiciário traz contribuições para a qualidade dos serviços e, a sustentabilidade desse pilar da democracia.

O objetivo desta tese é apresentar um modelo de avaliação do funcionamento do Judiciário baseado na percepção dos cidadãos. A análise dos dados envolveu testes paramétricos e não paramétricos, e o modelo de equações estruturais (SEM) para testar hipóteses e validar o modelo, abrangendo variáveis como conhecimento sobre o Judiciário, confiança no Judiciário, satisfação com os serviços entregues e avaliação de seu funcionamento.

Os resultados confirmaram a adequação do modelo para avaliar o funcionamento do Judiciário, enfatizando a necessidade de intensificar a discussão teórica considerando as variáveis e a participação do cidadão. Adicionalmente, são apresentadas sugestões para melhorar a relação entre o Judiciário e o cidadão, incluindo aprimoramentos nos processos.

Palavras-chave: Conhecimento, Confiança, Satisfação, Avaliação, Judiciário, Cidadão.

ABSTRACT

Developing studies to improve the evaluation and services provided by the Judiciary, incorporating citizen participation, represents a challenge for academia, especially in the 21st century, with the increase in demand for society's involvement in improving public services, especially those of the Judiciary.

In this context, it resorts to theories of legitimacy, stakeholders, and social power to substantiate the importance of including the citizen in evaluating this vital power. The theories indicate that institutions' effectiveness, especially those that provide public services, such as the Judiciary, derives from managing their demands, especially by interest groups that have power over institutions or confer legitimacy.

Including citizen participation in evaluating the Judiciary contributes to the quality of services and sustainability of this pillar of democracy.

This thesis aims to present a model for evaluating the functioning of the Judiciary based on citizens' perceptions. The data analysis involved parametric and non-parametric tests and the structural equation model (SEM) to test hypotheses and validate the model. It covered variables such as knowledge about the Judiciary, trust in the Judiciary, satisfaction with delivered services, and evaluation of its functioning.

The results confirmed the model's adequacy to evaluate the Judiciary's functioning, emphasizing the need to intensify theoretical discussion considering variables and citizen participation. Additionally, suggestions are present to improve the relationship between the Judiciary and citizens, including improvements in processes.

Keywords: Knowledge, Trust, Satisfaction, Evaluation, Judiciary, Citizen.

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LIST OF ABBREVIATIONS

ADF	Asymptotically Distribution Free
AGFI	Adjusted Goodness of Fit Index
ANS	Supplementary Health Agency (Agência Nacional de Saúde)
BFC	Brazilian Federal Constitution
BID	Inter-American Development Bank (Banco Interamericano de Desenvolvimento)
BND	Bundesnachrichtendienst
BNDPJ	National Database of the Judiciary Branch (Banco Nacional de Dados do Poder Judiciário)
BRL	Currency Abbreviation Symbol for the Brazilian Real (Real Brasileiro)
CEPEJ	European Comission for Eficiency of Justice
CFI	Comparative Fit Index
CIAPJ	Judiciary Innovation, Administration and Research Center
CMIN	Chi-square Statistics
CMIN/DF	Ratio of the Chi-square Statistic to the Degrees of Freedom
CNJ	National Council of Justice (Conselho Nacional de Justiça)
CSJT	Superior Council of Labor Justice (Conselho Superior da Justiça do Trabalho)
CR	Critical Realism
C.R.	Critical Ratio
CW	Center-West
DCRJ	Diversity and Community Relations Judges
DEA	Data Envelopment Analysis
DF	Degrees of Freedom
EC	Constitutional Amendment (Emenda Constitucional)
EFQM	European Foundation for Quality Management
EU	European Union
FGV	Getulio Vargas Foundation (Fundação Getulio Vargas)
HMCS	Her Majesty's Courts Service
GFI	Goodness-of-Fit Index
GLS	Generalised Least Squares
IAD	Demand Service Index (Índice de Atendimento à Demanda)

IBGE	Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística)
IBM SPSS	IBM SPSS Statistics
IAALS	Institute for the Advancement of the American Legal System
ICCE	International Consort for Court Excellence
ICJ	Trust Index in Brazilian Justice (Índice de Confiança na Justiça)
IGFEJ	Institute of Financial Management and Justice Equipment (Instituto de Gestão Financeira e Equipamentos da Justiça)
IMF	International Monetary Fund
IPC-Jus	Justice Comparative Productivity Index (Índice de Produtividade Comparada da Justiça)
IPESPE	Institute of Social, Political and Economic Research (Instituto de Pesquisas Sociais, Políticas e Econômica)
IPM	Magistrates Productivity Index (Índice de Produtividade do Magistrado)
IPS-Jud	Productivity Index of Judicial Area Servers (Índice de Produtividade dos Servidores)
ISCTE	Lisbon University Institute (Instituto Universitário de Lisboa)
LDI	Liberal Democracy Index
LIODS	Innovation and Sustainable Development Laboratory
LISREL	LInear Structural RELations
LR	Literature Review
ML	Maximum Likelihood
MW	Minimum Wage
N	North
NE	Northeast
NFI	Normed Fit Index
NPAR	Total Number of Free Parameters
OECD	Organization for Economic Co-operation and Development
OEI	Organization of Ibero-American States (Organização dos Estados Ibero-americanos)
P	P-value
PMM	Performance Measurement and Management

PNAD	National Household Sample Survey (Pesquisa Nacional por Amostra de Domicílios)
PNUD	United Nations Development Program
RMR	Root Mean Square Residuals
S	South
SE	Southeast
S.E.	Standard error
SEM	Structure Equation Model
SIESPJ	Judiciary Statistics System (Sistema de Estatística do Poder Judiciário)
SRMR	Standardized root mean square residuals
STF	Federal Supreme Court (Supremo Tribunal Federal)
STJ	Superior Court of Justice (Superior Tribunal de Justiça)
STJ	Supreme Court of Justice (Supremo Tribunal de Justiça)
STM	Superior Military Court (Superior Tribunal Militar)
TJE	State Court (Tribunal de Justica Estadual)
TRE	Regional Electoral Court (Tribunal Regional Eleitoral)
TRF	Regional Federal Court (Tribunal Regional Federal)
TRT	Regional Labor Court (Tribunal Regional do Trabalho)
TSE	Superior Electoral Court (Tribunal Superior Eleitoral)
TST	Superior Labor Court (Tribunal Superior do Trabalho)
UFPE	Federal University of Pernambuco (Universidade Federal de Pernambuco)
UK	United Kingdom
ULS	Unweighted Least Squares
US	United States
USA	United States of America
USAID	US Agency for International Development
W	Welch
WJP	World Justice Project
WLS	Weighted Least Squares

Chapter 1 Introduction

1.1 Theme and problem

The Judiciary is the system responsible for applying the law in legal cases. In other words, the Judiciary is the system that acts in the name of the State. Considering the separation of powers, the Judiciary does not make or enforce the law. The Judiciary is responsible for interpreting, defending, and applying the law (Livingston, Monateri & Parisi, 2015).

Considering recent literature, the Judiciary is essential for democracy (Sen, 2013), economic growth (Feld & Voigt, 2003), and the improvement of the well-being of society (Sampaio, 2015). However, the number of lawsuits in the Judiciary is growing (FGV, 2019). All over the world, this increase has an impact, especially on the time of trial and the cost of the Judiciary (CEPEJ, 2019). As a result, there is also an impact on the citizen's life and its evaluation of the Judiciary. For example, in Brazil, there are more than 77.3 million pending lawsuits (CNJ, 2022). In Portugal, according to RTP (2021), the new president of the Supreme Court of Justice, Henrique Araújo, highlighted in his inauguration speech the "irreparable damage to the image of Justice, simultaneously inflicting an erosion on the trust of the system" caused by the slowness of Portuguese justice. In the United States of America (USA), for example, some federal judges have more than a thousand cases yearly when an average of 600 is already considered excessive. In addition, the number of pending federal cases mandated by civilians has passed the mark of 330 thousand cases in one year (US Courts, 2020).

In recent years, the importance of public opinion has grown enormously in our society, mainly due to the role of traditional media (Buechler, 2016) and, more recently, digital media (Calderón, Piscitelli & Reyna, 2018). It is fair to say that there is a global movement to increase social integration and awareness. It can find examples of this in women's rights gender movements (Bossio & Diez, 2021), democratic pleads (International Institute for Democracy and Electoral Assistance, 2021), and racial equality protests (Inter American Commission on Human Rights, 2019). Currently, numerous social movements demand, from the general society and the public power, the implementation of an actual counterbalance policy to deal with the historical and social differences at the heart of modern civilization's history (Buechler, 2016). They all demonstrate the necessity of understanding and integrating public opinion (Calderón et al., 2018).

The perception of the citizen is already used to evaluate public services, such as healthcare and education (Aghamolaei et al., 2014; Musah et al., 2015;). In other words, the systematic opinion of the citizens to evaluate services and the use of assessments to improve the provision of those services compose a system that is permanently in feedback with the opinion of the citizens and contributes to greater effectiveness of the services provided (Ogunnowo, Olufunlayo & Sule, 2015; Roslan, Nor & Wahab, 2015).

The question remains: even though the Judiciary greatly influences the citizen's life, why does society contribute so little to its evaluation? The problems begin with the measurement of this perception itself. There is a diversity of evaluation measurements and conclusions, mainly because the methodologies used differ significantly. Each country has a different measure to understand and evaluate the Judiciary (CNJ, 2023). The Latin American Barometer, for example, in 2020, showed that 36% of the Brazilian population trusts the Judiciary, one of the highest rates, only behind Uruguay and Costa Rica (Latinobarometro, 2020). Datafolha (2021) registered that, in September 2021, 31% of the Brazilian citizens did not trust the Judiciary, a percentage that was 23% in 2019. According to data from ICJ Brasil (2021), collected between November 2020 and January 2021, this rate was 40%. Therefore, different ways of collecting, analyzing, and showing the data result in different evaluations. The barometers indicate that the variable trust is essential to evaluate the Judiciary. Therefore, trust in the Judiciary is a crucial variable to evaluate it (Cunha et al., 2021).

In Brazil and abroad, objective measures are still predominant, such as the number of cases per court, cases per judge, and cases per civil servant (CNJ, 2021). Thus, the difficulty of evaluating the Judiciary from the citizen's perspective is understandable. Indeed, developing and implementing new assessment models is a considerable challenge in any area, especially in the Judiciary, given its complexity (CNJ, 2023).

The most dominant narrative in academic literature suggests that the evaluation of the Judiciary system is best conducted by experts, underscoring the importance of specialized knowledge in this process. Staats, Bowler, and Hiskey (2005) contend that individuals with a comprehensive understanding of the Judiciary or its institutional framework are more aptly positioned to conduct such evaluations. This standpoint is echoed by Petterson (2009), who employs the expertise of civil servants in Judiciary evaluations, recognizing their potential insight into the legal system. McKoy (2018) extends this approach by incorporating legal practitioners, capitalizing on their direct experience and professional expertise in the Judiciary.

However, it is imperative to consider the inclusion of citizens in the evaluation process,

like Murillo (2014). Their perspective can provide a broader, more diverse understanding of the Judiciary's performance and impact on the general populace. The involvement of citizens, although not experts in the legal domain, offers a unique and valuable lens through which the efficacy and fairness of the Judiciary can be assessed (Desta, 2019). This approach aligns with Legitimacy, Stakeholder, and Social Power theories and the growing recognition of the importance of public opinion and lay perspectives in evaluating public institutions (ENAP, 2000).

The literature regarding Legitimacy, Stakeholder, and Social Power theories presents the idea that social actors, the citizens, are the ones who legitimate powers of the State, such as the Judiciary. The theories suggest that citizens must evaluate and attest to the importance of public services (Bobbio, 1995; Freeman, Harrison, Wicks, Parmar & Cole, 2010; Deegan, 2014). Therefore, citizen should be considered in order to evaluate the Judiciary (GESPUBLICA, 2013).

Most Judiciary evaluations throughout the world use objective measures. Since this methodology of Judiciary evaluation was implemented, improvements in the management of the Judiciary can be observed (CNJ, 2021).

1.2 Judiciary as a public service

Another issue discussing the Judiciary relates to its status as a public service. The debate surrounding public service and the perception of the Judiciary as a public service is delicate, owing to the long history of the State's legacy (Ukeje et al., 2020). In Europe, a consensus exists that public service can be classified as one of general economic interest, with the Judiciary being considered at a different level than others (Jean, 2008). However, the Judiciary possesses similar characteristics to other public services. The primary distinction may lie in the fact that other services can be delegated to private operators, whereas the Judiciary is the prerogative of the State (Masagão, 1968).

However, understanding the Judiciary as a public service is not always straightforward. Meirelles (1999) points out that, in the organic sense, public service refers to services provided by public bodies. In the material sense, it encompasses functions, tasks, or activities of public administration that satisfy the general needs of administrators. In the formal sense, it would represent activities carried out by the public power or its delegates. This definition may seem vague as it does not encompass private legal service providers operating in the public sphere.

Reck (2009) links the concept of public service to the Political, Economic, and Legal areas, making it possible to operate in various spheres, both in the private and public sectors.

When examining the scenario in Brazil, Aragão (2009, p. 19) presents four interpretations of public services derived from the Federal Constitution:

"Public service: all activities carried out by the State, where all administrative law will be considered public service, and private initiative provision is prohibited, allowed only as a delegate of the public power; broad conception: according to this interpretation, it encompasses service activities in general provided by the State, including functions that directly offer facilities and utilities to individuals, regardless of state ownership or collection; restricted conception: this includes service activities closely linked to individuals, identified beneficiaries, and quantifiable benefits, excluding university services. It encompasses public economic and social services; very restricted conception: it considers only services that can be financed through specific remuneration (fee or tariff)."

Considering the definitions of public services in the Brazilian Federal Constitution, questions arise regarding the categorization of Judiciary activities as public services, especially when conceived as judicial provision, distinct from the administrative management of the Judiciary, notably exercised according to the provisions of Article 99 of the Brazilian Federal Constitution (Brazil, 1988).

The exclusion of Judiciary activity solely because it results from the State's sovereignty does not hold up under a more detailed and comparative analysis in relation to acts of public administration carried out by the executive power. The executive power is equally sovereign, yet this does not exclude its actions from the concept of public service (Masagão, 1968).

Currently, due to the coronavirus pandemic crisis, it is observed that judicial services have been in high demand, emphasizing their role as a public service. Between February and March 2020, at the onset of the coronavirus pandemic, there was an increase of over 100% in the number of lawsuits, particularly against healthcare plans in Brazil, compared to the same months of the previous year (CNJ, 2020). According to the Supplementary Health Agency (ANS, 2020), consumer complaints against healthcare plans significantly increased during those two months. In 2020, there were 1,235 lawsuits against employers in the USA related to the coronavirus (US Courts, 2020). In Europe, as reported by Dentons (2021, p. 2), special provisions were put in place to safeguard contractual relationships during the pandemic. These provisions included:

- In Germany, under a new law effective from April 1, 2020, any lessee's failure to pay

rent for April, May, and June 2020 did not entitle lessors to terminate lease agreements until June 30, 2022, on the condition that non-payment was due to the effects of the COVID-19 pandemic.

- In France, penalty clauses, periodic penalty payments, termination clauses, and forfeiture clauses sanctioning non-performance were deferred until after the period between March 12, 2020, and June 23, 2020.
- Russia enacted a special law to regulate the renegotiation of real estate agreements and offer lessees a deferral on rent payments.
- In the Netherlands, although no new laws were introduced relating to the effects of COVID-19 on contracts, associations representing both lessors and lessees in the retail sector agreed that lessors would grant a reduction in rent payments (ranging from 50% to 100%, depending on circumstances) for lessees who experienced a decrease in turnover of at least 25% over April, May, and June 2020. The Dutch Ministry of Economy approved this agreement.
- In England and Wales, Parliament passed the Coronavirus Act 2020 in March 2020, imposing a moratorium on commercial landlords' ability to evict non-paying tenants. The UK also enacted further laws that (a) granted limited protection to companies from their creditors; (b) prohibited the termination of contracts for the supply of goods and services due to insolvency; (c) provided a new restructuring plan for financially distressed companies; and (d) temporarily removed the threat of personal liability for wrongful trading by directors. These new laws were initially set to expire on September 30, 2020, but have been extended, ending on March 30, 2021.

The context of the pandemic has exposed problems that have lingered in the practices and activities of service providers for many years. This situation has highlighted the need for these service providers to adapt their methods in order to offer better assistance in addressing the increase in citizen complaints. Judicial services become particularly evident when complaints are transformed into legal actions, and they are perceived by the population as a public service (Wojkowska, 2006).

In light of the aforementioned, awareness of the Judiciary's role as a public service in combating injustices and defending citizens' rights has increased, leading to more significant citizen interaction with the Judiciary(CNJ, 2020).

1.3 Supporting theories: Legitimacy, Stakeholder and Social Power

Deegan, Rankin, and Tobin (2002, p. 293) assert that the "[...] idea of legitimacy is directly related to the concept of the social contract," a theoretical construct discussed by various philosophers, including Jean-Jacques Rousseau (1981). These philosophers elucidate that the contract represents the relationship between the general will (the law) and the particular will. Specifically, an organization's survival is imperiled when society perceives a breach of its social contract. It becomes evident when consumers reduce or cease their demand for the organization's products or services, suppliers curtail the provision of products and capital, or the government enforces higher taxes, fines, or more stringent laws to restrict actions that deviate from community expectations (Deegan et al., 2002).

Pfeffer and Salancik (1978) developed an "organization–environment" interaction model and posited that an organization's effectiveness hinges on its ability to manage demands, particularly those emanating from interest groups. When addressing the challenge of determining which stakeholder merits more consideration in the decision-making process, Carroll (1991) introduced legitimacy and power criteria. The author suggests that, from a moral standpoint, legitimacy may hold greater significance, but from a managerial perspective, power exerts a pivotal influence. Carroll (1991) also defines legitimacy as the extent to which a group possesses a justifiable right to make claims. In constructing a stakeholder identification and salience model, Mitchell, Agle, and Wood (1997) adopted Suchman's (1995) definition of legitimacy and emphasized that it can exist at the individual, organizational, and social levels (Wood, 1991).

In their model, stakeholders can be identified based on three attributes: the power of stakeholders to influence the organization, the legitimacy of the stakeholder concerning the organization, and the urgency of stakeholder claims (Mitchell et al., 1997).

Consequently, Mitchell et al. (1997) prioritize stakeholder legitimacy when engaging with the organization, while Suchman (1995) introduced the concept of legitimacy to explore how organizations are perceived concerning their stakeholders. By considering these attributes, organizations can better understand their stakeholders' needs and expectations, resulting in more effective stakeholder management and engagement. In discussions concerning the legitimacy of stakeholders, Phillips (2003) argues that it must be understood in two dimensions: normative and derivative. Stakeholders are entities or groups of individuals whose actions influence the system's operation (Freeman et al., 2010). Thus, normative stakeholders are those

to whom the organization bears a moral obligation simply because they are human beings. Derivative stakeholders are those considered due to their potential effects on the organization. According to this perspective, the author posits that the legitimacy of "stakeholders is as follows: stakeholders who have the ability to affect the organization are legitimate (derivatively), but this legitimacy is derived from the moral obligation due to other stakeholders (normative)" (Phillips, 2003, p. 25).

Decision-makers within the Judiciary have intensified efforts to raise awareness about the Judiciary's effectiveness among stakeholders (Organization for Economic Co-operation and Development [OECD], 2015). Freeman et al. (2010) contend that every group affected by an organization's decisions is intricately connected to attaining its objectives. Furthermore, Freeman et al. (2010) elucidate that, without stakeholders, there would be no rationale for the organization's existence. Stakeholders in the Judiciary must have confidence in the system's fairness, acknowledge the legitimacy of the entire legal structure, and feel represented when seeking assistance from the Judiciary (Estévez, Rachitskiy & Rodríguez, 2013).

Neville, Bell, and Whitwell (2011) scrutinize the legitimacy of stakeholder claims rather than the legitimacy of stakeholders as entities. When contemplating the Judiciary from the perspective of stakeholders and legitimacy theory, the Judiciary is considered legitimate when evaluated by lawyers, judges, public servants, and citizens.

Regarding power, the concept, from a broader standpoint, is defined by Bobbio (1995, p. 993) as "the ability or potentiality to act, to exert influence. It can pertain to individuals and human groups as well as objects or phenomena (as in the term 'calorific power,' 'power absorption')."

In a dictionary context, power can be interpreted, among other definitions, as "social power." This power concerns human existence within society, signifying that it encompasses the social relations established among individuals. These relationships signify the capacity for action and one individual's determination over another. The individuals are not only 'subjects' but also 'objects' of 'social power' (Bobbio, 1995).

The notion of social power stems from the belief that society plays a pivotal role as a social actor across all spheres of power: executive, legislative, and Judiciary. Like the other branches, it is understood that society directly influences the Judiciary (Mann, 2012).

1.4 Previous work

The assessment of service quality has been extensively studied in the academic field, with numerous investigations in the public sector utilizing SERVQUAL and SERVPERF scales (Bayraktaroglu & Demirel, 2010; Aghamolaei et al., 2014; Roslan, Nor & Wahab, 2015). Peterson (2009), Desta (2019) and Moura e Sá, P., Rosa, M. J., Santinha, G., & Valente, C. (2021) are examples of utilizing the SERVQUAL and SERVPERF scales in evaluating the Judiciary. However, it is essential to note that research in the field of Judiciary may employ various methodologies and tools to assess the quality of services or the function of this indispensable institution. Researchers often adapt existing scales or develop new measurement tools tailored to the specific needs and objectives of their studies, as demonstrated by Staats et al. (2005), FGV (2019), and WJP (2019). Nevertheless, a research gap exists within the realm of the Judiciary concerning the assessment of its functioning and services provided by the Citizen (CNJ, 2023).

The SERVQUAL scale, developed by Parasuraman, Zeithaml, and Berry (1988), is used to assess service quality, comparing consumer expectations with their perceptions of the actual service performance. It consists of 5 dimensions (tangibles, reliability, responsiveness, assurance, and empathy) and 44 items on the individual organization under study, measured on a 7-point scale. These five dimensions collectively provide a comprehensive framework for assessing service quality.

The SERVPERF scale, developed by Cronin and Taylor (1992), emerged as an alternative to SERVQUAL, offering a performance-based scale approach by focusing solely on customers' perceptions of service performance. It consists of the same SERVQUAL 22 performance items measured on a 7-point scale..

Staats et al. (2005) present an evaluation method that differs from others. It does not evaluate the Judiciary from the perspective of the quality of service provided and consequently does not use the SERVQUAL or SERVPERF scales. Instead, it builds a method 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.

The Judiciary is assessed using various scales and methods, as mentioned earlier, and other measurement methods, such as barometers, as outlined below.

In Portugal, the evaluation of the justice system has been solidified through various indexes, including the Liberal Democracy Index (LDI, 2018), Freedom House (2019), World Justice Project: Rule of Law Index 2019 (WJP, 2019), and Transparency International Corruption Perception Index (República Portuguesa, 2019). Portugal has been appraised by international barometers, considering the balance of powers (Judiciary, Executive, and Legislative) or the application of the law in each case. The European Commission for Efficiency evaluates the system biennially, collecting information from public servants and those directly involved (CEPEJ, 2019).

In England, the European Commission for Efficiency of Justice assesses the system every two years. The commission administers a questionnaire during each cycle, to be completed by public employees and individuals engaged in the system's administration (CEPEJ, 2020).

In the USA, judges undergo evaluation at the midpoint of their terms and before each retention election, assessing the judges before potential reelection. These evaluations are based on self-assessments, surveys of those interacting with the judges, and personal interviews (US Courts, 2020).

The European Commission for Efficiency of Justice periodically evaluates the system in Germany. They employ a questionnaire for public servants and those who regularly use the system. Internal assessments are conducted routinely, encompassing variables such as caseload for each judge, budget reviews, and workload for public servants (CEPEJ, 2019).

In Brazil, following the enactment of the 1988 Brazilian Constitution, the Judiciary took responsibility for organizing its statistics, with the creation of the National Database of the Judiciary Branch (BNDPJ), overseen by the Federal Supreme Court. The database compiled data on the number of judge positions (existing and available), ongoing and completed contests, the volume of cases filed and adjudicated, the nature of cases, the count of districts and courts, the proportion of civil and criminal actions, the percentage of cases involving the Public Administration, and the average time for final case judgments in each instance, among other information (Sadek & Oliveira, 2012).

Generating reliable statistical data, enabling strategic planning and monitoring actions to enhance jurisdictional provision, aligns with a global trend in public administration. This trend incorporates tools for monitoring organizational performance and guiding practices that

optimize resource allocation and improve services. Its roots trace back to the 1980s when it commenced in the Executive Branch (Nogueira, 2010). It extended to the Judiciary in the late 1990s, driven by the World Bank's introduction of World Governance Indicators (Amariles, 2016).

The genesis of World Governance Indicators can be traced back to the publication of the Washington Consensus in 1998 by the International Monetary Fund (IMF). This document outlined a series of political and institutional measures to be implemented in underdeveloped countries through state reforms to foster further development and attract international funding (Burki & Perry, 1998).

Building on the Washington Consensus, not only did the World Bank embrace these principles, but several other international agencies, including the Inter-American Development Bank (BID) and the US Agency for International Development (USAID), also initiated funding programs to reform government institutions in alignment with the measures stipulated by the Washington Consensus (Domingo & Sieder, 2001). Consequently, promoting and strengthening the rule of law, facilitating the independence of the justice system, and ensuring legal certainty and predictability in its decisions became guiding principles for these initiatives. In the case of the Judiciary, this led to the development of indicators to monitor its activities (Cunha, 2008).

The World Bank's creation of transnational legal indicators, designed to identify issues and guide Judiciary reform projects, perfectly resonated with the rule of law principle. These indicators primarily aimed to support economic development policies by assessing Judiciary efficiency, focusing on procedural timelines and the predictability of court decisions. Efficiency became the primary yardstick for evaluating judicial performance, with a concerted effort to ascertain how efficiently resources (financial, material, and human) were employed in generating outcomes in court decisions (World Bank, 2004).

1.5 Research gap

Assessment models based on the citizen's perception is still a considerable challenge, given the complexity of the Judiciary (CNJ, 2023). The Judiciary in each country is different and even follows different legal traditions (Mattei & Pardolesi, 1991). The Roman-Germanic traditions (Civil Law), in which laws are written in codes, allow for a tendency for minor protagonism on the part of the actors of the Judiciary (Livinsgton et al., 2015). In countries based on Common

Law, however, there is a greater openness to interpretations by these same actors (Pejovic, 2001). However, over time, the two models have come together, and, for example, judges of first instance and instruments such as judicial precedents are the same in both models. However, each country has different characteristics, making comparative assessment difficult (Pejovic, 2001; Livingston, 2015).

Some ongoing initiatives are being developed to assess the Judiciary based on the opinion of citizens (European Commission, 2017). However, according to some authors (CEPEJ, 2020), the knowledge gap about the Judiciary may be affecting the reliability and credibility of these assessments. The assessments use consolidated scales, like SERVQUAL and SERVPERF, to assess service quality for users, lawyers, magistrates, and public servants (Patterson, 2009; Murillo, 2014; Mckoy, 2018; Moura e Sá et al., 2021).

Throughout the studies, their authors intend to find an evaluation of the service quality using well-developed scales to assess quality based on the stakeholders' perceptions. Most of the time, they evaluated quality based on lawyers, magistrates, and public servants' perceptions of the Judiciary (Patterson, 2009; Mckoy, 2018).

Therefore, the evaluation of the functioning of the Judiciary, from the perspective of the citizen, presents a complex challenge, both for the academy and for the professionals. This fact can bring difficulties, as the researcher must open a new knowledge path to develop his work. On the other hand, the scarcity of literature represents a clear research gap to explore (CNJ, 2023).

Studies, such as Patterson (2009) and Mckoy (2018), measure service quality mainly using the perception of users, in these cases, experts. They may understand that users such as lawyers, magistrates, public servants, and defenders could give a most precise interpretation of the procedures of the Judiciary.

According to Buscaglia and Dakolias (1999, p. 2), "inefficiency causes delays, which raise litigant-related costs; higher costs prevent user access to the Courts, and thereby damage faith in the legal system. Efficiency is therefore an important aspect of a Judiciary's effectiveness."

The guideline for measuring efficiency led to the need to produce data and transform it into reliable information to identify problems and reach solutions. It is an indispensable instrument for implementing changes and improvements in jurisdictional provision. Thus, it is argued that judicial statistics can benefit judicial accountability, improving the Judiciary's capacity to provide adequate responses to society (Elena, 2015).

The existence and publicity of data are necessary so that (i) the public can know what

activities are carried out by the Judiciary, (ii) the top bodies can monitor their performance and plan future projects, (iii) governments can design and promote public policies for reform and improvement, (iv) experts can assess the functioning of the Justice system, and (v) public servants can manage and improve the process (Cunha, 2010).

From a comparative perspective, it is possible to indicate a set of minimum measures regarding accountability and responsiveness, which the Judiciary must present. These variables are mainly guided by international organizations, which are involved in evaluating the efficiency of the Judiciary, such as the World Bank and CEPEJ. In general, these bodies recommend that the Judiciary produce information about activities, that this information should be accessible, with quality, updated, and that it can be compared with that of other information systems, whether national or international (CEPEJ, 2019).

Among the information that is considered significant are:

- The number of lawsuits initiated per year;
- The number of cases resolved per year;
- The number of cases pending at the end of each year;
- Demand service rate (clearance rate);
- The congestion charge;
- The average duration of cases; and
- The number of judges per one hundred thousand inhabitants.

These data must be organized by area, judicial instance, and jurisdiction. They also must be easily accessible, with objective presentation and language (Dakolias, 1999).

Data about the activities of the Judiciary should also be collected, preferably from the procedural progress system. The data holding's size, content, and age are also crucial so each Court can identify what is not being decided. In addition, statistical systems built from this information should serve as objective mechanisms for evaluating the Judiciary administration: (i) judges in the administration of their Courts, (ii) legislators in assessing the conflicts generated from the drafting of law, and (iii) citizens and organizations that use the Judiciary to reduce legal uncertainty (Cunha, 2008; Elena, 2015).

Based on the guidelines of these international organizations, the International Consort for Court Excellence (ICCE, 2020) developed a methodological framework for evaluating Judiciary performance. The report defines the measures, their purpose, and the methodology for obtaining and calculating them, defining the measurement logic as a process and a management discipline. "Court performance measurement and management (PMM) is the

discipline and the process of monitoring, analyzing, and using organizational performance data on a regular (ideally in real or near-real time) and continuous basis for improvements in organizational efficiency and effectiveness, in transparency and accountability, and public trust and confidence in the courts and the justice system." (ICCE, 2020, p. 6).

Another guideline in producing Judiciary statistics is adopting the open data standard based on the Open Data Handbook (Bennett, 2009). Elena (2015) specifies the characteristics of the open format, which include accessibility (full availability of data at a reasonable reproduction cost, preferably accessible for online download), sustainability (data updated with defined frequency and standardized processes for publication), reuse (data format that allows reuse, redistribution, and combination with other data sets - interoperability), and non-discrimination (access to data must not be restricted to particular purposes or subject to copyright).

Judicial statistics and the adoption of a data standard so that they can be freely accessed are only possible through the use of information technology instruments and integrated systems that are capable of providing robustness and reliability to the information available (Elena, 2015).

The technology is used not only to produce information about the Judiciary activities but also as a mechanism for accessing justice, as is the case with digital judicial processes, a format that has a direct impact on the time it takes to process cases, greater transparency and agility in the follow-up of processes, through the Courts' digital pages. According to a report published in 2017 by the World Bank on the results of judicial reforms carried out in countries such as India, Brazil, and Argentina, technology has been a central instrument in the modernization of the Judiciary. They produce results in less time and with a more significant impact on the performance measurement of these institutions (Chemin, Harley & Panter, 2017).

Brazil is among the countries with the best performance in terms of publicity of judicial statistics. Since the creation of the CNJ, there has been regularity in the publication of statistics, the availability of aggregated data, and accessibility. Elena (2015) states that, despite the Judiciary being one of the state institutions less subject to public scrutiny in Latin America, and there are no systematic strategies to promote judicial accountability nor efficient public policies to improve the quality of the Judiciary services, there has been improvement concerning transparency and publicity policies for judicial statistics. The author evaluates seven countries (Brazil, Costa Rica, Chile, Argentina, Mexico, Peru, and Uruguay), observing the availability of data on Court decisions, procedural movements, budget, and administrative structure, verifying whether and to what extent they meet the characteristics of the data open. Each

country received a score on a final scale ranging from zero to 120.5. The author states that the amount of judicial data available has resulted from policies that increase transparency rather than improve the quality of jurisdictional provision or accountability (Elena, 2015).

Sadek, Soares, and Stemler (2017) follow the same line, indicating that Brazil is among the countries that provide better-detailed Judiciary statistics. The authors noted that of a total of 23 judiciaries from countries that are members of the Organization of Ibero-American States (OEI), only 13 (Brazil, Chile, Uruguay, Paraguay, Ecuador, Costa Rica, Guatemala, Peru, Honduras, Nicaragua, Panama, Colombia, and Spain) were identified recent and systematized records on litigation and procedural movement.

With the description presented before, there is an essential gap in using citizens' opinions to evaluate the Judiciary. Moreover, the rise of mass and social media in the last 20 years has pressured the Judiciary to consider this critical segment (Calderón et al., 2018).

1.6 Research question, objectives and contribution

Accordingly, with the problem stated and the gaps found in previous research, the present work intends to answer the following research question: Can the Judiciary be evaluated using citizen perception?

Various studies have explored measures including the Judiciary's knowledge (FGV, 2019), trust in the Judiciary (Cunha et al., 2017), service quality of the Judiciary (Patterson, 2009; Desta, 2019), satisfaction with the Judiciary (FGV, 2019), the relationship among democratic powers (FGV, 2019), operational evaluation of the Judiciary (CNJ, 2022), emotional and motivational responses towards the justice system (FGV, 2019), workload per judge (CEPEJ, 2019), process efficiency (CEPEJ, 2019), delays, and processing time (CNJ, 2020), among others.

The FGV (2019) study is considered essential and fundamental, as it aims to understand and evaluate the Judiciary using input from citizens, users and not users of the Judiciary, and experts. As the author of the thesis was an active member during the research conducted by FGV, he had the opportunity to conduct interviews (around ten) with experts regarding the importance of the variables that should be considered when proposing a model to evaluate the Judiciary on citizens' perceptions. The experts indicated that only a few variables should be considered. They suggested keeping the model simple to make it easier for the Judiciary to understand and use it. Also, the new model should consider the costs because the Judiciary has

some limitations in terms of budget for this proposal. Therefore, instead of using many questions and a complex questionnaire, they recommended using fewer and more direct questions about evaluating the Judiciary. The expert said: "A model as simple as possible, with not so many questions, and not expensive is the best way to be adopted by the Judiciary, at least for the beginning of the process of evaluation by the citizens."

The CNJ (2023), in recent research developed in partnership with the United Nations Development Program (PNUD), states:

"Even though, there have been efforts to carry out national surveys coordinated by different agents on topics such as perception and evaluation of the Judiciary and access to Justice, these efforts have not yet been constituted, to date, as permanent and comparative with each other (CNJ, 2023, p.17)."

Lavareda (2022), emphasized the importance of citizen participation in evaluating the Judiciary and cited the author of this thesis.

The Minister of the Superior Court of Justice (STJ) and Coordinator of the Center of Innovation, Administration, and Research of the Judiciary of the FGV, Luis Felipe Salomão, and the author of this thesis in January 2022, also wrote an article published about the citizen participation in evaluating the Judiciary (Salomão & Costa, 2022).

Miller (2013) states that one of the most fundamental questions of democratic governance is how to structure a system that translates citizens' preferences into public policy.

Regarding translating the citizens' preferences into public policy, the citizens' knowledge about the institutions matters (FGV, 2019). But, some researchers believe that only experts or those who know well the Judiciary should have the "right" to assess the Judiciary. Citizens, according to some authors, have superficial knowledge of the Judiciary (Staats et al., 2005).

Therefore, besides the importance of the citizen's evaluation of the Judiciary, discussing the importance of relativizing the knowledge gap when evaluating the Judiciary is essential. The citizen can also perceive quality based on experience, the difference between expectation and results, and the level of information they have about the public services (Kelly, 2003).

Trust in the Judiciary is a crucial variable that is often studied in international barometers such as the WJP (2019), FGV (2019), EU Justice Scoreboard (2020), and Latinobarometro (2020), which rely on citizens' perceptions of trust. Some studies, like the EU Justice Scoreboard (2020), examine confidence in the system, while others, such as the WJP (2019) and FGV (2019), assess trust in specific institutions or magistrates. Therefore, trust or confidence is a recurrent topic in studies and barometers, including those conducted by Murillo

(2014), Cunha et al. (2017), Desta (2019), WJP (2019), and FGV (2019).

According to the Legitimacy theory (Deegan et al., 2002), laws and rules can only operate if people find them legitimate or even trust the system. This concept is based on the idea that power can only be legitimate if approved or sanctioned by the citizens. It can also be related to expectations: citizens trust political agents or institutions when they believe they will act as they should. As previously mentioned, the Stakeholder and Social Power theories also emphasize the importance of citizens as stakeholders that the Judiciary should consider (Freeman et al., 2010).

On the other hand, civil confidence in institutions (which is often conflated with the concept of trust) may depend more specifically on the people's belief that institutions act competently in the sense that they can perform the functions that are assigned legally or constitutionally to them (Mishler & Rose, 1997). Trust is a variable customarily used to understand if the citizen believes in institutions, and with the Judiciary, it would not be different (Cunha et al., 2017).

In FGV (2019), citizens and experts were questioned about trust in the Judiciary: they were asked if they trust institutions and judges, for example.

Murillo (2014) and Desta (2019) use the SERVQUAL scale to measure the quality of services the Judiciary provides. The studies used the quality of the services instead of the satisfaction, but Cronin and Taylor (1992) also studied the causal order of the satisfaction-service quality relationship. They cited that the literature suggested that satisfaction is an antecedent of quality services, but their research indicates the contrary. Moreover, concerning the purchase intention, satisfaction has a stronger and more consistent effect than service quality (Cronin & Taylor, 1992)

Vigoda-Gadot (2006) argues that citizens who consider public services politically unfair and unethical should express lower levels of satisfaction and trust and, with time and experience, translate their dissatisfaction into better tangible reactions towards it and the political system.

Therefore, considering the opinions of the magistrates, the experts, and the literature, the thesis investigates the importance of hearing the citizens' perceptions about evaluating the Judiciary and presents a new model, using the variables of knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary to evaluate the functioning of the Judiciary.

Thus, the objectives of this research are:

1. To evaluate the functioning of the Judiciary in the citizen's perspective;
2. To characterize the antecedents of the evaluation of the functioning of the Judiciary;

3. To characterize the role of knowledge in the process of evaluation of the Judiciary;
4. To characterize the role of the sociodemographic characteristics in the process of evaluation of the Judiciary;
5. To propose and validate a model to evaluate the functioning of the Judiciary from the citizen's perspective; and
6. To describe the impacts of the region and citizen involvement with the Judiciary in the proposed model.

This research has significant implications for multiple stakeholders, including policymakers, the Judiciary and its management, citizens, and the academic community. The findings of this study can provide policymakers with new insights and inputs to develop public policies that better align with citizens' needs regarding the Judiciary. By incorporating citizen feedback and insights, the Judiciary can improve its processes and become more efficient. Including citizen perceptions in the evaluation process will provide greater legitimacy to the Judiciary. Citizens will benefit from having a more significant influence in the public sphere, allowing their perspectives to be considered. Finally, the academic community can use this research's results to understand further citizens' role in evaluating the Judiciary and to develop new theories and approaches.

As mentioned earlier, there is a need for more research using citizen perception to evaluate the Judiciary. Through the research, it is possible to assess the effectiveness of existing services and identify the needs of citizens. In addition, the Judiciary can work with academia to identify gaps in judicial services and provide information and training for legal professionals to improve their performance and the quality of services provided, thereby better serving the citizens. The research can also be used to develop new technologies and methodologies that can help make the judicial process more efficient and accessible to the citizens. For example, using artificial intelligence can help analyze procedural data and identify patterns that can contribute to improving the services provided. For example, the FGV Center of Innovation, Administration, and Research of the Judiciary recently mapped the use of artificial intelligence in Brazilian Courts applied to conflict management (Salomão, 2022). In addition, the academy can work with the Judiciary to develop new public policies to improve access and reduce delays and recurrent complaints from citizens, impacting the citizens' trust, satisfaction, and Judiciary evaluation. The research can contribute to verifying if the Justice are fairer and equal rights for all citizens, regardless of their social or economic status (Sen, 2009). In summary, it can be said that academia and research play a vital role in developing quality public services in the

Judiciary, contributing to improving the effectiveness, efficiency, and accessibility of the Judiciary services (Kourlis, Swisher, & Wheeler, 2018).

1.7 Methodological overview

This research is descriptive and characterizing the relationships among variables such as knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. The data was extracted from a quantitative research database, Image Study of the Brazilian Judiciary (FGV, 2019). It was FGV's first study within the Judiciary, descriptive and with a general scope, which included a questionnaire with more than 200 questions to evaluate different aspects of the Judiciary, such as the influence of the media, which has already resulted in a thesis master's degree at ISCTE-IUL. It should be noted that the FGV's study was merely descriptive.

Some experts, including judges of the Judiciary, were interviewed to explore the model to be developed. Rather than using a pre-defined set of questions, the interviews were open-ended, allowing for free-flowing discussion. The interviews did not serve as a basis for creating categories of analysis but rather inspired identifying variables in constructing the "usable and costless" model by the Judiciary.

Theories regarding Legitimacy (Deegan et al., 2002), Stakeholder (Freeman et al., 2010), and Social Power (Lebrun, 1999) pointed out the importance of considering the citizen as one of the most important stakeholders; therefore, the citizens' opinion is essential to understand the evaluation of the functioning of the Judiciary and to improve its management.

The structure of the research method follows the sequence: objectivism, positivism, inquiry investigation, and statistical analysis (Saunders, Lewis & Thornhill, 2009). This research seeks through the collection of many empirical observations, regularities, universals, and causal relationships; in that sense, it is, above all, positive. However, considering that the theories and the observation are interconnected and can influence each other, it can be regarded as post-positivist (Creswell, 2007).

It used IBM SPSS Statistics as the statistical software for objectives 1 to 4, for descriptive and inferential statistics, and SPSS AMOS for testing the hypotheses and validating the structural model, i.e., objectives five and six.

1.8 Thesis structure

The thesis is divided into seven chapters. The first chapter, the introduction, provides an overview of the focus of the analysis, including the research gap, objectives, and contribution of the study. A methodological overview is also included in this chapter to help readers better understand the direction of the research.

The second chapter is dedicated to analyzing the Judiciary and its institutions.

The third chapter, Literature Review (LR), aims to define the research subject and highlight its importance. It also presents theories that underscore the significance of considering citizens' opinions when evaluating the Judiciary. In addition, the chapter outlines models for evaluating the functioning of the Judiciary, providing an understanding of how this process is currently being approached. Finally, a conceptual model for evaluating the functioning of the Judiciary is proposed, which considers the theories presented in the chapter.

The fourth chapter explains the research problem, strategy, study population, data collection methods, sample characterization, and data analysis methods. This chapter describes each step of the research, including the methodological choices made, to understand better how the data was collected and analyzed. In addition, the chapter briefly describes the Brazilian Judiciary to contextualize the sample.

The fifth chapter presents the study's results, including the results of hypothesis testing, which provide insights into the research problem and help validate the proposed model.

The sixth chapter is dedicated to discussing the research findings, which involves revisiting and re-evaluating the conclusions drawn in the previous chapters. This chapter also explores the implications of the research: theoretical, policy, and managerial, as well as the challenges of evaluating the Judiciary by the citizens.

The seventh chapter summarizes the thesis, including an analysis of the results obtained and the conclusions that can be drawn from them. Additionally, contributions to the practice and theory of Judiciary management are discussed. Limitations of the research are presented along with proposals for future studies.

After the seventh chapter is presented, the epilogue and the references.

The thesis structure is shown in Figure 1.1.

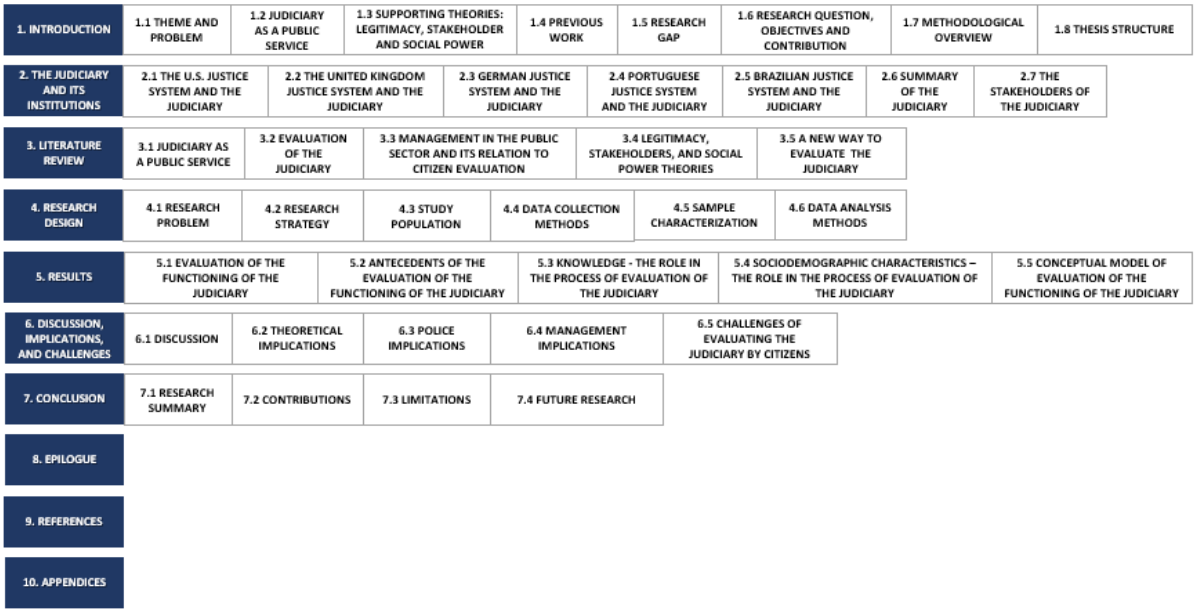


Figure 1.1 Thesis structure

Chapter 2 The Judiciary and its institutions

The Judiciary and its Courts defend, interpret, and help apply the law, resolving legal disputes. (Bator, 1981). The Judiciary is the system that operates according to the State. The Judiciary, based on the separation of power, is responsible for interpreting and applying the law in each case, which is different from the executive, which is responsible for enforcing the law (Brennan, 1996). In order to understand how the Judiciary works, it is present the Judiciary in some countries such as the USA, the United Kingdom, Germany, Portugal, and Brazil.

2.1 The U.S. Justice System and the Judiciary

The Justice system is independent of the executive and legislative, although it can work together with other systems as the American Constitution requires (Calabresi, 2003). The Congress is responsible for passing federal laws, and the President is responsible for signing them. The Justice system can decide if the federal law is constitutional and resolve disputes. Court decisions are independent, but the executive power will enforce the Court's decision (Ehrlich, 2000). The decisions are based on the principles of the Common Law, always using judicial precedents instead of Civil Law.

Courts decide, for example, the penalty of the crime (Bator, 1981). The Court can also decide on a dispute when an agreement is not reached peacefully. Depending on the crime or severity of it, it can end up in federal or State courts (Bator, 1981).

The system can be described as a balance between the different actors, as presented in Figure 2.1.

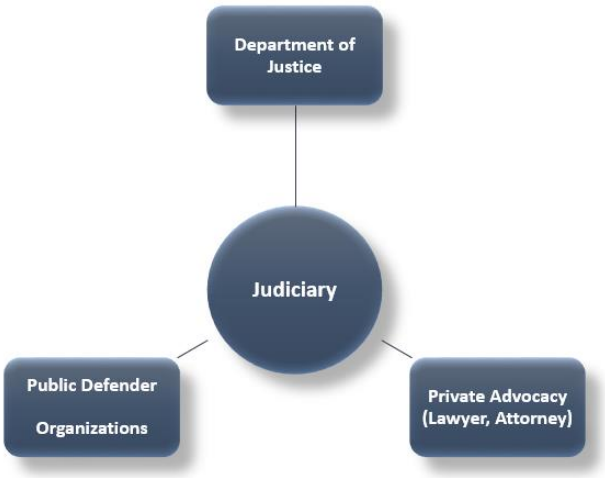


Figure 2.1 The U.S. Justice System

The structure presented in Figure 2.2 shows how the Judiciary works and how the Courts have the authority to decide regarding specific community problems.

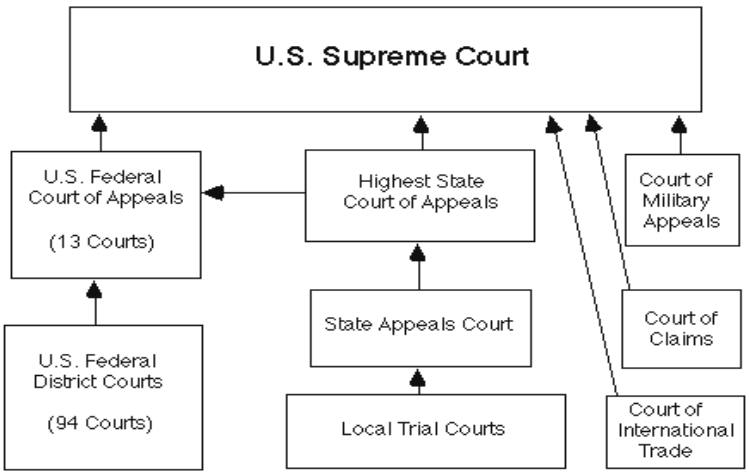


Figure 2.2 The U.S. Judiciary Structure

Source: U.S. Court System, 2021. Retrieved from https://www.faculty.umb.edu/gary_zabel/Courses/Morals%20and%20Law/M+L/court.html

2.1.1 Judiciary members and components

Congress establishes Judiciary members, allowing them to shape and structure the federal Judiciary (Calabresi, 2003). The Congress decides the number of the Supreme Court judges. American Constitution allows Congress to establish inferior Courts in United States District Courts, which can try federal cases. They also established 13 United States Courts of Appeals for reviewing District Court cases (Calabresi, 2003).

Brennan (1996) indicates that federal judges serve until their death, retirement, or any conviction by the Senate. In this sense, they are isolated from political disputes; they have independence for judging every case.

Federal Courts have jurisdiction determined by Congress, although the Constitution sometimes grants them original jurisdiction (Brennan, 1996).

Regarding the components of the Judiciary, the following structures are relevant: The Superior Courts, Courts of Appeals, and specialized Courts.

The Supreme Court is the higher power in the Judiciary. The U.S. Constitution, Article III, created the Supreme Court. There are 94 district-level trial courts and 13 courts of appeal under the power of the Supreme Court (Brennan, 1996).

The Supreme Court is directly designated by the U.S. Constitution. The remaining federal courts were created by the United States Congress (Bator, 1981). The judges (currently nine) are designated by the President of the United States and confirmed with a majority vote by the Senate. One of these nine serves as Chief Judges; the remaining members are designated Associate Judges. As in all federal courts, the Court's jurisdiction is limited. While the Supreme Court has original jurisdiction in some inter-State cases, most of the work consists of reviewing appeals from cases from State or lower Federal Courts (U.S. Courts, 2021).

The Constitution stipulates that judges remain in Court if they have good conduct (unless the Senate has not confirmed the one chosen). Therefore, judges can continue to practice for their entire lives, or even when they retire or leave voluntarily (Brennan, 1996).

Associate judges decide by absolute majority vote on cases accepted by the Supreme Court, deciding on the constitutionality or not of municipal, State, and federal laws (Calabresi, 2003). If, in deliberation, the position of the Chief Justice prevails, he drafts the sentence or chooses an associated judge with the same position to do so; if not, he chooses an associate judge from the winning position. The difference between the Chief Justice and the Associate Judge is that the former presides over the court sessions, administers the Supreme Court's facilities, and receives a slightly higher remuneration (Brennan, 1996).

Below the Supreme Court sits the appellate courts, the U.S. Courts of Appeal. (Brennan, 1996). Their function is to identify if the law was applied correctly in the trial court. They use three judges and not a jury. A court of appeal understands the challenges of district court decisions in the circuit and decisions of federal administrative agencies. Court of Appeals also has jurisdiction over specialized cases involving, for example, patent laws (Calabresi, 2003).

Federal Justice is divided into 12 regional circuits, including the Washington Federal Circuit. There are 94 federal courts of first instance in the 50 States and the District of Columbia (Brennan, 1996).

The trial courts or districts are called U.S. District Courts and are responsible for resolving disputes, determining facts, and applying legal principles to decide. They are formed by the district judge, who tries the case, and a jury. Magistrate judges help district judges in preparing them and helping with cases. The district judge can also coordinate and conduct trials in minor cases (Brennan, 1996).

Each State has one district Court and the District of Columbia. Moreover, it can find a U.S. bankruptcy court in each district as a unit of the district court. Another four American territories have U.S. district courts that also hear federal cases: Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands (Calabresi, 2003).

The U.S. Judiciary can also find two special trial courts: The Court of International Trade (regarding cases of international trade and customs laws) and the U.S. Court of Federal Claims, which deals with most claims for monetary damages against the U.S. government (Calabresi, 2003).

Bankruptcy cases related to personal, business, or farm bankruptcy are decided exclusively by federal courts; they are not decided in State Court (Brennan, 1996).

2.1.2 Evaluation of the functioning of the Judiciary

A commission was formed in 1960 to verify Judicial Performance in the USA. Every State in the USA has its commission responsible for assuring quality in the system (Brennan, 1996). This commission is a State Agency responsible for disciplining judges and investigating other complaints. The commission is responsible for protecting the public, enforcing rules of conduct, and responsible for the integrity and independence of the Judiciary (U.S. Courts, 2021).

Figure 2.3 summarizes some of the indicators used to evaluate the Judiciary in the USA.



Figure 2.3 Indicators of the U.S. Judiciary

2.2 The United Kingdom Justice System and the Judiciary

The U.K. Court system is complex and - in places - confusing because it has developed over 1,000 years. It is a particular balance among the Crown Prosecution, Private Advocacy, and the Legal Aid Agency (Bowie, Songer & Szmer, 2014). Figure 2.4 represents the Judicial System.

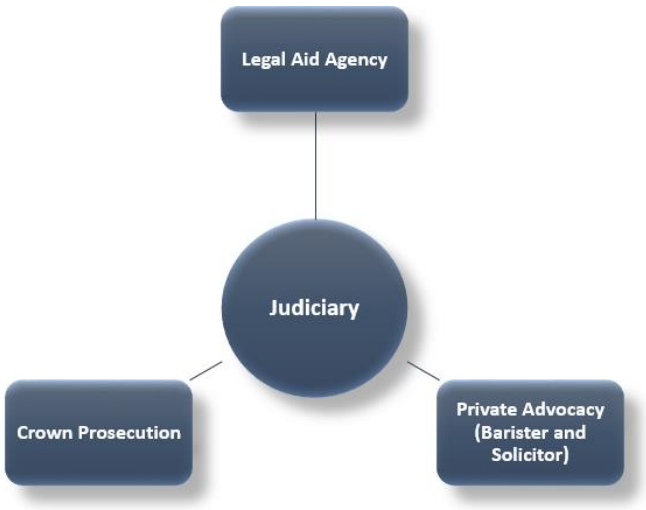


Figure 2.4 The United Kingdom Justice System

The Judiciary of the United Kingdom comprises three legal systems: England and Wales, Northern Ireland, and Scotland. However, the judges of all the courts have a United Kingdom jurisdiction. Despite being different countries, they share the structure of the U.K. national system, and the Supreme Court has jurisdiction over the whole U.K. territory (Bowie et al., 2014).

The Judiciary of the U.K. appears to be different and is divided into several Courts, as shown in Figure 2.5. They adopted the Common Law but had similar behavior as the American system, with many Courts of appeal.

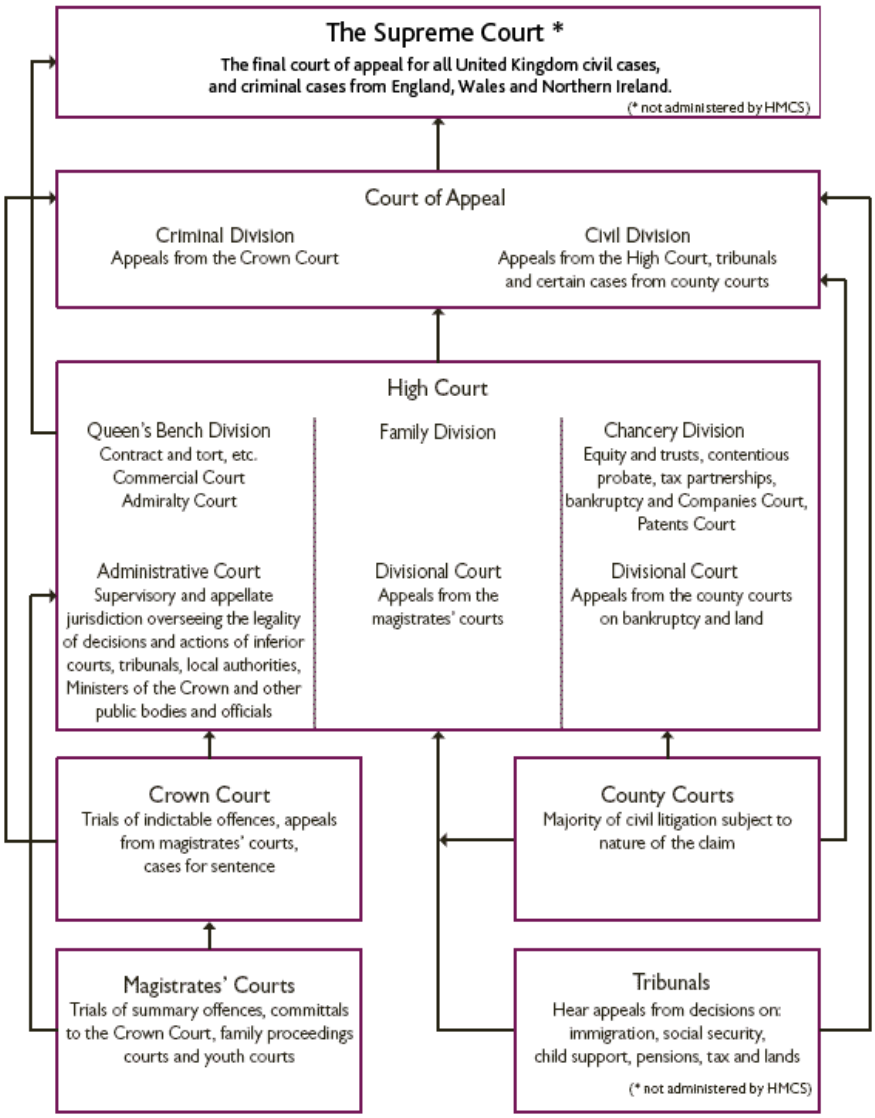


Figure 2.5 The UK Judiciary Structure

* HMCS

Source: Crown Law, 2017. Retrieved from https://www.crownlaw.qld.gov.au/resources/publications/a-brief-examination-of-the-court-structure-of-england-and-wales-since-the-introduction-of-the-supreme-court

2.2.1 Judiciary members and components

The U.K. Judiciary members differ from other countries because all members, including the judge, are appointed by the Crown but not directly by the Parliament. The Judicial Appointments Commission, an independent body, oversees the appointment process of the members of the U.K. Judiciary. The commission selects candidates for judicial office in courts and tribunals in England and Wales. The selection commission must consult with various people before making its recommendation. The Lord Chancellor, a senior government minister, can accept or reject the recommendation or ask the selection commission to reconsider it. If he or she accepts the recommendation, it must be submitted to the Prime Minister, who then formally advises the Queen to make the appointment (Blom-Cooper, Dickson & Drewry, 2009).

The Judicial Appointments Board for Scotland is an independent advisory body that makes recommendations to Scottish Ministers for appointments to judicial offices in Scotland (Blom-Cooper, Dickson & Drewry, 2009).

The Northern Ireland Judicial Appointments Commission is an independent body that makes recommendations to the Lord Chief Justice of Northern Ireland for appointments to judicial offices in Northern Ireland (Blom-Cooper, Dickson & Drewry, 2009).

Instead, they are selected by independent bodies that follow rigorous criteria and procedures to ensure that only qualified and suitable candidates are appointed. The Parliament has some influence over the appointment process through its role in appointing or approving some of the members of these bodies, such as the Lord Chancellor and some of the lay commissioners. (Blom-Cooper, Dickson & Drewry, 2009).

The judges are classified as Circuit Judges, District Judges, Magistrate' Courts, Diversity and Community Relations Judges (DCRJs), Judge Advocates General, High Court Masters, Costs Judges, and Insolvency and Companies Court Judges (Blom-Cooper et al., 2009).

In the U.K. Judiciary, three structures emerge: The Superior Courts, Courts of Appeals, and specialized courts (Crown Law, 2017).

The Supreme Court of the United Kingdom was created in the Constitutional Reform Act of 2005 (Clarry & Sargeant, 2016). Supreme Court began its activities on October 1, 2009, taking over the judicial functions of the 'Lords of Appeal' (commonly referred to as 'Law Lords') – "12 judges appointed as members of the Chamber of the Lords who acted as the last instance of Justice in the United Kingdom. Jurisdiction over issues of devolution was previously exercised by the Judicial Committee of the Privy Council" (Clarry & Sargeant, 2016, p.13).

The United Kingdom has two divisions of courts: Criminal and Civil. The Court of Appeal is the High Court within the Senior Courts, and it is divided into criminal and civil divisions and is based at the Royal Courts of Justice in London (Blom-Cooper et al., 2009). "The judges of the Court of Appeal are the Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court, and the Lord or Lady Justices (currently 38 in number)" (Corley, 2008, p. 34).

Each case has specific courts: for example, all criminal cases will go first to the magistrates' Court, but if the criminal matter is severe, it is sent to the Crown Court (Corley, 2008). Cases in the Crown Court will go to the High Court, the Court of Appeal, or even the Supreme Court.

District judges are responsible for criminal cases, youth cases, and some civil proceedings in magistrates' courts. They can authorize the cases in the Family Court. Some are authorized to deal with extradition proceedings and terrorist cases. They are also authorized to sit as prison adjudicators. In addition to the courts mentioned, there are some specialist courts. For example, Coroners' Courts investigate sudden, violent, or unnatural deaths (Corley, 2008).

The Court Martial deals with the criminal trials of servicemen and women in the Royal Navy, the Army, and the Royal Air Force of severe offenses or cases where the defendant chooses not to be dealt with by his or her commanding officer (Blom-Cooper et al., 2009).

Since October 2015, an expert Financial List has handled claims explicitly related to the financial markets. The claim is brought because it raises issues of general importance to the financial markets (U.K. Parliament, 2021).

2.2.2 Evaluation of the functioning of the Judiciary

The Judiciary performance in the U.K. is evaluated by the European Commission for Efficiency of Justice (CEPEJ, 2020). They also have internal evaluations of service and Judges. The Parliament has Court Statistics for England and Wales, a guide on statistics on caseload, case outcomes, and court performance, covering Magistrates, Crown, and Civil Courts and Tribunals. It also covers Court closures since 2010, Court workforce, judicial diversity, and expenditure on Courts. (U.K. Parliament, 2021)

Court statistics for England and Wales are reported separately for different types of Court: criminal, civil, and family (Drewry, Blom-Cooper & Blake, 2007). These statistics are published quarterly and annually and provide information about caseload and performance by

tier of Court. The tribunal's statistics are also published separately in a quarterly and annual release (by financial year) (CEPEJ, 2020).

Figure 2.6 summarizes the indicators used to control the U.K. Judiciary.



Figure 2.6 Indicators of the UK Judiciary

Source: Elaborated by the author, based on CEPEJ (2020).

2.3 German Justice System and the Judiciary

The German justice system is a civil law system, which means that the primary source of law is the written codes of law enacted by the legislature rather than the precedents of previous court decisions, as in common law systems, like regulations passed by the E.U., the German Constitution, and codified laws passed by the Federal Parliament or by the State Parliaments. The foundation of the German legal system is the 1949 Basic Law for the Federal Republic of Germany, which is the national Constitution and the supreme law of the land. The Basic Law establishes the principles of democracy, human rights, federalism, and the rule of law. Also, it defines the structure and functions of the state organs, such as the Judiciary (Bottcher, 2019).

Like all the other systems, the German Justice system is complex and has essential actors: Public Defender, Public Ministry, and Private Advocacy, as shown in Figure 2.7.

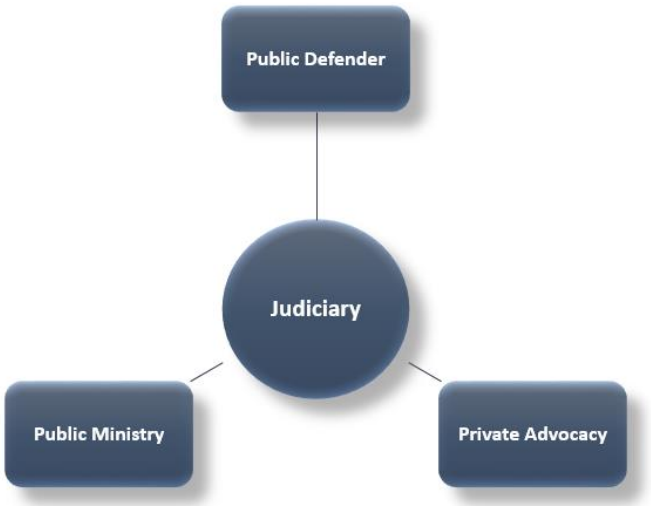


Figure 2.7 German Justice System

As can be seen in Figure 2.8, there are Federal, Higher Regional, Regional, and Local Courts. The structure is different than presented in the U.S. or the U.K. Judiciary, although it has a certain logic of Courts of Appeal and District Courts (Bottcher, 2019).

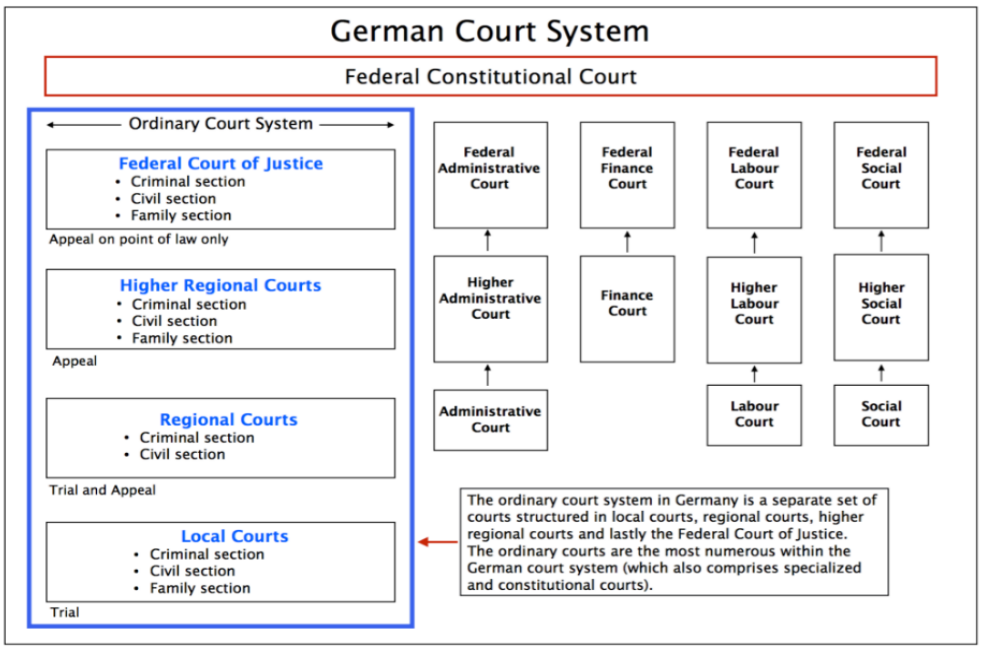


Figure 2.8 German Judiciary Structure

Source: Law and Courts in Europe, 2021. Retrieved from https://lawandcourtsblog.wordpress.com/author/lawcourtsgermany3/

2.3.1 Judiciary members and components

All the members of the Constitutional Court, considered as Supreme Court, are selected by the Parliament. The Judges Election Committee selects the judges at the other federal courts. The Federal Minister of Justice chooses the Judges Election Committee. "The committee is composed of a total of thirty-two members and consists of the ministers of justice of the sixteen German States and sixteen members selected by the Parliament" (German Parliament, 2020, p. 1).

The Judiciary consists of the following members: Supreme Court Judges, Federal Judges, and County Judges, and there are three structures: The Superior Courts, Courts of Appeals, and specialized Courts (German Parliament, 2020).

The Superior Courts are divided into Constitutional and Federal Court of Justice. The Federal Constitutional Court (Bundesverfassungsgericht) is a special court established by the Grundgesetz, the German Basic Law. Since its creation, the Constitutional Court has been located in the city of Karlsruhe, separated from other federal institutions such as the seat of government (formerly in Bonn, now in Berlin), the headquarters of the Bundesnachrichtendienst (BND), the German intelligence agency (near Munich), or at the Deutsche Bundesbank headquarters in Frankfurt (Bottcher, 2019).

The Federal Constitutional Court does not serve as the regular appellate Court of the lower courts or the Federal Supreme Court as a "super-appeal court" in any violation of federal laws. Its competence is centered on constitutional issues. Even though the Constitutional Court in the structure appears above the Federal Court, it has specific functions. The Federal Court of Justice, also in Karlsruhe, is the highest in the system of ordinary jurisdiction in Germany. It is the Supreme Court in all matters of criminal and private law. The Federal Constitutional Court of Germany can only reverse a decision in the rare cases that the Constitutional Court rules on constitutionality (Bottcher, 2019).

German procedure provides for three instances of ordinary civil, criminal, and family proceedings (Bottcher, 2019).

The first instance is Local or Regional Court, depending on the value of the matter in dispute. The Local Court has jurisdiction over matters up to 5,000 euros. The second instance is either the Regional Court (if the Local Court has jurisdiction in the first instance) or the Higher Regional Court (if the Regional Court has jurisdiction in the first instance). The third instance is either the Higher Regional Court (in the first case) or the Federal Court of Justice

(in the second case). The Labor, Administrative, and Social Courts also provide for three instances, according to Figure 2.8. The Finance Courts have two instances: the Finance Court and the Federal Finance Court (Bottcher, 2019).

2.3.2 Evaluation of the functioning of the Judiciary

The German Judiciary Court statistics aim to provide accessible and comprehensive information about its role, work structure, and the different types of proceedings. The Court statistics also collects and analyzes data from various sources, such as the Courts, the public prosecutors, the lawyers, and the parties involved in the cases. It covers various aspects of the judicial system, such as the number and types of cases filed and resolved, the duration and outcomes of the proceedings, the workload and performance of the judges, and the costs and revenues of the courts (Bottcher, 2019).

"The annual report explains the Federal Constitutional Court's role in the international legal order, highlights meetings with other institutions held to exchange views as well as other events and some selected statistics every year" (The Federal Constitutional Court, 2021, p. 20). 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 the Court. The report concludes with an outlook on some cases expected to be decided the following year (The Federal Constitutional Court, 2021).

In order to measure the quality and the efficiency of the German Judiciary, they use the eight indicators as shown in Figure 2.9.



Figure 2.9 Indicators of the German Judiciary

2.4 Portuguese Justice System and the Judiciary

The Justice system in Portugal, as in other countries, is complex and a balance between public and private sectors (Figure 2.10).

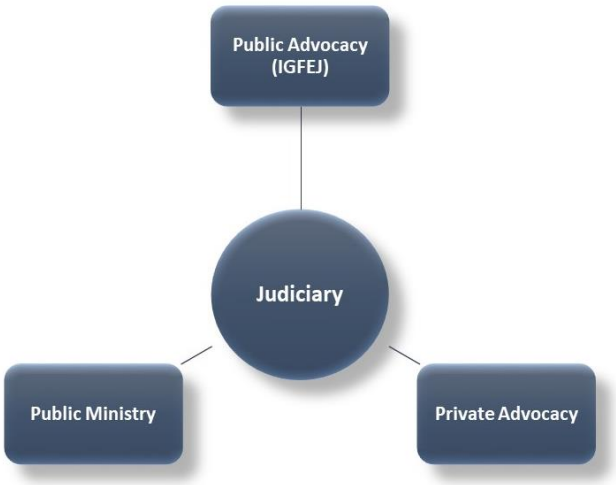


Figure 2.10 Portuguese Justice System

The Constitution and the Law on the Organization and Functioning of Courts in Portugal establish two distinct jurisdictions: judicial and administrative and fiscal courts. The categories of courts are independent of each other and have their structures, as shown in Figure 2.11 (ACA-Europe, 2014).

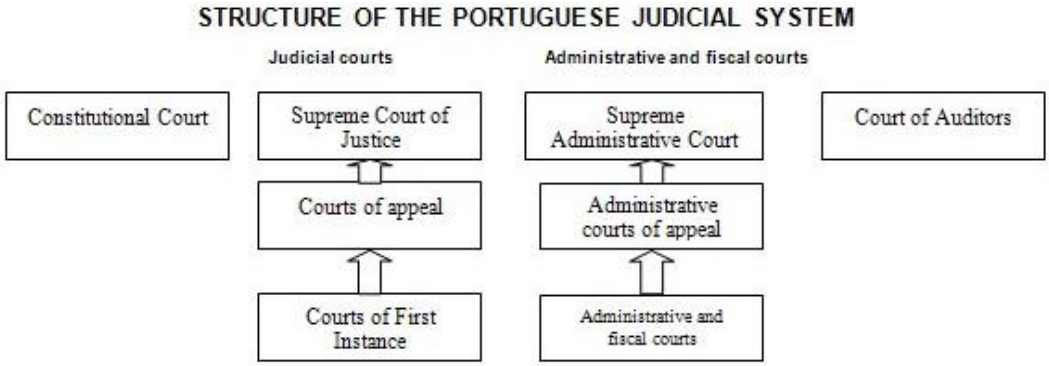


Figure 2.11 Portuguese Judiciary Structure

Source: ACA-Europe, 2014. Retrieved from https://www.aca-europe.eu/en/eurtour/eurtour_en2.lasso?page=detail&countryid=21

The judicial division comprises three instances, with 23 judicial. It is responsible for the civil and criminal jurisdiction in all areas and matters not assigned to other court orders. The Supreme Court of Justice is its highest Court. The Supreme Court of Justice and the Courts of Appeal have divisions into three sections, according to the matter: civil, criminal, or social districts (Lei n. 62/2013, 2013).

2.4.1 Judiciary members and components

There are two separate judges' careers. The first career is the Judicial Magistrate, judges from the Judicial Courts. The second one is the Judges of the Administrative and Fiscal Courts. They are independent of each other but share many common characteristics. They both have the same categories of judges: counselor (conselheiro), judge of law (desembargador and juíz de direito), corresponding to the judges of the Supreme, second instance, and first instance Courts (Miranda, 2006).

In the Portuguese Judiciary, three structures emerge: The Superior Courts, Courts of Appeals, and specialized courts (Miranda, 2006).

The Supreme Court comprises four courts: The Constitutional Court, the Supreme Court of Justice, the Supreme Administrative Court, and the Court of Auditors (PCC, 2021).

The Constitutional Court, composed of thirteen members, is autonomous. In constitutional matters, it is the Court of Appeal of all decisions of the Portuguese Justice and is competent to settle conflicts between other courts in matters of unconstitutionality. The Portuguese Constitution establishes that the Constitutional Court has the power to declare the unconstitutionality of laws and perform several functions related to the President of the Republic, referenda, political parties, officeholders, and elections (PCC, 2021).

The Supreme Court of Justice is the apex judicial body in Portugal, with authority second only to the Constitutional Court regarding its competence. Its jurisdiction covers most civil, criminal, and administrative cases, and it serves as the Court of final appeal for such matters, with the power to review and potentially overturn decisions made by lower courts. As the highest Court of ordinary appeal, parties frequently seek to challenge lower court decisions by filing appeals with the Supreme Court of Justice. This Court represents the final legal recourse for parties seeking to contest a court decision, and its rulings are generally considered definitive. It also takes care to standardize the jurisprudence and judge judicial appeals. The Supreme has jurisdiction over the entire national territory and is headquartered in Lisbon; there are classes in the civil, criminal, and social areas (STJ, 2022).

The Administrative and Fiscal Courts are responsible for settling fiscal and administrative conflicts. The statute of administrative and tax courts and the code of procedure in Administrative Courts regulate their functioning in search of an alternative solution for tax debts. These courts play a crucial role in settling public administration and taxation issues disputes, and their rulings have significant implications for individuals, businesses, and government entities (STA, 2022).

The Court of Auditors, consisting of nineteen members, serves a critical role in Portugal's governance by ensuring the legality of public expenditure. It has the jurisdictional authority to oversee government accounts and finances, primarily focusing on preventing fraud and ensuring accountability in public spending (TContas, 2022).

The Judicial courts are courts with civil and criminal jurisdiction, organized in three instances: The Supreme Court of Justice (Supremo Tribunal de Justiça), with jurisdiction over the whole country; the Courts of Appeal (Tribunais da Relação), one per judicial district and two in the Porto judicial district, and the District Courts (Tribunais de Comarca), at first instance (PCC, 2021).

The first instance can be from three categories depending on the subject: Courts with general jurisdiction and courts with specialized and specific jurisdiction (Lei n. 62/2013, 2013).

Specialized Courts are competent for criminal prosecution, family, minor, labor, commercial, maritime, and sentence enforcement claims. The Specific Jurisdiction Judges are Mixed Courts, Criminal Courts, Civil Courts, Civil Courts, Criminal Courts, Small Civil Instance Courts, Small Criminal Instruction Courts, and Enforcement Courts (Lei n. 62/2013, 2013).

2.4.2 Evaluation of the functioning of the Judiciary

In Portugal, the Judiciary has a department responsible for measuring the Justice numbers. The Justice Statistical Information System complies with several areas of the Judiciary, such as courts, registries, police forces, other support investigation parties, alternative dispute resolution bodies, and the reinsertion and enforcement of sentences and measures area (The Numbers of Justice in Portugal, 2021).

Figure 2.12 summarizes the eight indicators used to evaluate the Portuguese Judiciary.



Figure 2.12 Indicators of the Portuguese Judiciary

2.5 Brazilian Justice System and the Judiciary

The structure of Brazilian Justice was defined by the 1988 Constitution (articles 92 and 129), with the Judiciary at its center, as shown in Figure 2.13 (Brazil, 1988). Over the years, improvements were made, such as creating the National Council of Justice (CNJ), an administrative body of Brazilian Justice, in 2004 (Brazil, 2004).

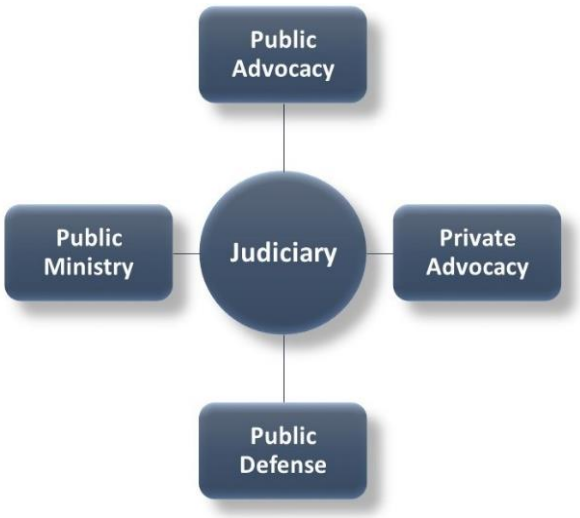


Figure 2.13 Brazilian Justice System

Source: Adapted from FGV (2015).

The Judiciary is one of the three powers that constitute the Brazilian State. Its role is to judge, under the law, conflicts between citizens, entities, and the State. The Judiciary branch is responsible for interpreting laws and applying the law to legal cases addressed to it. The Constitution of Brazil guarantees every citizen the right to use Justice to solve disputes (Brazil, 1988).

As in he other branches of the State, the Judiciary has administrative and financial autonomy defined by the constitution. Such autonomy is a factor that guarantees the independence and impartiality of judges and justices in their judgments (Sadek, 2004). In Brazil, the Judiciary structure is divided into organs that operate in specific spheres, with their respective degrees of jurisdiction. At the top of the Judiciary is situated the Supreme Federal Court, the constitutional organ of the Brazilian Justice, and the superior courts, which have the mission of standardizing the jurisprudence and settling disputes from the lower courts (CNJ, 2020).

The systemic organization of the Brazilian Judiciary also includes the National Council of Justice, an organ that oversees the administrative and financial performance of the courts and how magistrates perform their duties (Figure 2.14).

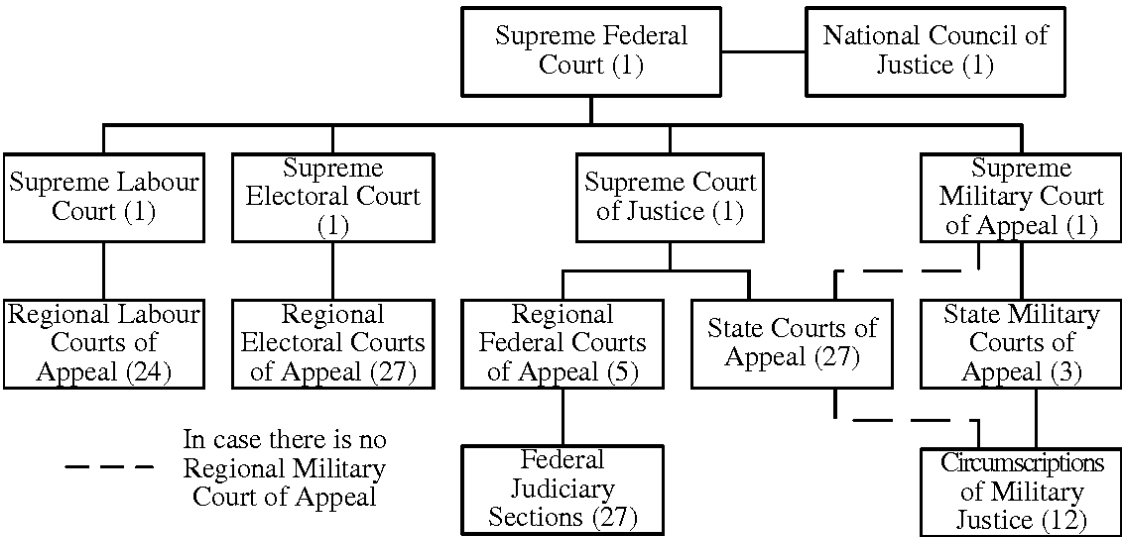


Figure 2.14 Brazilian Judiciary Structure

Source: Andrade and Joia (2009) p. 129.

2.5.1 Judiciary members and components

For example, the Brazilian Judiciary differs from the United States in that all members are designated as Judges. It has different types of judges: State and Federal Judges of first instance, State and Federal Judges of second instance, and ministers (CNJ, 2020).

Members of the Judiciary are called magistrates, and unlike the executive and legislative branches, they are not elected. Judges give public examinations; they are public servants, not elected as in the USA. For State and federal judge's positions, it is necessary to be a judge and appointed by the governors in the case of State judges and by the President of the Republic in the case of federal judges. The President of the Republic makes the appointment for ministerial positions. With relation to the Supreme Court Minister, it is necessary the approval of the Federal Senate (Brazil, 1988).

In the Brazilian Judiciary, three structures emerge: The Superior Courts, Courts of Appeals, and specialized courts. The higher courts, as previously mentioned, are composed of the following (CNJ, 2020):

- Federal Supreme Court (Supremo Tribunal Federal – STF), composed of 11

ministers;

- Superior Court of Justice (STJ), composed of 33 ministers;
- Superior Electoral Court (TSE), composed of 7 titular ministers and seven substitutes;
- Superior Labor Court (TST), composed of 27 ministers; and
- Superior Militar Court (STM), composed of 15 ministers.

The Brazilian Judiciary is composed of a segment responsible for judging the actions related to the Union, federal autarchies, and federal public companies, the so-called Federal Justice, composed of six Regional Federal Courts (TRFs) distributed in the Brazilian regions (CNJ, 2022):

- 1st. Region, with headquarters in Brasília and jurisdiction over the Federal District and the States of Acre, Amapá, Amazonas, Bahia, Goiás, Maranhão, Mato Grosso, Pará, Piauí, Rondônia, Roraima and Tocantins;
- 2nd. Region, with headquarters in Rio de Janeiro and jurisdiction over the States of Rio de Janeiro and Espírito Santo;
- 3rd. Region, with headquarters in São Paulo and jurisdiction over the States of São Paulo and Mato Grosso do Sul;
- 4th. Region, with headquarters in Porto Alegre and jurisdiction over the States of Rio Grande do Sul, Paraná, and Santa Catarina;
- 5th. Region, with headquarters in Recife and jurisdiction over the States of Pernambuco, Alagoas, Ceará, Paraíba, Rio Grande do Norte and Sergipe; and
- 6th. Region, with headquarters in Belo Horizonte and jurisdiction over Minas Gerais (Brazil, 2022).

At the State level, that is, in each State of the Brazilian federation, the Judiciary has a representation arm, the so-called State Justice. There are, therefore, 27 State Courts. This Justice comes closest to the citizen (Brazil, 1988).

The National Council of Justice (CNJ) is the budget of the Judiciary branch responsible for administrative control and the improvement of public service in the jurisdictional provision. The CNJ operates throughout the national territory, is chaired by the President of the Supreme Federal Court (STF), and consists of 15 members (board members), with a two-year term, with reelection being admitted only once (CNJ, 2020).

In Brazil, the Judiciary has specialized courts - Labor, Electoral, and Military. In the case of the Labor Court, it is responsible for judging all work-related actions. The Labor Court

comprises the Superior Council of Labor Justice (CSJT), TST, and the Regional Labor Courts (TRTs) (Brazil, 2004).

The Electoral Court, as its name already indicates, is responsible for judging all electoral actions, including defining and monitoring the elections. Like the Labor Court, the Electoral Court is also formed, in addition to the TSE, by 27 Regional Electoral Courts (TREs), one in each State of the federation and the Federal District (Brazil, 1988).

In addition, the Brazilian Judiciary is also composed of the Military Court, which is responsible for judging the crimes committed by members of the Armed Forces, Military Police, and Fire Department. It comprises 12 Military Judicial Circumscriptions and the Military Justice of the States of São Paulo, Minas Gerais e Rio Grande do Sul (Brazil, 1988).

2.5.2 Evaluation of the functioning of the Judiciary

The Brazilian Judiciary meets the minimum indicators established by international organizations, providing a considerable set of quantitative performance indicators. SIESPJ (Judiciary Statistics System) is a department of the CNJ. Integrated with SIESPJ, the monthly productivity module makes available some of these indicators broken down by judicial service and magistrate (Sadek, 2004).

In other words, on the one hand, significant sectors of the population find themselves marginalized from judicial services The last edition of the Justice in Numbers report, which systematizes the SIESPJ data, shows that in 2021 77.3 million cases were processed in the Brazilian courts, an increase compared to 2020 (CNJ, 2022).

The report includes other indicators, like the location of the physical structure of the Judiciary, the general staff, recipes, internal and external appeal rates, procedural processing time until the sentence and until the discharge, the average age of the collection, a reconciliation index, and a Justice Comparative Productivity Index (IPC-Jus), as shown in Figure 2.16, which compares the service provided (downloaded processes), according to the resources consumed (staff, budget, demand and stock). Data envelopment analysis (DEA) is used to identify the most efficient courts, those that produce the most casualties with the least resources (CNJ, 2022).

These indicators show the Judiciary as a slow, expensive, and congested institution despite the high productivity of judges. Previous studies show that litigation is concentrated in the

hands of few and frequent litigants, public and private, among which public administration bodies and financial institutions stand out (CNJ, 2020).

It is also known, from population surveys, that there is a significant contingent of people who do not take their conflicts subject to judicialization to the formal Justice system: data from the Justice Victimization Supplement of the National Household Sample Survey (PNAD) showed that about 40% of people who experienced severe conflicts did not go to the Judiciary in search of a solution (IBGE, 2009).

Other surveys, more recent but with smaller sample coverage and scope, continue to identify this scenario, in which a significant part of the population claims to have experienced situations of disrespect for rights that can be resolved through the courts, but the contingent of those who seek the path formal justice is small (Sá e Silva, 2011; Oliveira & Cunha, 2016).

The impression is that in 2019, there were practically the same performance problems diagnosed in the 1990s and 2000s before the Judiciary Reform and the installation of the CNJ. Borrowing Sadek's words (2004, p. 86), demands for less and demands for more:

"In other words, on the one hand, significant sectors of the population find themselves marginalized from judicial services, increasingly using parallel justice, governed by the law of the strongest, certainly less fair, and with a very high potential to undo the entire social fabric. On the other hand, some use official justice excessively, enjoying the advantages of a slow, cluttered, and bureaucratized machine."

Figure 2.15 summarizes the indicators used to control the Brazilian Judiciary



Figure 2.15 Indicators of the Brazilian Judiciary

2.6 Judiciary across the globe

Table 2.1 offers an extensive and detailed dataset covering countries: Brazil, Germany, Portugal, the United Kingdom (U.K.) and the United States (USA). Along its horizontal axis, the table categorizes aspects of the judicial systems for analysis, encompassing key areas such as the composition and members of the Judiciary, the division of Superior Courts and Courts of Appeal, the nature of specialized courts, and a comprehensive evaluation of the functioning of the Judiciary in these nations. This organization facilitates a nuanced comparison and understanding of the judicial frameworks and their operational efficacies across these varied geopolitical landscapes.

Table 2.1

Judiciary across the globe

Category of Analysis	United States of America	United Kingdom	Germany	Portugal	Brazil	The main characteristics
Judiciary Members	Supreme Court Judge and District Court Judges	Circuit Judge; District Judges; Magistrate' Courts; Diversity and Community Relations Judges (DCRJs); Judge Advocates General; High Court; Masters, Costs Judges and Insolvency and Companies Court Judges	Supreme Court Judges and District Court judges	Judicial Magistrates and Judges of the Administrative and Fiscal Courts	State and federal Judges of the first instance; State and federal of judges the second instance; ministers of the Superior and Supreme Courts	The number of members depends on the size of the Justice System and the culture of the Judicialization. The American and the Brazilian are bigger than others
Components of the Judiciary	There are 13 appellate Courts that sit below the U.S. Supreme Court, and they are called the U.S. Courts of Appeals. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a Court of appeals	There are 4 levels of Courts that sit below the Supreme Court: Court of Appeal; Criminal and Civil division: Queen's branch division, Administrative Court, family division, Divisional Court, Chancery division; Crown Court and County Court; Magistrate Courts and Tribunals	Below the Federal Constitutional Court, there are two branches, one composed with: Ordinary Court Sytem, Federal Court of Justice, Higher Regional Courts, Regional Courts and Local Courts. The other is composed by Federal Administrative Courts, Finance Court, Labor Court and Social Court. Each of the last Courts have 3 levels or instances	There are 4 divisions of Courts: Constitutional Court; Supreme Court of Justice; Supreme Administrative Court and Court of Auditors. Below the Supreme Court there are the Courts of Appeal. Below the Supreme Administrative there are the Administrative Court of Appeal and Administrative and Fiscal Courts	There are 4 superior Courts below the Supreme Federal Court: Supreme Labour Court; Supreme Electoral Court; Supreme Court of Justice; Supreme Militar Court. Federal and State Courts with first and second instances	Each has different structures, with similar levels: Higher Courts, District and Specialized
Superior Courts and Courts of Appeal	Supreme Court, Court of Appeal	Supreme Court; Court of Appeal : Criminal and Civil Division; Crown Courts and County Courts	Federal Constitutional Courts; Ordinary Court System (Federal Court of Justice, Higher Regional Courts, Regional Courts and Local); Specialized Courts	Constitutional Court; Supreme Court of Justice; Supreme Administrative Court; Court of Auditors	Supremo Tribunal Federal, Superior Tribunal de Justiça, Tribunal Superior Eleitoral, Tribunal do trabalho, Supremo Tribunal Militar	American has a more unified system than the others except Germany
Specialized Courts	Bankrupcy Courts, Labor	Labor, Constitutional	Labor, Fiscal and Constitutional Courts	Criminal prosecution, Family, Minor, Labor, Commercial, Maritime and sentence enforcement claims	Labor, Electoral, Military	They all have specialized Court as the demand increases
Evaluation of the functioning of the Judiciary	Court statistics Department for each District Court	Court statistics for England and Wales are reported separately for different types of Court: criminal, civil, and family	Department for Court Statistcs. The Court statistics	The Justice Statistical Information System covers several areas, including Courts, registries and notaries	Statistical System of the Judiciary	They all have departments/ systems with a sort of objective statistics (none present with citizen perspective) in order to access the functioning of the Judiciary

As can be seen, some indicators attest to the quality and effectiveness of the Judiciary. Nevertheless, the citizen is seldom mentioned when evaluating the Judiciary's functioning, reinforcing the present work's objective. Table 2.2 presents the evaluation of the functioning of the Judiciary in more detail.

Table 2.2

Evaluation of the funcioning of the Judiciary

United States of America	United Kingdom	Germany	Portugal	Brazil
• Court statistics Department for each District Court • Judges are evaluated at the midpoint of their terms and before each retention election, evaluating the judges before possible reelection • Evaluations are based on a self-assessment; surveys of those who have meet the judge, and a personal interview • Some of the indicators used to evaluate the Judiciary in the USA are: o Public Servant Production; o Case Loads; Judicial Misconduct; o Internal Appeal; o External Appeal; o Public Servant Workloads; o Duration of the Process; and o New Cases per Magistrate.	• Court statistics for England and Wales are reported separately for different types of Court: criminal, civil, and Family • The European Commission for Efficiency of Justice evaluate the system every two-year cycle • The commission presents a questionnaire every cycle to be answered by the public employees and those involved in running the system • Some of the indicators used to evaluate the Judiciary in the United Kingdom are: o Public Servant Production; o Court Case Loads; Effectiveness of Trials; o Legal Representation of the Defendants; Court Closures; o Court Workforce; o Duration of the Process; and o Courts Expenditure.	• Department for Court Statistcs. The Court statistics • The European Commission for Efficiency of Justice evaluates the system periodically • The commission uses a questionnaire for public servants and those who uses the system on a regular basis • An internal evaluation is held on a regular basis that includes variables such as: o cases load for each judge; budget review; o Workload for public servants. • Some of the indicators used to evaluate the Judiciary in Germany are: o Public Servant Production; o Court Case Loads; o Effectiveness of Trials; o Internal Appeal; o External Appeal; o Court Workforce; o Duration of the Process; and o Courts Expenditure.	• The Justice Statistical Information System covers several areas, including Courts, registries and notaries • The European Commission for Efficiency of Justice evaluate the system every two-year cycle • The commission uses information collected with public servants and those involved directly in the system • Some of the indicators used to evaluate the Judiciary in Portugal are: o Public Servant Efficiency; o Court Case Loads; o Court Registries; o Internal Appeal; o External Appeal; o Court Workforce; o Duration of the Process; and o Courts Expenditure.	• Statistical System of the Judiciary • The Judiciary itself is responsible for systematizing its statistics, with the creation of the National Database of the Judiciary Branch (BNDPJ), administered by the Federal Supreme Court • This database gathered data on the number of judge positions (existing and provided); contests held and in progress; number of cases filed and judged; nature of causes; number of existing districts, courts; proportion of civil and criminal actions; the percentage of processes whose part was the Public Administration; the average time for the final judgment of the cases in each instance; among other information • Some of the indicators used to evaluate the Judiciary in Brazil are: o Workload per Server; o New Cases per Server; IPS – Jud – Productivity Index of Judicial Area Servers; o New Cases per Magistrate; o Workload per Magistrate; o IAD – Demand Service Index; o Index of Electronic Processes; o Congestion Rate; o IPM – Magistrates Productivity Index; o External Appeal; and o Internal Appeal.

2.7 The stakeholders of the Judiciary

In Brazil's case, in recent history, the citizens press the Judiciary to work a certain way. As one of the main stakeholders, Citizens must feel recognized by the Judiciary to make it legitimate to evaluate the Judiciary (Salomão & Costa, 2022).

Figure 2.16 presents other stakeholders besides the citizens, like magistrates, civil servants, lawyers, public defenders, public ministry.

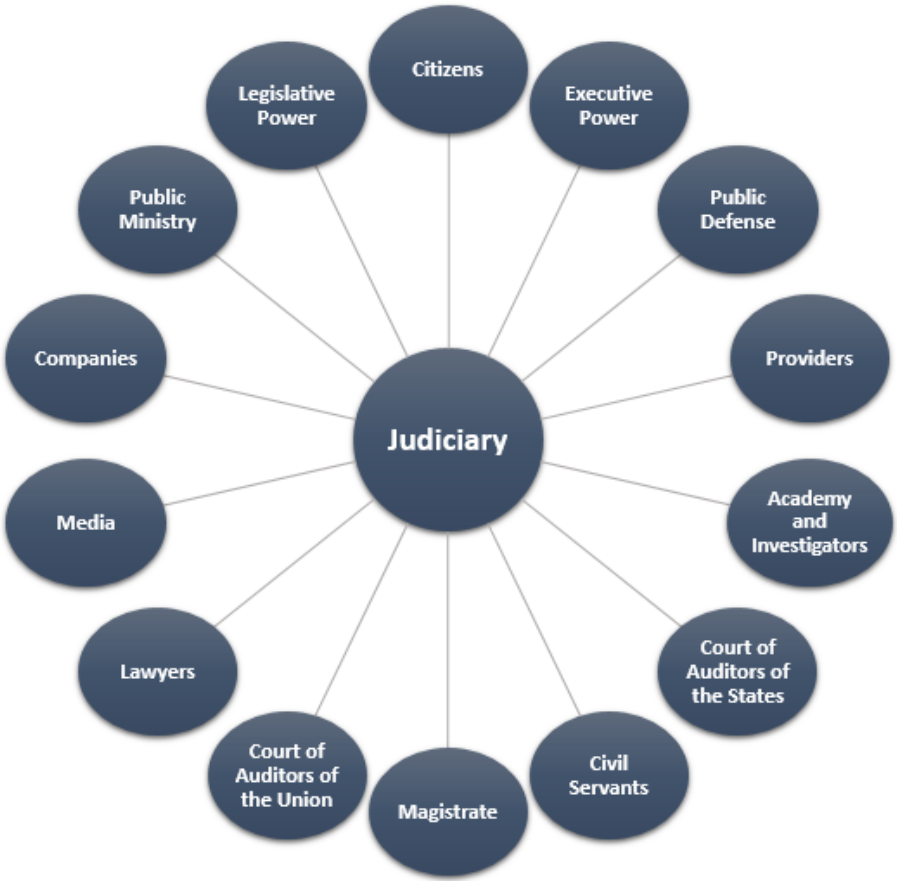


Figure 2.16 Stakeholders of the Judiciary

The next chapter presents the Literature Review.

Chapter 3 Literature Review

The literature review was conducted during the years 2021, 2022, and 2023, looking for the state of the art in evaluating the functioning of the Judiciary. Sources were selected due to their scope and relevant research work. The relevant literature was found with an automatic search using keywords like Stakeholder, Judge, Legitimacy, "Social Power," Court, Supreme, Judiciary, Assessment, Evaluation, Measurement, Management, Functioning, "Citizens Opinion," "Citizen's perception," "Public Opinion," using the query ((Stakeholder* or Legit* or *"Social Power" or Citizens or Perception or Assessment or Evaluation) and (Judiciary or Judg* or Court* or Supreme or Justice)). In addition, criteria to exclude works were applied: articles not in Portuguese or English, research in areas unrelated to management, research with methodological deficiencies, and works not fully available. The idea of searching for texts in Portuguese is because Brazil is an essential country for testing, validating, and applying the model proposed in this research. The Brazilian Judiciary' has signaled the increasing importance of listening to the citizen's voice in the evaluation of the functioning of the Judiciary. After that, the articles were evaluated according to titles and abstracts to select studies that have information relevant to the review, reading of the introduction, methodology, and conclusion. This research used Web of Science, Scopus, and Google Scholar databases. Thus, the LR includes works concerning the conceptual models applied to the Judiciary, Stakeholder, Legitimacy, Social Power, Court or Supreme, and evaluation of the functioning of the Judiciary. Data was primarily collected from articles published in Journals ranked Q1 and Q2. Q3 and Q4 were used due to the relatively little research on Judiciary evaluation using citizen perception. The analysis used published scientific articles, books, and other documents, including reports of established institutions, selected using the scheme presented in Figure 3.1.

The following topics are reviewed: Judiciary as a public service; Evaluating and Management of the Judiciary; Legitimacy, Stakeholders, and Social Power Theories and a new way to evaluate the Judiciary.

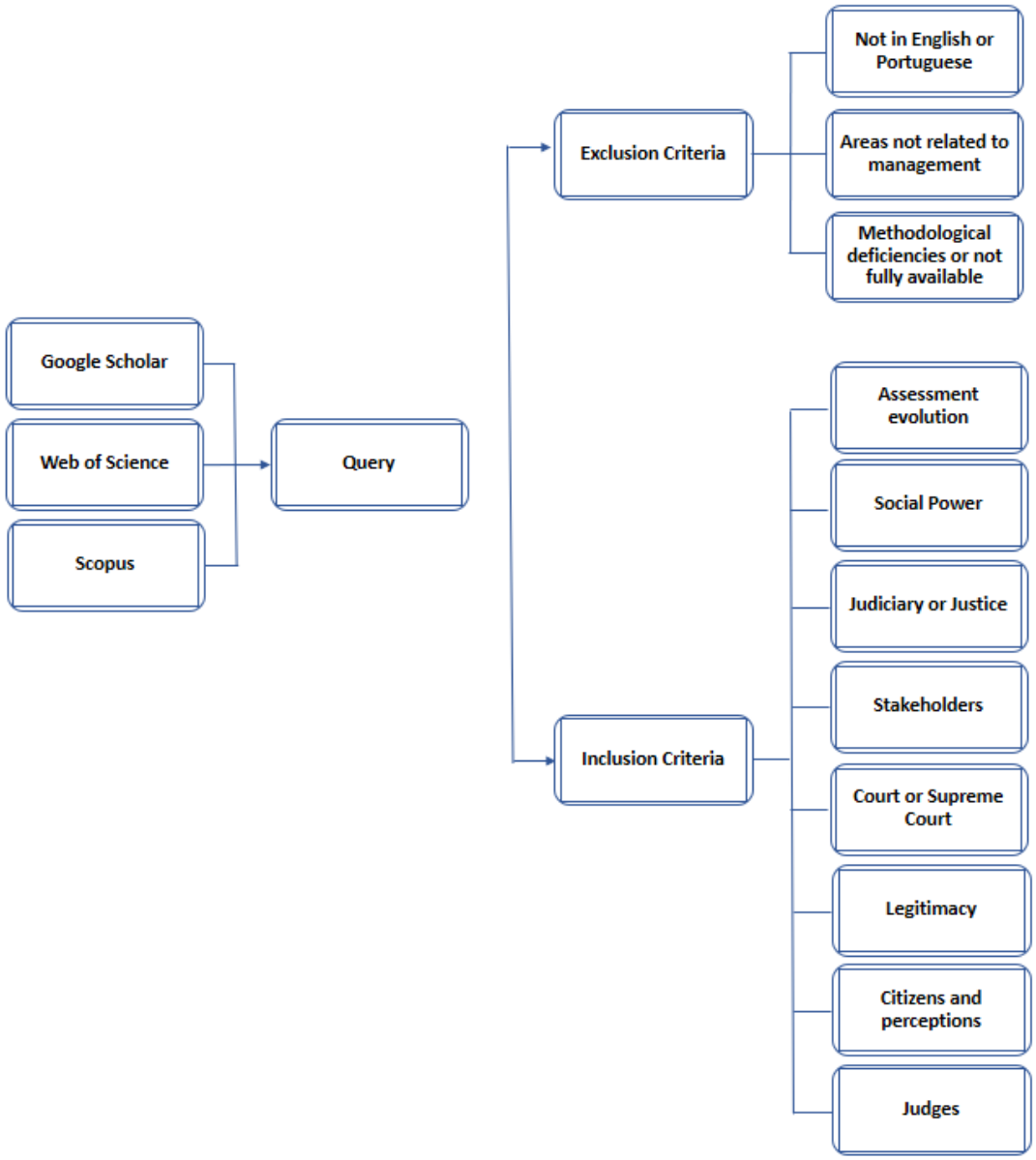


Figure 3.1 Literature review methodology

3.1 Judiciary as a public service

Di Pietro (2003) asserts that obtaining a notion of public service is challenging, as it has undergone numerous changes in its constituent elements and scope. In addition, the doctrine presents two types of concepts: broad and narrow.

In Brazilian law, the example of a broad concept adopted by Mário Masagão takes into account the purposes of the State. He considers public service all the State's activity to fulfill its ends. In this concept, he includes the Judiciary activity and the administrative activity; in this, the State exercises primary activity, deciding on its procedure, while it performs the

function of third by managing the procedure of the parties. For him, the Legislative activity is proper to the Public Administration (Masagão, 1968).

Restricted or narrow concepts confine the public service between the activities the Public Administration performs, excluding the legislative and jurisdictional functions (Di Pietro, 2003).

Despite such differentiation, both have in common the conjunction of three elements, or meanings, that define them: the material, the subjective, and the formal. These meanings are defined as:

> In an organic sense, also called subjective, public service is a complex of the Public Administration's bodies, agents, and resources to meet the needs of those administered—equivalent, because, to an organism or part of the State apparatus with such a primary goal. In a material sense, also called objective, the public service is a function, a task, or an activity of the Public Administration to meet the general interest needs of the managed. In a formal sense, public service is the activity performed by someone (Public Power or its delegates) under rules exorbitant of the Common Law to satisfy the interests of the managed. It submits a particular activity to a public law regime (Gasparini, 2006, p. 289).

The notion of public service is essential to the study of administrative law, and its conceptualization may vary depending on circumstances of time, place, political, cultural, and economic conditions, but whose public functions are essential, including the Judiciary, the Legislative and the Executive (Araújo, 2005).

Araújo (2005) teaches that the Brazilian State has adopted the tripartition theory of powers between the Executive, the Legislative, and the Judiciary, each of which has its own sovereignty. However, the Executive does not doubt its agents' responsibility and the objective theory's application; it can not say the same concerning the Legislative and Judiciary acts. In the Portuguese Judiciary, the separation of powers is also primal, although it is very often the Judicialization of Politics (Miranda, 2006).

As the State called for itself the right to judicial provision and prohibited self-protection, even typifying it as a crime, it is presumed that the Judiciary activity is a typical public service provided by the Judiciary, which must respond for damages from their agents (Annoni, 2003). Indeed, Araújo (2005) reiterates this position, highlighting that both jurisdictional and administrative acts given by the Judiciary give rise to accountability if they cause damage.

Despite the argument that the States would not respond civilly in the face of harmful acts arising from the Judiciary under the notion that it does not perform a public service, a new doctrinal understanding defends that if the State calls for itself the right to judicial provision and prohibited self-protection, it has characteristics of a typical public service (Araújo, 2005).

Given the (in) definitions of the topic, the question about framing the judicial activity as a public service, conceived as the jurisdictional provision object of this discussion, differs from the administrative management of the Judiciary. It should be noted that there are elements that allow such meaning, even though the majority doctrine does not admit such a possibility under the argument that if so admitted, it would encompass almost all administrative law "and, for that very reason, it loses the usefulness of demarcating a delimited set of principles and rules, as it would involve very different activities and very diverse" (Mello, 2007, p. 43).

The simple fact that the concept would be too broad cannot exclude the intended frame since numerous institutes and principles are applicable without distinction – as efficiency (provided for in the Brazilian Federal Constitution in a specific chapter of the Public Administration) (Brazil, 1988).

Also, the exclusion of judicial activity simply for representing the act resulting from the sovereignty of the State does not stand for further analysis. For example, the acts of public administration exercised by the Executive Power are not excluded, as a whole, from the concept of public service (Masagão, 1968).

> Public service is any activity whose performance must be regulated, assured, and controlled by the rulers because the performance of this activity is indispensable to the realization and development of social interdependence, which is of such a nature that it cannot be fully assured except through the intervention of the governing force (Duguit, 1999, p. 119).

Considering what was described before and in order to reinforce that the Judiciary can be considered as a public service, it is essential to understand the evaluation of the concept of public services since Max Weber's bureaucratic model, which influenced so much in the traditional public administration era, passing throw the Public Management era, the New Public Management (NPM) and the Public Value, as defined by Moore (1995).

Weber's conceptualization of bureaucracy laid the foundation for public service's structural and functional aspects during this period. Specifically, Weber (1922) delineated the core principles of bureaucracy, which include a defined hierarchy, a clear demarcation of roles and responsibilities through specialization, and an unwavering adherence to established rules and

procedures. Within this framework, individuals entering the public service viewed it as a job and a long-term career commitment. The very essence of their roles was characterized by staunch neutrality, ensuring that personal biases did not interfere with official duties. Moreover, these roles had an enduring nature, providing stability for the individual and the system. During this era, the emphasis was placed on the processes; the methodical, rule-bound procedures were seen as pivotal in ensuring consistency and fairness in service delivery, even if it occasionally came at the cost of efficiency or adaptability (Weber, 1922).

The era of Public Management marked a significant departure from traditional bureaucratic norms, driven mainly by the rising influence of market-based reforms and the NPM paradigm. Hood (1991), a notable figure in the discourse, articulated the core tenets of NPM, emphasizing a shift from bureaucratic procedures to management practices inspired by the private sector. Central to this was the transition of the public service ethos. Instead of merely focusing on rule adherence and process, the NPM movement prioritized efficiency, effectiveness, and the tangible measurement of performance (Pollitt & Bouckaert, 2011). This era cultivated an environment wherein public servants were encouraged, if not expected, to have an entrepreneurial mindset. Osborne and Gaebler (1992) reinforced this perspective by suggesting that governments and their servants ought to be catalytic and competitive, striving to serve citizens with the same fervor and efficiency that businesses serve their customers. Such an approach not only reframed the role of public servants but also redefined their interaction with the citizens, treating them more as customers in a competitive marketplace.

Thus, based on these theories, there are many activities (such as reducing the role of government, saving costs, introducing market or privatization mechanisms, separating buyers and providers, decentralizing management authority, managing performance, and paying greater attention to quality) carried out by developed countries to make an effective and responsible government towards the demands of citizens (Sayidah, Mulyaningtyas & Winedar, 2015).

Hood (1991) identified seven principles associated with the NPM. These principles include managerialism, which gives named senior managers the freedom to decide and be fully responsible for executed activities; performance measurement, where the definition of goals, targets, and indicators of performance are preferably formulated in quantitative terms; output control links resource allocation to desirable results; disaggregation of units that stipulates dividing large bureaucracies into smaller units with responsibilities for their results; competition as a way of creating quasi-markets —both between public organizations and

private service providers; private style of management that brings more significant focus on personal skills, ability, and flexibility to move away from rule-based hierarchy, civil servant ethics, and strictness and prudence in resource use where budgetary discipline increases productivity and efficiency.

NPM can also be seen as a path to transforming Public Sector Organizations (PSOs) into 'proper' or 'complete' organizations. Brunsson and Sahlin-Andersson (2000) argued that to become complete, PSOs have to be re-molded to create and maintain identity, exhibit and exercise rationality, and construct hierarchical organizational structures, i.e., qualities that are assumed to render organizations to control critical parts of their operations. These qualities are considered necessary building blocks of 'real' organizations, and they replace the rationale of the traditional bureaucratic forms of governance in the public sector. Identity or distinctiveness captures an organization's capacity to set its own goals and priorities based on its unique position concerning other organizations sharing the same industry, market, or policy area. Rationality refers to autonomous decision-making in terms of an organization's readiness and ability to set objectives, performance measurement, and allocate responsibility. Finally, the ability and capacity to decide and uphold severing and definable organizational boundaries and structures qualifies public sector organizations as having a functional hierarchy (Brunsson & Sahlin-Andersson, 2000).

The necessity of change for a better image of services in the public sector has motivated many parties to make improvements or reforms. One of the reforms needed is an example of reforms in accounting and finance, especially related to transparency and accountability. Reforms aim to improve public sector performance and increase transparency and accountability. More broadly, this manifests the desire to go towards good governance. The implementation of Good Corporate Governance in managing a company is crucial because it can directly provide clear instructions in making appropriate and responsible decisions and enable safer management of the company so that it can increase the value and trust of partners or the community (Suwandi, Arifianti, & Rizal, 2019).

The application of NPM is seen as a form of management reform, depoliticization of power, or decentralization of authority that drives democracy. The change starts with rethinking government, which is then continued with reinventing government, which changes the role of government, especially in terms of community-government relations. So, theoretical changes, from public administration towards public management, cutting government bureaucracy, and using contract systems, have spread worldwide despite varying detailed reforms. Trends in

almost every country have led to performance-based budgeting, outcome-based management, and accrual accounting (Hood, 1991).

Another important concept to consider in discussions about the Judiciary as a public service is the Public Value, elucidated by Mark H. Moore (1995). As Moore (1995) articulated, it is a framework emphasizing the importance of creating value for the public and citizens government agencies and organizations serve. It goes beyond efficiency and cost-effectiveness to focus on the outcomes and impacts of government actions. At its core, the concept of Public Value contends that government and public organizations are inherently obligated to advance the well-being and interests of the general public (Moore, 1995).

Within the Judiciary, this translates into a profound commitment to creating value for citizens, surpassing conventional roles linked to legal adjudication. Moore's framework outlines four significant components that the author of this thesis adapted to the Judiciary::

a. Defining Public Value: The Judiciary context necessitates an intricate understanding of what constitutes "value" from the public's perspective. A nuanced exploration of the outcomes and benefits that citizens anticipate from the Judiciary actions and services (CNJ, 2023);

b. Strategic Judicial Management: Judiciaries must employ strategic management principles to achieve these objectives once the desired outcomes have been discerned, encompassing the formulation of distinct Judiciary goals, the development of tailored strategies, and the judicious allocation of Judiciary resources (CNJ, 2022);

c. Accountability for Public Value in the Judiciary: The essence of Public Value obliges judiciaries to account for their activities and be rigorously accountable for the palpable creation of Public Value, measuring and evaluating the Judiciary performance, predicated on outcome-based assessments, thereby transcending traditional metrics that primarily focus on processes and outputs (Staats et al., 2005);

d. Engaging Judiciary Stakeholders: Incorporation of citizens, stakeholders, and the community into judicial decision-making processes takes on heightened significance within the Judiciary realm. By actively involving those directly influenced by judicial actions, judiciaries can ensure that Public Value is meticulously defined and delivered harmoniously with the unique needs and expectations of the public (Salomão & Costa, 2022).

From the perspective of the implications of Public Value, in the concept of Moore (1995) with relation to the Judiciary, it could state:

a. Shift from Efficiency to Effectiveness in Judiciary Processes: Public Value prompts a pivotal shift from an exclusive preoccupation with judicial efficiency toward a more comprehensive focus on effectiveness and tangible judicial outcomes. It compels judiciaries to prioritize actions that optimally serve the public interest (Staats et al, 2005);

b. Emphasis on Outcomes and Impact: Within the Judiciary, Public Value necessitates an evolving perspective on performance measurement. Traditional metrics, such as docket management and caseload disposition, must be complemented by outcome-based measures that discern the genuine impact of judicial actions on citizens' lives (Saked, 2004);

c. Judicial Accountability and Transparency: Public Value mandates that judiciaries operate transparently and be held accountable for the tangible realization of Public Value, enhancing transparency in the Judiciary proceedings and mechanisms that facilitate public scrutiny. Citizens and stakeholders should possess the means to access pertinent Judiciary information and avenues for holding judiciaries answerable (Sadek et al., 2017));

d. A Citizen-Centric Judicial Approach: Public Value imbues judicial operations with a citizen-centric ethos, accentuating the importance of comprehending citizen needs, involving citizens substantively in decision-making processes, and relentlessly pursuing avenues for the enhancement of their well-being (Salomão & Costa, 2022);

e. Promotion of Judicial Innovation and Adaptation: Embracing Public Value encourages judiciaries to cultivate innovation and adaptability. Acknowledging the evolving nature of public needs and expectations underscores the imperative for judicial actions to evolve correspondingly (Salomão, 2022).

While the concept of Public Value has gained recognition and support, it has challenges and critiques. Some critics argue that measuring and defining value in the public sector can be difficult and that Public Value initiatives may inadvertently prioritize certain groups or interests over others. Balancing competing demands and interests while striving to create Public Value remains complex (Alford & O'Flynn, 2009). In particular, with relation to the Judiciary, it is essential to acknowledge certain limitations, such as:

a. Complexity of Legal Decision-Making: The Judiciary deals with complex legal matters, often involving nuanced interpretations of the law and legal precedents. Assessing value solely based on outcomes can oversimplify the complexity of legal decision-making. Not all cases have straightforward solutions or clear measures of success (Bystranowski, Janik & Próchnicki, 2022);

b. Balancing Legal Principles and Public Expectations: Courts are bound by legal

principles, precedents, and the rule of law. Public value may require courts to balance the public's expectations with the need to uphold legal principles. This balance can be challenging, and prioritizing Public Value may sometimes conflict with the legal requirements of a case (Bystranowski at al., 2022);

c. Independence of the Judiciary: Public Value, which emphasizes responsiveness to public expectations, needs to be applied carefully in the context of Judiciary independence. Courts must make decisions impartially and free from external influence, even when those decisions may not align with public sentiment (Staats et al., 2005);

d. Difficulty in Quantifying Value: Defining and quantifying "value" in the Judiciary context can be challenging. While some cases result in clear, measurable outcomes (e.g., a criminal conviction or acquittal), others involve more abstract legal principles and precedents that do not lend themselves to straightforward quantitative assessment (Bystranowski et al., 2022);

e. Long-Term and Indirect Effects: Some Judge's decisions may have long-term and indirect effects on society that are not immediately apparent. Evaluating the Public Value of a court's actions may require considering long-term consequences, which can be complex to measure (Sadek, 2004);

f. Risk of Populist Influence: Prioritizing Public Value could potentially expose the Judiciary to populist pressures, where decisions are influenced more by public opinion than legal principles, undermining the independence and impartiality of the judicial branch (Barroso, 2022);

g. Ethical Considerations: Judges must adhere to ethical codes and principles that sometimes conflict with widespread expectations. Striving to meet public expectations could, in some cases, compromise ethical standards (CNJ, 2008);

h. Resource Constraints: Public Value initiatives often require additional data collection, performance measurement, and public engagement resources. Courts may have limited resources, and diverting resources from the Judiciary's core functions to meet Public Value goals may sometimes be impractical (CNJ, 2022).

The concepts of Public Value, as elucidated by Moore (1995) and NPM, offer a compelling framework with the potential to elevate the responsiveness and accountability of the Judiciary. Nonetheless, its application within the Judiciary introduces intricate challenges that necessitate prudent navigation. Balancing the imperatives of justice, Judiciary independence, and public expectations is paramount. Any endeavor to employ the Public Value framework and NPM

within the Judiciary should be undertaken with scrupulous regard for the distinctive context and the enduring principles of judicial integrity and impartiality.

The following subchapter introduces theories, scales and models regarding the evaluation of the Judiciary, taking into consideration the Judiciary as a public service.

3.2 Evaluation of the Judiciary

Areas such as education (Musah et al., 2015) and healthcare (Andrade, Salazar, Medeiros, & Montenegro, 2019) encompass the evaluation of the service's tangible aspects, facilities, equipment, trust in the service provided, responsiveness, and employee empathy. In evaluating the Judiciary, scholars, and practitioners have recourse to a compendium of evaluative instruments encompassing an array of metrics. On the one hand, tangible indicators, such as the case processing duration and the caseload per judge, offer quantifiable insights. Conversely, more ethereal metrics, such as public trust, stakeholder satisfaction, and perceptions regarding decision quality and service provision, emerge as equally crucial benchmarks (Patterson, 2009; Desta, 2019; FGV, 2019).

Specific evaluative tools have garnered considerable acclaim for their comprehensive and diagnostic capabilities within the service quality assessment. The SERVQUAL and SERVPERF scales epitomize such instruments. Their prominence in assessing service quality spans many sectors, the Judiciary included. The analytical tools provided by these scales pave the way for equipping institutions with insights to bolster their service delivery mechanisms (Parasuraman et al., 1988).

3.2.1 SERVQUAL scale

The SERVQUAL scale, developed by Parasuraman et al. (1988), delineates a systematic approach to assessing service quality. It is a multi-dimensional research scale constructed to understand consumer expectations and perceptions of service. SERVQUAL is based on the expectancy-disconfirmation paradigm, meaning that service quality is understood as the extent to which consumers' consumption expectations of quality are confirmed or disconfirmed by their actual perceptions of the service provided. This diagnostic instrument is anchored in five dimensions (in the original model, there were 10) that capture diverse facets of service quality, detailed as follows:

- Tangibles: The visible aspects like the state and appearance of physical facilities, equipment, personnel attire, and communication materials. In the context of the Judiciary, it poses questions like: Are the courtrooms and offices pristine? Is the staff attired in a manner befitting their roles?
- Reliability: Concerned with the consistent and accurate execution of the promised service. For the Judiciary, this might encompass whether court hearings start on time or if judgments are rendered as scheduled.
- Responsiveness: Reflects the readiness to assist and the promptness of service. In judicial settings, this could relate to the speed with which legal queries are addressed or the efficiency in managing case backlogs.
- Assurance: This speaks to the proficiency, courtesy of staff, and the ability to instill a sense of trust and confidence. Within the Judiciary, assurance might translate to the confidence the public places in the legal processes or judicial officers' perceived integrity and competency.
- Empathy: Denotes the degree of individualized attention and care towards clients. For the Judiciary, it gauges the extent to which court users feel their unique circumstances are understood and considered.

These dimensions offer a multifaceted lens for discerning areas of excellence and opportunities for improvement.

To operationalize SERVQUAL, researchers deploy a questionnaire probing customer anticipations and perceptions across the abovementioned dimensions—the differences (or gaps) identified between anticipated and experienced service quality spotlight areas necessitating enhancement (Patterson, 2009; Desta, 2019).

The scale encapsulates 44 items designed to align with the distinctive nuances of the organization in focus. Responses are charted on a 7-point Likert scale, bridging "strongly disagree" to "strongly agree" (See Appendix A)

While SERVQUAL's influence is palpable across various sectors, it has not escaped critique. Some academicians postulate alternative dimensions or posit segment-specific variations (Cronin & Taylor, 1992). Nonetheless, as a foundational blueprint, SERVQUAL remains an instrumental resource, including its utility in discerning service quality in areas of the economy (Carrillat et al., 2007) and of the Judiciary (Desta, 2019).

Figure 3.2 present the steps employed to develped the SERVQUAL scale.

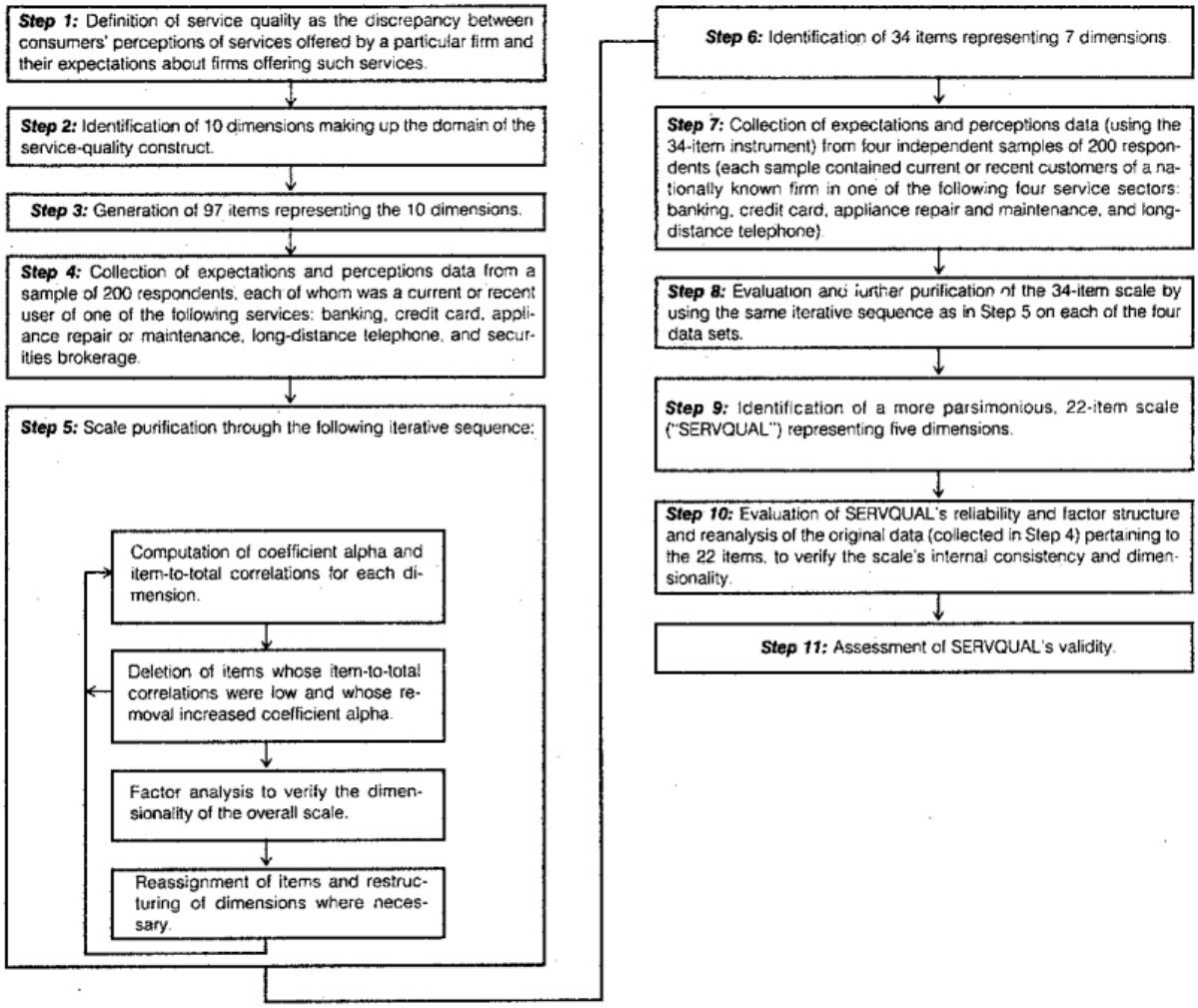


Figure 3.2 Summary of steps employed in developing the Service Quality Scale

Source: Parasuraman et al., 1988, p. 14.

3.2.2 SERVPERF scale

The SERVPERF, a brainchild of Cronin and Taylor (1992), is a noteworthy divergence from the renowned SERVQUAL. Proposing a unique avenue for the evaluation of service quality, SERVPERF accentuates an exclusive concentration on customers' perceptions of service performance, eschewing the comparative approach of juxtaposing expectations against perceptions, which is a hallmark of SERVQUAL. The SERVPERF scale streamlines its assessment to the same SERVQUAL 22 performance items. These items are meticulously gauged on a 7-point Likert scale, bridging "strongly disagree" to "strongly agree" and capturing a spectrum of responses (See Appendix B).

By trimming the dual-layered approach of SERVQUAL to a more linear performance-centric paradigm, SERVPERF provides an expedited and more straightforward yet robust mechanism for gauging service quality, even though some authors say that, in some cases, both have similar responses (Carrillat, Jaramillo & Mulki, 2007; Bayraktaroglu & Demirel, 2010).

3.2.3 The Scandinavian model

Emerging from the academic foundation laid by Gronroos (1984, 1990, 2000, 2001), the Nordic or Scandinavian model (Figure 3.3) offers a distinctive perspective on service quality evaluation. It delineates its assessment into two primary dimensions: functional quality and technical quality. The former pertains to the manner and experience of service delivery, while the latter focuses on the actual outcome of the service. This distinction is crucial in contexts like the Judiciary, where the procedural nuances and the ultimate judgment hold significant weight. Conversely, the SERVQUAL underscores the comparison between customer expectations and their perceptions of the actual service performance, and the SERVPERF offers a more streamlined approach, focuses solely on customers' perceptions of service performance, bypassing the comparative layer of expectations.

In comparing these models:

- Depth vs. Breadth: The Scandinavian model, with its dual-dimensional approach, dives deep into the core of service delivery and outcomes, offering a more focused lens. In contrast, SERVQUAL provides a broader perspective, encapsulating multiple facets of service quality. SERVPERF occupies a middle ground, sharing SERVQUAL's breadth but emphasizing actual perceptions;
- Expectation vs. Perception: While the Scandinavian model and SERVPERF emphasize service perception, SERVQUAL brings in an additional layer of expectation, allowing for a gap analysis between what is expected and perceived;
- Judiciary Context: The Scandinavian model might be apt for discerning between procedural efficiency and judgment accuracy in the judicial arena. SERVQUAL can help identify gaps in public expectations versus their experiences, and SERVPERF can offer insights into the public's direct perception of judicial service quality.

While the Gronroos model offers a bifurcated, deep-dive approach, SERVQUAL and SERVPERF provide more comprehensive and varied avenues to gauge service quality. Each one has unique strengths depending on the specific objectives—be it understanding public

expectations, direct service perceptions, or differentiating between procedural and outcome quality.

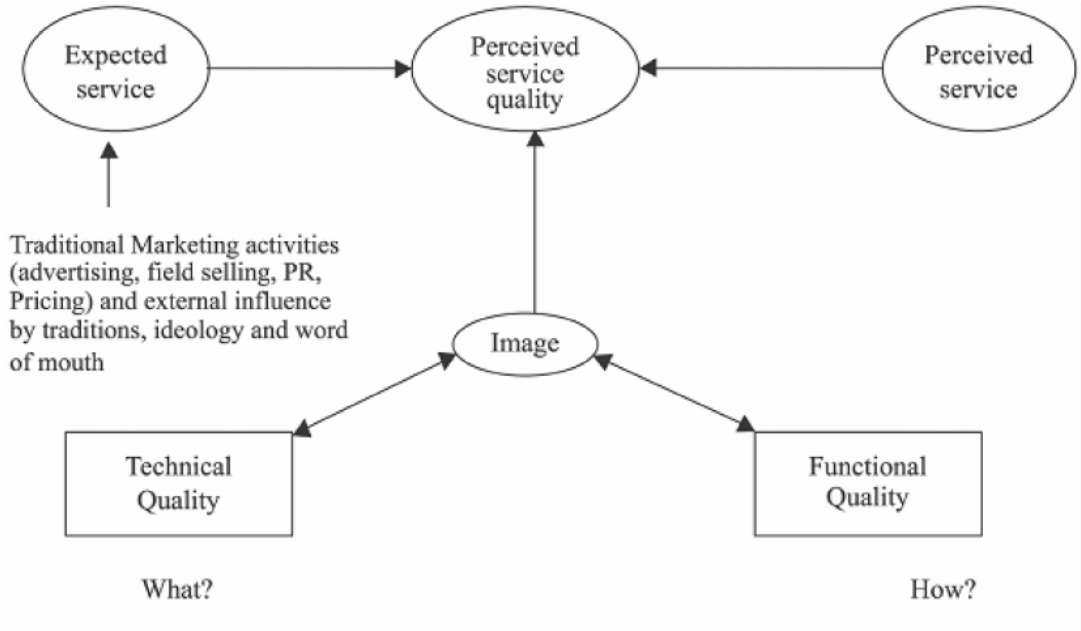


Figure 3.3 Gronroos Model of Service Quality

Source: Gronroos, 1988, p. 12.

3.2.4 Examples of evaluation of the Judiciary

In Judiciary studies, Patterson (2009) evaluated service quality in the Georgia Courts in the USA. His findings suggested that the SERVQUAL scale is well-suited for assessing the perception of services by users and experts, including lawyers and judges, who play pivotal roles in service provision. Each dimension of service quality was analyzed from the perspectives of individuals, especially those directly interacting with the public and service users. (See Appendix C).

In a subsequent study, Desta (2019) examined service quality, service delivery, and customer satisfaction within the Dire Dawa City Court in Ethiopia, employing the SERVQUAL scale. This comprehensive investigation assessed multiple dimensions of the scale and compared them to measures of consumer satisfaction, thereby enhancing the depth and completeness of the evaluation compared to the previous research.

Furthermore, a study conducted by Moura e Sá et al. (2021) focused on evaluating the quality of Judicial Services in Portugal. In this study, the authors assessed the perceptions of users, Magistrates, and Court servants. They employed a case study methodology rooted in the SERVPERF scale to evaluate service quality within the Portuguese Judiciary (See Appendix D).

Other studies used to evaluate the Judiciary worldwide are also based on different scales, other than SERVQUAL and SERVPERF scales. The Council of the European Commission for the Efficiency of Justice (CEPEJ) has a European Justice Score: It compares systems among the members to see the country's real scenario. The variables analyzed are, for example, the duration of the lawsuits or cases, the number of pending lawsuits, and the Court's capacity to deal with work overload (EU Justice Scoreboard, 2020).

Another European organization evaluating the Judiciary is the Consortium for Court Excellence. The system designates a series of guiding principles and values, such as equality before the law, justice, impartiality, independence in decision-making, competence, integrity, transparency, accessibility, punctuality, and legal certainty. 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 achieves the desired level of excellence, as shown in Figure 3.4 (ICCE, 2020).



Figure 3.4 Evaluation model of the consortium

Source: International Consort for Court Excellence, 2020.

The Organization for Economic Co-operation and Development (OECD) also evaluates the Judiciary with studies about the quality and effectiveness of Justice. They usually analyze the budget, the number of pending lawsuits, and the duration of the lawsuits. They also analyze the needs of the internal client, lawyers, judges, and public servants, seeking opinions on the quality of the services (OECD, 2015).

The World Bank produces a report called Doing Business that analyzes the advantages and disadvantages of doing business across different economies (World Bank, 2004). Among the criteria chosen for the assessment in 2019, some are linked to the effectiveness of the Judiciary. In 2021, the World Bank announced that the research was discontinued.

Another interesting barometer is the Rule of Law index created by the World of Justice Project, the world's leading source of original, independent data on the rule of law (WJP, 2019). The Rule of Law was developed in 128 countries, with a national survey with more than 130,000 households and 4,000 legal practitioners and experts to measure how the rule of law is perceived. Effective rule of law reduces corruption, combats poverty and disease, and protects people from injustices large and small. The index comprises eight factors (WPJ, 2019): Constraints on government power, absence of corruption, open Government, fundamental rights, order and security, regulatory enforcement, and Civil and Criminal Justice. It is a complete index that intends to have an overview of the Government, Democracy, and Justice in general.

An excellent example of the evaluation of the Judiciary is The Trust Index (Cunha et al., 2017). The Trust Index in Brazilian Justice – ICJBrasil – is a quantitative survey carried out in seven Brazilian states and the Federal District based on a representative population sample. Its objective is to monitor the population's feelings concerning the Brazilian Judiciary systematically. 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 more significant than its costs, and if this institution is considered in the day-to-day life of the ordinary citizen.

ICJ Brasil is composed of two sub-indices: (i) a perception sub-index, which indicates the citizens' opinion about Justice and how it provides public service, and (ii) a behavior sub-index, through which it seeks to identify whether the population resorts to the Judiciary to resolve specific conflicts. Under the coordination of Prof. Luciana Gross Cunha, ICJBrasil is periodically published through its reports by FGV DIREITO SP (Cunha et al., 2019).

Another important initiative was made in 2019 to understand the image of the Judiciary in Brazil. This study (FGV, 2019) made available to society a wide range of information on perceptions and expectations regarding the performance of the Brazilian Judiciary. The assessment of the fulfillment of its functions of guaranteeing individual, collective, and social rights and resolving conflicts between citizens, entities, and State; the identification of their

contributions in the construction of values such as equality, democracy, citizenship; and the vision about the relations between the Powers of the Republic (FGV, 2019).

The unprecedented and in-depth study also presents opportunities for the Judiciary to improve communication with citizens and increase rapprochement with them. The study analyzes the variables: attitudes and feelings toward democracy, society, and the Judiciary. The objective was to understand how users or nonusers perceive the Judiciary. Considering that this study uses the perception of citizens (user and nonuser) of the Judiciary, this study is beneficial for this thesis to analyze the impact of the knowledge in evaluating the Judiciary (FGV, 2019).

The research was divided into different steps:

a) Qualitative research aimed to guide the content and semantics of the questionnaire. It was held in August 2018 and had the following scope: 50 focus groups with users (plaintiffs and defendants) and nonusers of the Judiciary in all regions of the country and in-depth interviews with experts and

b) Quantitative research with users and nonusers of Justice (plaintiffs and defendants) was held from July 26 to August 10, 2019. Two thousand six interviews were conducted face-to-face in all regions of the country.

c) Quantitative research with experts (lawyers and defenders) was held from July 26 to August 10, 2019. Four hundred telephone interviews were conducted in all regions of the country.

More recently, the CNJ (2023) realized a survey to evaluate the services provided by the Judiciary using the perception of citizens who have already been a party to a judicial process in the last five years, lawyers, public defenders, and members of the Ministry Public. This research used a specific questionnaire with six questions for the citizens, as shown in Appendix E.

The last three studies (Cunha et al., 2017; FGV, 2019; CNJ, 2023) use the citizen's perspective.

The commonalities observed across those assessment methodologies hint at the possibility of crafting a unified model that may serve as a tool for evaluating the Judiciary on a global scale. By harnessing the power of citizens' insights, such a model could become an invaluable resource to the Judiciary.

3.2.5 Evaluation of the Judiciary examples summary

Many scales and methodologies have been developed and employed to comprehensively evaluate and understand the performance and perception of the Judiciary worldwide. Table 3.1 presents an overview of these diverse approaches, each uniquely contributing to assessing the Judiciary in various contexts. Among these, the SERVQUAL scale stands out for its focus on service quality, measuring dimensions such as reliability, assurance, tangibles, empathy, and responsiveness (Patterson, 2009; Desta, 2019). Similarly, the SERVPERF scale captures the service performance, emphasizing actual service delivery over expected service quality (Cronin and Taylor, 1994; Moura e Sá et al., 2021).

The European Justice Score offers a comparative analysis of European justice systems by expanding the scope to a more global perspective (CEPEJ, 2019). At the same time, the International Consortium for Court Excellence score provides a framework for evaluating court excellence on an international scale. As the name suggests, the Efficiency Score focuses on the efficiency aspects of judicial processes (ICCE, 2020).

Further, the International Barometer for European Countries, developed by the World Bank (2004), and the Rule of Law Index (World Justice Project, 2019) offer insights into legal systems' adherence to the principles of the rule of law. These indices evaluate factors such as the effectiveness of the legal framework, the fairness of the judicial process, and the independence of the Judiciary.

The Trust Index by Cunha et al. (2017) delves into the public trust in the Judiciary, a crucial aspect of judicial legitimacy. Lastly, the Image of the Brazilian Judiciary (FGV, 2019) provides a focused examination of the public perception and image of the judicial system in Brazil. Together, these scales and methodologies offer a comprehensive toolset for analyzing various dimensions of the Judiciary, reflecting their performance, efficiency, trustworthiness, and public image.

Table 3.1

Evaluation examples

Evaluation Exemples	General Characteristics	Contribution
SERVQUAL **Patterson (2009)** **Desta (2019)** **Murillo (2014)**	Assess the service quality and consider the expectations and the perception of the service. Most studies using this scale have already been established in other areas, but some adaptations have been made.	Evaluate the perception of the service provided based on the expectance-disconfirmation paradigm.
SERVPERF **Cronin and Taylor (1994)** **Moura e Sá et al. (2021)**	Assess the service quality considering the performance. More reliable.	Analyzes performance more directly.
European Justice Score **CEPEJ (2019)**	Some variables analyzed: The duration of the lawsuits or cases. The number of pending lawsuits. The Court's capacity to deal with work overload.	Analyzes different variables of performance related to efficiency.
International Consortium for Court Excellence **ICCE (2020)**	The system identifies seven areas of focus for improvement so that the Court achieves the desired level of excellence: Court Management and Leadership; Court Policies, Court Proceedings; Human, Material and Financial Resources; Clients Needs and Satisfaction; Affordable and Accessible Court services; Public Trust and Confidence.	Understand the system as a whole without analyzing the quality of the service, thus needing a better evaluation of quality.
Efficiency Score **OCED (2016)**	They usually analyze the budget, the number of pending lawsuits, and the duration of the lawsuits.	Analyze the efficiency of the system rather than the quality of operation.
International Barometer for European Countries **World Bank (2004)**	They use two different concepts: measuring efficiency and quality of legal proceedings.	The quality of the service is measured indirectly.
Rule of Law Index **WJP (2019)**	It includes users' opinions on eight subjects—an overall interpretation considering citizens and experts.	It analyzes general factors about justice using citizens' views, but it needs to evaluate the quality of service of the Judiciary.
The Trust Index **Cunha (2017)**	The variable Trust is measured using citizens' opinions.	It describes Trust as an important variable related to quality and efficiency.
Image of the Brazilian Judiciary **FGV (2019)**	A deep study of the Brazilian Judiciary.	Analise the Judiciary using multiple variables considering users and non-users, like knowledge, trust, and satisfaction.
Research on Perception and Assessment of the Brazilian Judiciary **CNJ (2023)**	It was carried out with citizens who were user of the Judiciary.	The sample was made using the Judiciary database, which resulted in a bias in selecting citizen users, especially concerning income and education. It demonstrated the importance of being careful with the sample.

3.3 Management in the Public Sector and its relation to citizen evaluation

The Public Value framework (Moore, 1995) and New Public Management (NPM) (Hood, 1991) have instituted procedural reforms intended to enhance managerial performance in public service. Managerial performance is recognized as a vital determinant of overall organizational efficacy in the public sector (Meier & O'Toole, 2000). However, existing literature needs to adequately explore the implications of managerial performance on citizens' evaluations of public sector institutions and the relation between overall citizen satisfaction and the quality of service performance (Sipak, 1979; Swindell & Kelly, 2000; Kelly, 2003).

Moreover, the public sector, specifically the Judiciary, faces unique challenges in meeting user needs due to its distinct characteristics. As Sadek notes:

> "In recent times, however, the idea has become dominant that these institutions, in addition to being incapable of responding to the growing demand for justice, have become anachronistic and, even worse, refractory to any modification. In the most impressionistic analyses, it is even argued that judicial institutions were lost in the 18th century or, at best, in the 19th, while the rest of the country would have entered in the 2000s." (Saked, 2004, p. 83).

3.3.1 Management in the Judiciary: dimensions and concepts

Concerning the Judiciary, management is a discussed topic (Gomes & Guimarães, 2013). It reflects one of the current discussions of significant interest in the public sector: the supposed crisis that affects the Judiciary in several countries. From the administrative and economic theories perspective, the crisis has been characterized much more by a lack of management than by a lack of resources (World Bank, 2004), reflecting the amount of research that empirically seeks to test this hypothesis.

According to Mendes (in his work "Organization of the Brazilian Judiciary"), the Brazilian Judiciary has its own Management Plan. "About improving the management of the courts, the National Council of Justice coordinated the work of building the 'Strategic Planning of the Judiciary,' approved by the Presidents of the 91 Brazilian courts at the 2nd National Meeting of the Judiciary, held in February 2009, and institutionalized by Resolution No. 70, of the National Council of Justice. Thus, based on strategic objectives common to the entire Judiciary, elected consensually, programs are developed, with a national and local spectrum, in the search for a

standard public service in which the sharing of knowledge, good practices, systems, and structures contributes to the improvement of services and the gradual elimination of inequality between the different segments of Brazilian Justice" (Mendes, 2016).

Although the management of the Judiciary is a topic essentially linked to the area of public administration, the theoretical bases of the studies were sought in other areas of knowledge, mainly in economics and law (Cooter & Ulen, 2012).—The quantitative development of theoretical development in the public administration and management field may be because the definition of judicial performance points to a wide variety of understandings, which address objective and subjective variables from different levels of analysis and are associated with different performance dimensions. This scope hinders the theoretical evolution on the subject since the results of the studies communicate little with each other. Few research cases continued the development of the same problem investigated in previous research. In one of these cases, the effect of age on the performance of judges was sequentially investigated in the studies by Bhattacharya and Smyth (2001), Teitelbaum (2006), Backes-Gellner, Schneider and Veen (2011), although in judiciaries that adopt different systems of law.

Some performance dimensions addressed in the reviewed studies, like efficiency, access (WJP, 2019), and speed (Dalkolias, 1999), are more objective, usually linked to quantitative variables and indicators, generally referring to management practices and internal processes. Independence (Staats et al., 2005), quality (Desta, 2019), and effectiveness (FGV, 2019) dimensions, unlike the others, are predominantly subjective. Generally, quality involves internal aspects, while effectiveness, on the contrary, involves indirect and external results to the Judiciary.

In the Judiciary, efficiency refers mainly to how courts manage the resources available based on the services generated. Courts usually have administrative and financial autonomy, which makes it possible to compare and indicate the most and least efficient in relative terms. As there are no officially defined parameters of what would be, for example, an efficient court, comparisons between units become reference points (CNJ, 2019).

Another widely researched dimension was speed. Studies show that time is a fundamental input in the Judiciary and that the waste of this input generates undesirable consequences in various sectors of society (CNJ, 2021). The most emphasized category was the duration of processes (FGV, 2019). At least two procedures can be used to identify the duration of a process, from the filing date to the discharge. The first consists of counting the number of days that each process lasted. The problem lies in the difficulty of obtaining data for this type of

research. A second procedure, proposed by Dakolias (1999), consists of estimating the average duration of processes as the ratio between the stock of pending cases and the flow of solved cases. This measure is called the backlog index and can be interpreted as the number of periods needed to judge all pending cases, keeping the current rate of meeting the demand constant.

Effectiveness is one of the most challenging performance dimensions to analyze in the Judiciary, mainly because it involves subjective elements. Some are not under the control of the Judiciary, such as a sense of security, the guarantee of human rights, level of corruption, civic participation, level of poverty, and crime rates (WPJ, 2019).

The quality dimension has been explored in the studies reviewed in two ways. First, in broader terms, *quality* is defined as a general indicator comprising the other performance indicators. Thus, a quality Judiciary would be one whose resources are efficiently managed and whose demands are judged quickly, offering broad access to users. Dakolias (1999) is an example of a study that used this definition. On the other hand, for other authors, such as Taha (2004), Choi and Gulati (2006), and Taratoot and Howard (2011), quality is defined in more restricted terms, for example, the merits of court decisions. As a decision's quality is subjective, many studies use intermediate variables, such as the number of decisions reformed in higher instances, the existence of resources, and the publication of decisions.

The dimensions of independence and access were addressed in a few studies. Some surveys emphasized the issue of the Judiciary's autonomy concerning other powers and economic forces. Access to the Judiciary refers to how easy it is for the population to reach the Judiciary services (Staats et al., 2005). However, in terms of analysis, the most common variables used are the number of judges and the number of people served (CNJ, 2022).

Table 3.2 presents the summary of the analyzed dimensions.

Table 3.2

Dimensions and concepts

Dimension	Concept	References
Efficiency	It mainly refers to the way in witch courts manage available resources based on the products generated.	Staats et al., (2005); WJP, (2019); International Consortium for Court Excellence, (2019); United Kingdom Parliament, (2021); US Courts, (2021); CNJ, (2021); Judiciário Português, (2021).
Speed	It is the time necessary to allow the trial to develop its legal and social effects.	Dakolias (1999); Castro, (2011); WJP, (2019); International Consortium for Court Excellence, (2019); CNJ, (2021); United Kingdom Parliament, (2021); US Courts, (2021); Judiciário Português, (2021).
Access	How easy it is to access the judicial services.	Staats et al., (2005); WJP, (2019); CNJ, (2021).
Independence	The autonomy of the Judiciary in relation to other branches of government and economic forces.	Staats et al., (2005); International Consortium for Court Excellence (2019).
Quality	A general indicator composed of the other performance indicators.	Taha (2004); Choi and Gulati (2005); Taratoot and Howard (2011), (Murillo, (2014); Govender, (2016); Desta, (2019); FGV (2019).WJP, (2019); International Consortium for Court Excellence, (2019); United Kingdom Parliament, (2021); US Courts, (2021); Judiciário Português, (2021). CNJ, (2021).
Effectiviness	It involves subjective elements, and some are not under the control of the Judiciary, such as sense of security, the guarantee of human rights, level of corruption, civic participation, and level of poverty and crime rates.	Staats et al., (2005); WJP, (2019); FGV (2019); Consortium for Court Excellence, (2019); United Kingdom Parliament, (2021); US Courts, (2021).

In today's rapidly evolving landscape of public administration, the Judiciary stands at a critical juncture where the imperative to adopt contemporary management techniques converges with the necessity for citizen evaluation (Voeten, 2013). The increasingly participatory ethos of the 21st century, amplified by the rise of social media platforms, necessitates a more dynamic interaction between the Judiciary and the citizenry (Lavarreda, 2022). In this context, citizen evaluation research is an indispensable tool that empowers public authorities to discern and address the nuanced concerns and expectations of citizens. The heightened focus on citizen feedback is not merely a procedural imperative but a substantive requirement that bolsters the legitimacy and efficacy of judicial administration(Salomão & Costa, 2022).

In the following subchapters, to further contextualize the importance of citizen evaluation in the Judiciary area, it is instructive to delve into three overarching theories: Legitimacy, Stakeholders, and Social Power. These theoretical frameworks collectively underscore the premise that, as a public service, the Judiciary should be subjected to citizen-based evaluation.

3.4 Legitimacy, Stakeholder, and Social Power Theories

The evaluation of public services, including the Judiciary, is fundamental to understanding their functioning, effectiveness, and impact on society (Moore, 1995). In this context, theories such as Legitimacy (Voeten, 2006), Stakeholder (Freeman et al., 2007), and Social Power (Emerson, 1962) play fundamental roles in the evaluation of the Judiciary (Figure 3.5).

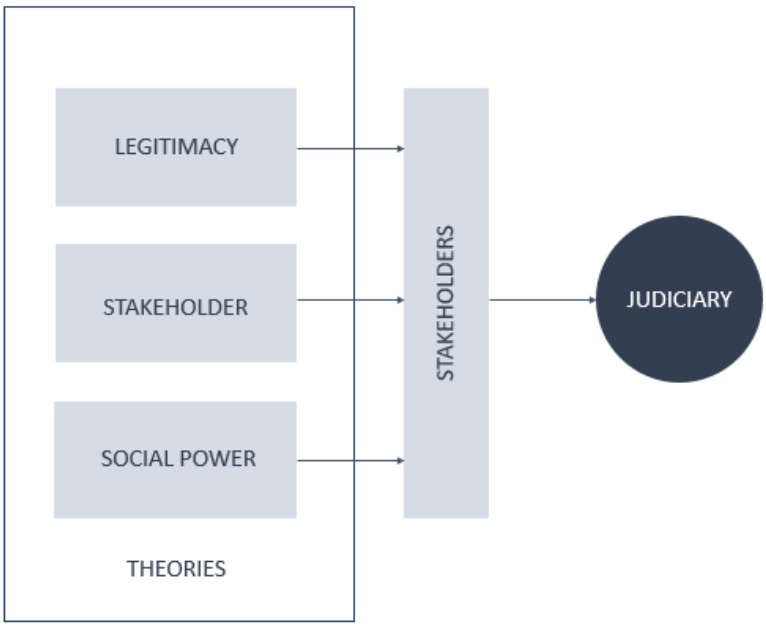


Figure 3.5 Judiciary: Legitimacy, Stakeholder, and Social Power Theories Impact

The Stakeholder theory is a pivotal concept in modern management and governance. It emphasizes the significance of identifying and engaging with stakeholders interested in or who can be affected by an organization's actions (Freeman et al., 2007). This theory encourages recognizing citizens as primary stakeholders. Citizens are not mere spectators, but active participants in the Judiciary, and their perceptions of fairness, impartiality, and accessibility are vital to the legitimacy of the Judiciary, as the Judiciary's decisions and functioning impact their lives and rights (Sedek, 2004) (Figure 3.6).

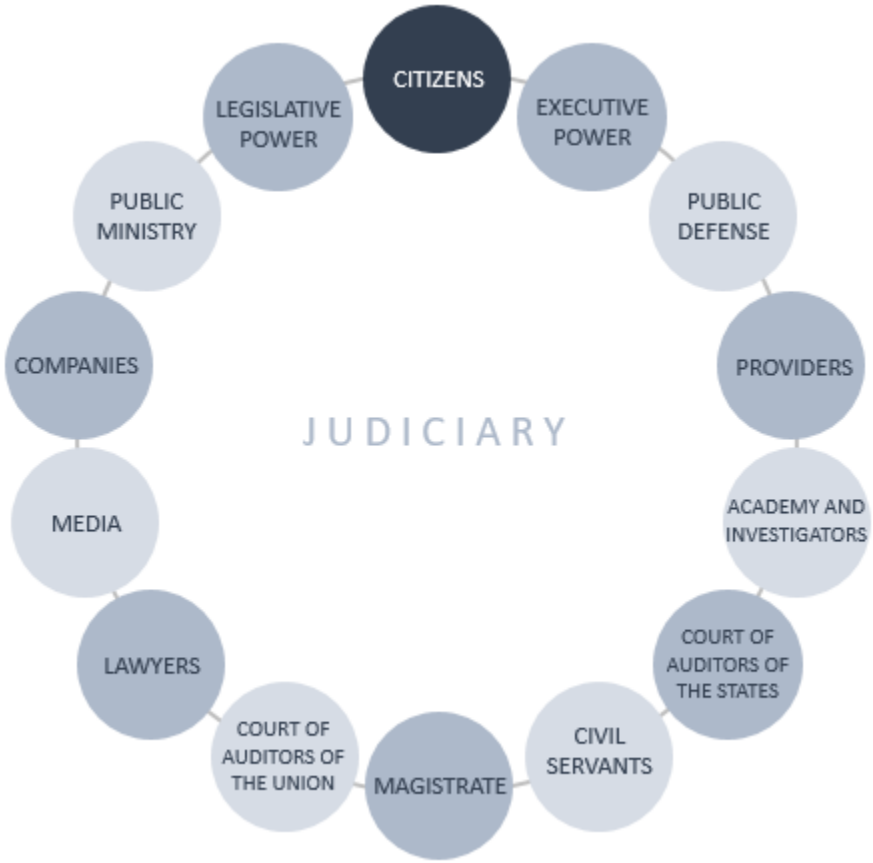


Figure 3.6 Citizens: One of the main Judiciary stakeholders

The Legitimacy, Stakeholders, and Social Power theories add depth and breadth to integrating citizen evaluations into the Judiciary management framework. These theories serve as cornerstones that provide a theoretical grounding that reinforces that citizen perceptions shall be considered to evaluate a complex power with specific dynamics and ethical responsibilities like the Judiciary. In particular, the cross-disciplinary application of these theories highlights the multi-dimensional challenges and opportunities confronting the Judiciary in the 21st century (Calderón et al., 2018). They offer a nuanced understanding of why a citizen-centric approach is not just an optional add-on but a core element crucial for fostering a Judiciary responsive to societal needs and accountable for its actions (Lavareda, 2022).

Therefore, as the landscape of public interaction and citizen engagement continues to evolve, propelled by technological advancements and shifts in societal expectations, the Judiciary must correspondingly adapt. It must align its modern management techniques with the invaluable insights from citizen evaluations (Salomão & Costa, 2022). These are vital indicators of its legitimacy, effectiveness, and, ultimately, its societal role and impact (Sen, 2013).

This focus on citizen-based evaluations, supported by the convergence of academic theories, stands as a seminal requirement for building a responsive and responsible Judiciary that is in tune with the complexities and expectations of 21st-century governance (Figure 3.7).

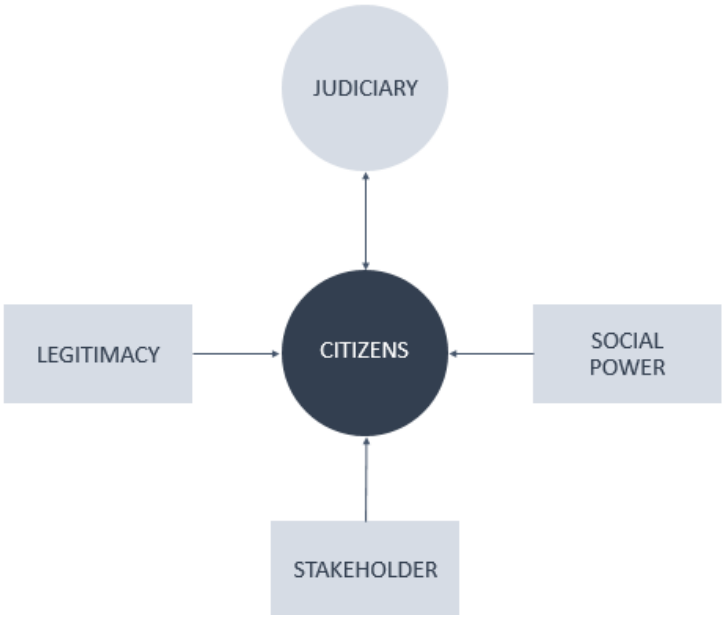


Figure 3.7 Citizens and Judiciary: The Role of the Legitimacy, Stakeholders, and Social Power Theories

3.4.1 Legitimacy theory

According to Voeten (2013), public legitimacy consists in the belief of a large part of the population that the institution or public power can effectively control that matter; that is, the citizen has to recognize the formal authority of that institution or the State. When it evaluates the Judiciary, the focus of the work often realizes 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.

According to Claasen and Roloff (2012), the concept of legitimacy has a political-legal origin. It gained relevance from the work of Max Weber, Economy and Society, from 1921, which compared different political rules and their origins. The idea was that a government would be considered legitimate when the population chose to submit to its rules, even though some individual citizens could reject some aspects of the rules, such as specific laws (Claasen & Roloff, 2012). The political conception of legitimacy contains the notion that legitimacy

results from a rational assessment of an institution by the people who are subject to and served by it.

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 authority inherent in the position, for example, a throne. The charismatic source is legitimized by the affective response to it, and the rational one is legitimate because it objectively applies rules and laws. For Luhmann (1980, p. 30), legitimacy is "a generalized disposition to accept decisions of content not yet defined, within certain limits of tolerance." In the same sense, Habermas (1997) understands that legitimacy exists through acceptance, which occurs through discourse, and affirms that a right is legitimate when "it achieved rational acceptance by all members, in a discursive formation of opinion and the will" (Habermas, 1997, p.172). Social legitimacy refers to the level at which an entity conforms to current social norms and values (Dowling & Pfeffer, 1975).

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

Maurer (1971, p. 361) was the first 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."

Dowling and Pfeffer (1975, p. 122) also emphasized the evaluative character. However, they emphasized cultural conformity when stating that legitimacy connotes "congruence between social values associated with organizational activities and norms of acceptable behavior in the broader social system."

Pragmatic legitimacy is based on the interests of the public closest to 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 activities (Wood, 1991). According to Claasen and Roloff (2012), pragmatic legitimacy arises when people perceive the organization as something beneficial for them. For Suchman (1995), it is a form of "exchange legitimacy," which meets the needs of individuals with their interests.

Moral legitimacy reflects a normative assessment of the organization and its activities. Unlike pragmatics, it rests on judgments about 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 Fiol (1994), cognitive legitimacy also results from the diffusion of particular beliefs, norms, and values or knowledge.

According to Gray, Owen, and Adams (1996, p. 45):

> A systems-oriented view of the organization and society permits us to focus on the role of information and disclosure in the relationship(s) between organizations, the State, individuals, and groups. Within a systems-oriented perspective (also sometimes referred to as an open-systems perspective), the entity is assumed to be influenced by, and in turn, to influence, the society in which it operates.

Within a broader systems-oriented perspective, the perceptions of the organization, as held by other parties within that social system, are of importance to the survival of the organization. Commenting on the use of open-systems theorizing, Suchman (1995, p. 571) states:

> Open-system theories have reconceptualized organizational boundaries as porous and problematic, and institutional theories (Powell & DiMaggio, 1991) have stressed that many dynamics in the organizational environment stem not from technological or material imperatives but rather, from cultural norms, symbols, beliefs, and rituals. Corporate disclosure policies represent one essential means management can influence external perceptions about their organization. At the core of this intellectual transformation lies the concept of organizational legitimacy.

Suchman (1995) indicates that legitimacy studies are associated with two groups: strategic and institutional. Suchman (1995, p. 572) states:

> Work in the strategic tradition … adopts a managerial perspective and emphasizes how organizations instrumentally manipulate and deploy evocative symbols to garner societal support. In contrast, work in the institutional tradition adopts a more detached stance and emphasizes the ways in which sector-wide structuration dynamics generate cultural pressures that transcend any single organization's purposive control.

Most of the research used the strategic perspective of Legitimacy theory, where actions are taken to legitimate a particular organization.

Legitimacy theory (understood strategically) has its origin in political economy theory. According to Deegan (2014, p. 341): "The political economy itself has been defined by Gray et al. (1996, p. 47) as "the social, political and economic framework within which human life takes place."

Political economy theory understands the importance of conflicts in society and the fights between groups in society. Politics and economics are inseparable, and economic problems should only be investigated by considering political, social, and institutional frameworks in which economic activity happens. Guthrie and Parker (1990, p. 166) explain the relevance of accounting within a political economy perspective, they state:

> An overview of the Legitimacy theory perspective perceives accounting reports as social, political, and economic documents. They serve as a tool for constructing, sustaining, and legitimizing economic and political arrangements, institutions, and ideological themes, contributing to the corporation's private interests.

The organizations can exist in a particular society if people or society consider them legitimate. If the society does not confer the State of legitimacy, this can affect the organization's sustainability. Legitimacy theory is based on the central idea of political economy theory and its two branches. Legitimacy theory is derived from one of these branches.

Political Economy Theory has been divided into two broad streams labeled 'classical' and 'bourgeois' political economy. Classical political economy is related to the works of philosophers such as Karl Marx. It explicitly places sectional (class) interests, structural conflict, inequity, and the role of the State at the heart of the analysis (Gray, Owen & Adam, 2010). It can be contrasted with 'bourgeois' political economy theory, which, according to Gray, Kouhy, and Lavers (1995, p. 53),

> Largely ignores these elements and, as a result, is content to perceive the world as essentially pluralistic. Classical political economy would tend to explain corporate disclosures as being a tool that powerful individuals (perhaps those in control of capital) use to maintain their own positions to the detriment of those individuals without power (for example, workers).

Classical political economy aims most studies on the structural conflicts within society. Legitimacy theory is connected with the bourgeois branch and does not consider structural conflicts.

According to O'Donovan (2002, p. 349):

> Legitimation techniques/tactics chosen will differ depending upon whether the organization is trying to gain or extend legitimacy, to maintain its current level of legitimacy, or to repair or to defend its lost or threatened legitimacy.

Maintaining legitimacy is typically easier than gaining or repairing legitimacy (O'Donovan, 2002, p. 348). One of the 'tricks' in maintaining legitimacy is to be able to anticipate changing

community perceptions. According to Suchman (1995, p.594), "strategies for maintaining legitimacy fall into two groups – forecasting future changes and protecting past accomplishments."

Suchman (1995, p. 595) states:

> Managers must guard against becoming so enamored with their own legitimating myths that they lose sight of external developments that might bring those myths into question. With advanced warning, managers can engage in pre-emptive conformity, selection, or manipulation, keeping the organization and its environment in close alignment; without such warning, managers will find themselves constantly struggling to regain lost ground.

Concerning protecting past (legitimacy enhancing) accomplishments, Suchman (1995, p. 595) states:

> In addition to guarding against unforeseen challenges, organizations may seek to buttress the legitimacy they have already acquired. In particular, organizations can enhance their security by converting legitimacy from episodic to continual forms. To a large extent this boils down to (a) policing internal operations to prevent miscues, (b) curtailing evident legitimation efforts in favor of more subtle techniques, and (c) developing a defensive stockpile of supportive beliefs, attitudes, and accounts.

Legitimacy theory believes that there is a 'social contract' between a company and the society in which it operates (Deegan et al., 2002). Shocker and Sethi (1973, p. 67) provide an overview of the concept of a social contract:

> Any social institution – and business is no exception – operates in society via a social contract, expressed or implied, whereby its survival and growth are based on (1) the delivery of some socially desirable ends to society in general and (2) the distribution of economic, social or political benefits to groups from which it derives its power.

A social contract represents society's expectation of how an organization should behave (Mathews, 1993; Deegan et al., 2002). If society perceives that the organization breaks the social contract, the organization's survival will be threatened (Deegan et al., 2002).

Deegan et al. (2002, p. 242) provide examples of how this may be done:

> Consumers may reduce the demand for the organization's products; factory suppliers may eliminate the supply of labor and financial capital to the business; or

constituents may lobby the government for increased taxes, fines, or laws to prohibit those actions that do not conform with the community's expectations.

According to the theory, social actors make up an essential fact in the understanding of legitimacy. Legitimacy is also the result of beliefs, norms, and values recognized socially.

Table 3.3 presents the summary of the Legitimacy theory.

Table 3.3

Summary of the Legitimacy theory

Author	**Concept**	**Contribution**
Voeten (2006)	Public Legitimacy	Citizens must recognize State authority
Claasen & Roloff (2012)	Political legal orientation	Understand that power emerges from society
Luhman (1980)	State Legitimacy – Legitimacy through acceptance	Legitimacy of the State regardless of the content
Dowling & Pfeffer (1975)	Social Legitimacy	In accordance with social norms
Maurer (1971) **Gray et al. (1996)**	Organization Legitimacy	Acceptance of orders from the high administration
Suchman (1995)	Exchange Legitimacy	The needs of the individual meet the needs of the organization
Aldrich & Fiol (1994)	Cognitive Legitimacy	Defined legitimacy by cognition and not interest

3.4.2 Stakeholder theory

Diverse opinions and conceptions regarding the identity and roles of stakeholders have given rise to a variety of approaches, and each developed within different contexts and for different purposes, leading to confusion about the concept and the practice of stakeholder analysis (Reed, 2009).

The word Stakeholder is of English origin and formed by the composition of the noun stake, which in its translation can be understood as stick, stake, or pole, and holder, can be understood as a person who holds or owns something. The use of the term stake can be figuratively observed as an idea of interest or claim; thus, the expression stakeholders refers to that group

with an interest in a particular activity and which can influence/affect and be influenced/affected by it (Delgado, 2011).

The best-known concept that of Edward Freeman, in 1984, presented as the main objective to understand business dynamics at the end of the 20th century (Delgado, 2011). According to Freeman et al. (2010), the concept of Stakeholder develops in corporate strategic planning, systems theory, corporate social responsibility, and organizational theory. In terms of planning corporate strategy, surveys show that a strategy considered successful integrates the interests of all stakeholders without privileging some group to the detriment of others.

According to the author, the lines of systems theory and organizational theory emphasize that the company is an open system that relates to groups; therefore, there is a need to develop collective strategies that improve and ensure the company's long-term survival. From this perspective, the management business refers to the organization's need to manage relationships with its stakeholders; thus, for Freeman et al. (2010), the manager should explore the relationships with stakeholders to develop business strategies.

For Freeman et al. (2010), the Stakeholder theory emerged as a new narrative 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's work, several authors define stakeholders and develop their studies in different areas. However, there seems to be a consensus that maybe this is a variety of approaches that have caused the difficulty in defining and analyzing "interested parts".

According to Brugha and Varvasovszky (2000), in the area of management of companies, the growing perception that stakeholders can affect the success of the company naturally leads to the development of analysis approaches in order to seek to understand their interests and influences, as well as their characterization. Reed (2009) defines stakeholder analysis as a process that (1) Defines the aspects of a natural or social phenomenon affected by decisions or actions; (2) Identifies individuals or groups that can be affected or affect the phenomenon being studied (may include things, future generations, among others); and (3) Prioritizes these individuals and groups in involvement in the decision-making process.

According to Greenwold (2001), studies on Stakeholder theory are developed in two ways. One sticks to the identification and conceptualization of the interest groups, and the other seeks to analyze the relationship between the company and the stakeholders. For the author, there are two conceptual approaches to stakeholders: the wide and narrow. The broadest definition

considers any individual who can be affected by the company, and the narrow vision only associates vital groups to the survival and operation of the company.

The analysis by Friedman and Miles (2006) is similar to that of Greenwold (2001). Friedman and Miles (2006), when studying the different concepts of stakeholders, place at one extreme those concepts that relate stakeholder management to an action strategy, considering these agents as critical, essential elements for the company's survival; at the opposite extreme are those concepts that emphasize the legal or institutional aspects that oblige companies to deal with stakeholders. Between these two approaches is the chain that defines stakeholders in terms of their power, influence, and ability to affect an organization.

In the concept of Freeman et al. (2010), the management model aimed at groups of interest consists of three levels of analysis:

- The rational level – stakeholder mapping: identifying who the stakeholders are stakeholders of the organization, building a "map" of them and their interests, leading to considering problems such as the participation of a stakeholder in more than one interest group and the evolution/strengthening of stakeholder group networks with a particular purpose, which may or may not be beneficial to the organization;
- The process level – understanding the environment: observing the procedures and operating standards of the company and analyzing whether they meet or, through minor modifications, may come to meet the interests detected by the map of stakeholders;
- The transactional level – interacting with stakeholders: understanding how the organization negotiates/bargains with its interest groups, what the channels of communication used by the company, and see if they are under 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 Clarkson (1995), Freeman, Harrison, and Wicks (2007), the stakeholders are separated into primary or secondary. According to these authors, the primary stakeholders are those groups fundamental to the company's sustainability, without which the company would not survive. For Clarkson (1995), they are formed by shareholders, consumers, employees, and suppliers; the secondary are the Government and the community, among others.

Freeman et al. (2007) classify primary financiers (banks, shareholders, among others), the community, suppliers, consumers, and employees and understand as secondary the press, the Government, the defense groups of consumer rights, special interest groups (such as advocacy groups environment) and competitors. When Freeman started developing his Stakeholder

theory, in 1984, he differentiated primary from secondary stakeholders through contractual links, that is, those interest groups would be primary stakeholders that had formal contracts signed with the company and others that affect or were affected by the company and did not have formal contracts signed with it, they would be secondary. However, Freeman et al. (2007) claim that in any activity, the community must always be considered a primary stakeholder. Although there is no formal contract since the interests of the community are not satisfied, activist groups seek their rights in Organs competent bodies or can create boycott actions against the company, that is, according to a more holistic, when the company is installed in a location, it "assumes" a social contract informal with the community. Classification of stakeholders based on links to formal contractual agreements is no longer an efficient form of identification due to the complexity of society and new forms of relationships/interactions between companies and society (Gouveia, 2011).

Mitchell, Angle, and Wood (1997) create a classification model for stakeholders as to the criteria of power, legitimacy, and urgency. Analyzing these three attributes makes it possible to identify the degree of importance of each interest group. In principle, managers identify interest groups. Then they prioritize those in which they believe the requirements are legitimate, which demand action urgent (immediate), and that have the power to influence the organization's activities; these are the so-called definitive stakeholders to which the company needs to provide further attention as the variety of combinations of the three attributes are created the other ratings.

The salience model conceives that the stakeholders can be classified based on the presence or absence of three attributes: power, legitimacy, and urgency, and the greater the number of attributes, the greater the degree of prioritization of stakeholders. As a result, the dominance reflects the ability of a given agent to obtain resources from a company to meet its interests in a way preferred over other stakeholders. According to Mitchell et al. (1997, p. 854), stakeholder salience is defined as the "degree to which managers give priority to the competing claims of the stakeholders."

According to the authors, stakeholders can be identified from three attributes:

- The power of stakeholders to influence the organization;
- The legitimacy of stakeholder relationship with the organization; and
- The urgency of stakeholder claims in the organization.

In this way, the protrusion of the Stakeholder is positively related to the managerial perception of the presence of these following attributes:

- Attribute power: Power is considered by authors as the influence of a social actor over another so that he does something that he would not do without that influence. Power can be coercive, utilitarian, or normative. Concerning the prioritization of stakeholders, the factor that most influence salience is power, followed by urgency and legitimacy (Parent & Deephouse, 2007);
- Attribute legitimacy: Legitimacy refers to the adequacy of a stakeholder's actions to norms, values, and beliefs socially accepted (Suchman, 1995), which can be considered at individual levels, organizational and social (Wood, 1991); and
- Urgency attribute: Urgency concerns the degree of immediate attention to the claims of the Stakeholder, which is related to time and the importance of the claim or the relationship with the Stakeholder (Mitchell et al., 1997).

Mitchell et al. (1997) developed a classification from these three attributes. Initially, stakeholders that have only one attribute are called latent stakeholders; those who have two attributes are expectant stakeholders, and those who have three attributes are the ultimate stakeholders.

Mainardes, Alves, Raposo, and Domingues (2011) propose a new group classification model of organizational interest where stakeholders can be classified into five groups according to the mutual influence they establish with the organization. It can be: (a) regulators have significant influence in the organization, leading to determining your actions; (b) controllers are those who influence and are influenced by the organization. However, the Stakeholder is responsible for commanding this relationship; (c) dependents who have practically no influence on the organization, but he is greatly influenced by it; (d) passives, a variation of the regulatory Stakeholder where, despite there being a mutual relationship between the agents, it is the organization that commands the relationship, having more significant influence; (e) partners influences and is influenced by its form by the organization.

Further development of the model classifies the stakeholders as follows: Latent, Discrete, Dominant, Dependent, Dangerous and Definitive.

Latent stakeholders can be asleep, discreet, and demanding. Sleeping stakeholders have a single attribute: power. However, because they do not have the other two attributes, they have the power to impose some decisions. However, there is a small interaction, as its power does not come with legitimacy and urgency.

The stakeholders' discreet individuals have a single attribute, legitimacy, but no urgency and power to influence the organization. Commonly, they are more receptive and involved with

corporate social responsibility. Demanding stakeholders have only the attribute of urgency. They have no power or legitimacy. It is necessary to monitor it, but they will only deserve more attention if they acquire one more attribute. The expectant Stakeholder can be dominant, dependent, dangerous, and definitive.

The dominant stakeholders have power and legitimacy; however, urgency can be achieved by constituting a definitive stakeholder. In the view of Weber (1968), power is the ability to influence others to accept orders. At the same time, define another concept, called "legitimation", referring to the level of acceptance of orders by a subordinate to share or agree with the superior's value system that they transmitted. Combining both concepts, power, and legitimation is obtained that he defines as authority.

The dependent stakeholders have legitimacy and urgency, so they depend on another stakeholder who can influence the company to fulfill his claim.

Dangerous stakeholders have urgency and power. They have no legitimacy. Because of these attributes, it can become coercive and violent.

The definitive stakeholders, in turn, have three attributes: power, legitimacy, and urgency. By having the three attributes, the managers must attend and prioritize the interests of this type of Stakeholder because, in case of no service, these stakeholders can cause severe problems for organizations with which they relate.

The first point to be clarified is that dominance differs from the proposed concept of stakeholder salience by Mitchell et al. (1997). While the concept of salience is linked to the managers' perception of the importance of stakeholders and, consequently, the distribution of benefits carried out by the company among its stakeholders, in operational terms, dominance is defined as the ability of specific stakeholders to obtain resources preferentially over others stakeholders (Boaventura, Bandeira-de-Melo, Monzoni, Simonetti & Sarturi, 2013).

This difference can be clarified from a comparative form: salience should be considered by stakeholder management, and dominance is the result of that management. Prioritization is discussed in the literature under these two perspectives: the manager's perception of the importance of the Stakeholder and meeting the interests of stakeholders.

The first perspective refers to the perception of the importance of stakeholders by managers: prioritized stakeholders that are considered essential and that group receive greater management attention. In this view, one way of ranking stakeholders is the stakeholder salience model. The stakeholder salience model is a method for classifying stakeholders and deciding who matters the most (Freeman et al., 2010). The second perspective refers to meeting

stakeholders' interests: prioritized stakeholders who receive more resources than others. In this view, a way to rank the stakeholders is the dominance of stakeholders.

The Stakeholder theory helps us understand and see the Citizen as a vital stakeholder, especially in the 21st century, which can see an emergence of social movements throughout society claiming more citizen participation. Citizen is one of the main Stakeholders considering services provided, especially by the State.

Table 3.4 presents the summary of the Stakeholder theory.

Table 3.4

Summary of the Stakeholder theory

Author	Concept	Contribution for the theory
Reed (2009) **Delgado (2011)**	Meaning of stakeholder	Social agents involved in transaction
Freeman (2010)	Meaning of stakeholder	Concept developed in organizations
Greenwold (2001) **Friedman and Miles (2006)**	Narrow and wide concept	Understand Social groups and how they influence the organization
Clarkson (1995) **Freeman et al. (2007)**	Primary and secondary stakeholders	Classification helps pririotize the actions
Mitchell et al. (1997)	classification model for stakeholders as to the criteria of power, legitimacy and urgency	Determine the degree of importance of each group
Mainardes et al. (2011)	Typology in 5 groups	Classifies into groups according to function
Boaventura et al. (2013)	Salience and dominance	Regarding results

3.4.3 Social Power theory

The concept of Power is so crucial that searching for a simple definition is a mistake (Lukes, 1986). Most believe Power is a fundamental force behind human behavior (Russell, 1938); 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 an influence, (2) power as a potential influence, and (3) power as outcome control.

When one person causes or influences another to behave in a certain way, the former has Power over the latter. Simon (1956) defined A as having Power over B when A's behavior causes B's behavior. According to Dahl (1957), A has Power over B to the extent that A can get to do something B would not otherwise do.

Uphoff (1989) defined Power as the probability that one actor within a social relationship will be positioned to carry on his own will despite resistance. It is a possibility of inducing forces. Emerson (1962) dropped influence from the definition of Power and defined Power as a resource or outcome control.

Power can be qualified as punctual Power when, in fact, it is exercised when it passes from possibility to action; as potential Power, that is, when there is the possibility in itself, without necessarily being placed in the act. The forms of exercise can be many and range from persuasion to manipulation, from the threat of punishment to the promise of a reward.

The question of the conflict or its non-existence would be related to your exercise. Still, in a more general sense, for Uphoff (1989), Power would be all probability of imposing their own will in a social relationship, even against resistance, either what is the basis of this probability (Uphoff, 1989, p.300):

> In other words, the possible qualities of a person or of group of individuals and every conceivable combination of circumstances can by someone or a group in a situation in which they can demand obedience to their wills. This Weberian definition is quite strong and current among political scientists, but not just the Power of one person, more than that, the political Power or of State based on strength, monopoly, exclusivity and legitimacy is the main reference for them.

According to Lebrun (1999), Power and domination go together, and someone only has Power when another is dispossessed. This design is related to North American sociology, known as the "Zero Sum Theory" (Davidai, Ongis & Sanders, 2019), which says that one can

only have Power when another or others are deprived of it (Hobbes, 2013). The author says this thesis can be found in Marx, Nietzsche, Weber, Raymond Aron, and Wright Mills.

Lebrun believes that no modern political organization could function without domination. In this sense, the concept of modern politics would be related to the force or coercion of the State on individuals to fulfill the social laws. This modern definition is quite different from the classic sense, which attributes to politics the idea of reflection and well-being of individuals as for the human activities developed in the polis or State.

In the modern sense, politics and the State are very close, attributing to political activity the idea of strength, which would be a prerogative legitimate and exclusive of the State. Despite this approach, it must understand the State as an institution and politics as a social practice without transforming these concepts into a single instance. In this sense, politics as human praxis would be closely linked to the concept of Power.

For Lebrun (1999), the best way to analyze power relations in these societies is from the Zero Sum Theory. Power, in this perspective, is related to the Power of the State or the sovereign, as proposed by Hobbes (2013). That is, from against all and in favor of all at the same time, from top to bottom, of the general to particular, and never the other way around (this conception would be based on a contract and the idea of legitimacy).

Foucault (1999) mentioned legal domination or Power as prohibition, the determining form and the only means of social control. Also, in colonized countries, the relationship between those who are in the exercise of State power and those who are submitted to this would be only a relationship of Power and domination. No would there be, for example, a possibility for a relationship of Power and seduction. Alternatively, that is, individuals, rather than legally dominated or even trained, would not be seduced by this Power. This question is complex because, in State interventions, it is only sometimes possible to resort to the exclusive use of strength. For example, most of the time, resorting to violence is the last measure, not because the State or those who exercise this Power are benevolent, but because resorting to violence also implies wearing down those who hold the exercise of State power.

Strategically, that is, in the long run, this would not be interesting because those who are subjected to constant violence (in a society with wide dissemination of democratic ideas) begin to identify in the aggressor an enemy, not a partner. On the other hand, the idea of training (Foucault, 1999) as a factor determinant of behaviors also seems unconvincing since the people would not only be the place where Power is adequate, transforming them into docile bodies; these would not be a mere result of power relations.

Foucault (1999) is right when he says that Power is not just prohibition; if it were, individuals would not legitimize it. However, assigning individuals a central characteristic of passivity (turning individuals into docile bodies), despite the possible resistances that the author mentions, is not seen as coherent.

It would be interesting to think of a relationship in which individuals, groups, and agents linked to the State were capable of exercising Power, a power that does not have as its central characteristic the prohibition nor the training of individuals but an idea of Power that also seduces people, that they feel and act within this concept; a diffuse power that would permeate the entire social fabric. By Power, they can understand all the capacity, possibility, and probability of acting, imposing their will, and producing effects in a social relationship, regardless of resistance, capitulation, or manipulation of individuals.

Political Power, in this case, would not be the prerogative of just one individual or of a group of individuals located in the State, which holds the monopoly exclusive or legitimate of this Power; it does not mean the absence of hierarchy in which everyone can participate in political relations on an equal footing. The truth is that it is an affirmative principle that everyone can exercise Power.

Foucault (1999) starts from an interpretation of social reality, in which the centrality of his studies lies in politics and not economics, as Marxists do. In this political centralization, Power is used as an instrument of social interpretation, and social practices or relationships of Power are the nerve center of their analyses.

Understanding Power as a more open concept can be assumed there is a Social Power that allows society to change social structures. Social Power is linked with the notion that citizens should legitimize Power. The theory proposes that social Power can change social structures and provoke changes in the way society behaves. Power can be viewed in line with social practices.

Therefore, Social Power theories rely on the fact that every societal change is first consolidated among the citizens. Moreover, change can only be validated if approved by most of society. Power is only legitimate when it is based on the opinion of society. It is crucial, according to this theory, to understand citizen opinions to have a legitimate power face the Judiciary.

Table 3.5 presents the summary of the Social Power theory.

Table 3.5

Summary of Social Power theory

Author	Concept	Contribution
Simon (1956) **Dahl (1957)**	Social Influence	Understand what social power is and how it can be perceived.
Emerson (1962) **Uphoff (1989)**	Potencial Influence	Understand how it impacts the relationship between society, institutions, and the state.
Foucault (1999)	Power and domination	Understand how it impacts the relation between Society, Institutions and State.

3.4.4 Contributions of the theories

To encapsulate the contributions of each theoretical framework, it directs the reader's attention to Table 3.6, which provides a comprehensive synthesis.

Table 3.6

Contribution to the thesis

Theory	Description	Contributions
Legitimacy **(Degan et al., 2002)**	Believes that there is a 'social contract' between an organization and the society in which it operates. A social contract represents society's expectation of how an organization should behave.	The Judiciary is only legimate if supported by the citizen.
Stakeholders **(Freeman, 2010)**	There are a variaty of groups that holds power against sectors of society.	Considering all the groups involved in the Judiciary evaluation, it should include the citizen.
Social Power **(Lebrun, 1999)**	Power are unniqualy distributed among the society.	The power of public opinion is increasing in the face of new and different crisis.

In the following subchapter, the author presents the model of evaluation of the Judiciary that considers citizen perception. This model is supported by the expert's opinion, the concept that the Judiciary is a public service, and the theories described before that confirm the importance of the citizens as actors in this vital process for the Judiciary.

3.5 A new way to evaluate the Judiciary by the citizens

As can be seen from the literature collected during the development of this thesis, evaluating the Judiciary, in addition to being a complex issue, several factors have impacted it, not only having a more significant amount of research in this area. Factors such as the judicial system (common law or civil law), the structure of the Judiciary, the complexity of the case judgment process, and the number of legal demands have made it difficult to assess the Judiciary further. Furthermore, not many cases continue the development of the same problem investigated in previous research, such as the example of the research that studies the effect of age on the performance of judges, which was investigated sequentially in the studies by Bhattacharya and Smyth (2001), Teitelbaum (2006), Backes-Gellner, Schneider, and Veen (2011).

When moving towards the field of evaluating the Judiciary from the citizen's perspective, that is, from the citizen's perception, research is even rarer. Some scholars even argue that only those who know the Judiciary would be able to evaluate the Judiciary.

In 2019, FGV created the Judiciary Innovation, Administration, and Research Center, whose main objective is to develop research to improve the Judiciary. In this sense, this thesis arises, which is based on the study of the Image of the Judiciary developed by the Center in 2019 (FGV, 2019) and the desire of the Brazilian Judiciary to improve its evaluation process, which today mostly carried out with internal indicators.

Recently, the CNJ (2023), within the scope of the Innovation and Sustainable Development Objectives Laboratory (LIODS), carried out research with the central theme being the perception and evaluation of services provided by the Judiciary. This study concludes that although there have been national efforts to evaluate the Judiciary, to date, they have yet to be established as permanent or comparative among themselves, reinforcing the basis of this thesis of developing a new model for evaluating the Judiciary.

It is also the result of the various interactions between the author of this thesis and experts on the Judiciary, including the co-supervisor of this thesis, a researcher of citizen perception in the evaluation of public services, and the technical coordinator of the Image Study of the

Judiciary (FGV, 2019), it was concluded that this model should be simple and easy to understand by the Judiciary, as a way of being more quickly accepted and used, eliminating the gap that currently exists, as cited by the CNJ (2023).

The new model uses the data collected in research conducted by FGV (2019). The research, as pointed out before, analyzed the image of the Brazilian Judiciary. A questionnaire was created to evaluate attributes and feelings towards the Institution, magistrates, and the Judiciary functioning. Many variables were studied, such as trust in the Judiciary, the relation among democratic powers, evaluation of the functioning of the Judiciary, knowledge about the Judiciary, feelings, motivation towards the Justice System, and satisfaction with the service provided by the Judiciary.

Among the variables, the present work will use knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. These three variables (knowledge, trust, and satisfaction), based on the literature, could influence the evaluation of the functioning of the Judiciary (Swindell & Kelly, 2000; Stats et al., 2005; Cunha, 2017; FGV, 2019). The knowledge of the Judiciary is an important variable to evaluate the Judiciary. However, this thesis would like to confirm that it will be possible to relativize the gap of knowledge of the citizens and include this important segment in the process of evaluation of the Judiciary.

From the sociological studies, there are three types of knowledge (Piaget, 1945, 1951, 1967):

- Physical knowledge: which is related to the physical aspects of an object and can be explored and discovered by getting to know the qualities of the object;
- Social knowledge: implies names and conventions made up by society;
- Logico-mathematical knowledge: the creation of relationships; this type of knowledge is constructed by the individuals, building interconnections among the subjects they are familiar.

The knowledge that is talked about in the Judiciary context is the last one – Logical-mathematical knowledge. Although some authors say that it is necessary to know to evaluate the services provided by the Judiciary, in other areas of public service (Menezes, Pedrosa, Silva & Figueredo, 2022), citizens have been questioned about the quality and often have insights in order to improve the functioning of the process. Menezes et al. (2022 p. 1):

> Evaluating public services has become an essential task in order to direct actions that may positively affect the quality of the service provided by governments. To

> undertake an effective evaluation, it is necessary to analyze data and information on the impact of the services. A wide range of studies has been proposed to measure how an organization delivers its services according to the expectations of the stakeholders.

Citizens are important stakeholders and, as presented before, are essential to legitimate actions (Voeten, 2013; Freeman et al., 2010). Petry and Birch (2011) advocate the use of public opinion research by the government in order to improve the process and functioning of public services in general. Price (2007, p. 12), in his study, expresses the emergency of the importance of public opinion since the 18th century:

> The compound concept of public opinion came into widespread use only in the eighteenth century and as the product of several significant historical trends, primarily the growth of literacy, expansion of the merchant classes, the Protestant Reformation, and the circulation of literature enabled by the printing press.

The government should commission research directed explicitly to citizens, a part of public opinion research such as electoral pools (Petry & Birch, 2011). The authors implied that it is essential to understand public opinion to have better functional public services. This idea is corroborated by the theories debated earlier.

In the research developed by FGV (2019), citizens are questioned about their knowledge of the functioning of the Judiciary. As pointed out, citizens' voices should be considered in the evaluation process, even some authors (Staats et al., 2005) pointed out a lack of knowledge of the Judiciary.

The second variable presented in the study is trust in the Judiciary. Business and economic areas tend to understand trust as an economic (Williamson, 1993) or institutional (North, 1990) phenomenon. Sociologists see it as a property of relationships among people (Granovetter, 1985) or institutions (Zucker, 1986), and psychologists tend to see it as an individual phenomenon (Rotter, 1967).

Rousseau, Stkin, Burt, and Camerer (1998) indicate that trust can be described as the intention of one agent (trustor) to accept vulnerability based on a positive expectation of the behavior of another agent. Williamson (1993) typified trust as calculative, institutional, and personal. Each category implies different explanations of why people trust. Calculative trust relies on the relationship between costs and benefits. Institutional trust relates to behavior; people trust because they have confidence in how others will behave. Personal trust relates to personal features and previous behavior. In this study, it is investigate personal trust generated

by the trustor's assessment through trust transfer. Different authors (Anderson & Weitz, 1989; Anderson & Narus, 1990; Ganesan, 1994; Morgan & Hunt, 1994; Doney & Cannon, 1997; Farrelly & Quester, 2003; Zhao & Cavusgil, 2006) indicate that trust is a process of exchange and leads to longer relationships, stimulates long term orientation, and increases satisfaction with the relationship. If people trust the Judiciary more, they tend to be more satisfied.

It is shown in the study that the more people trust the Judiciary, the better the evaluation of it (Cunha et al., 2019; FGV, 2019). Bueno, Sampaio, and Goss (2014, p. 1) also debate the importance of the concept of trust:

> A crucial factor in the economic and social development of a country is the ability of the Judiciary to present itself as a legitimate instance for the resolution of social and economic disputes. One way to measure this is through the legitimacy of the motivations that lead citizens to trust or to distrust the Judiciary.

There is extensive literature that investigates what makes people trust the Judiciary, both theoretical and empirical. In empirical studies, trust in the Judiciary is related to the efficiency of the Judiciary (La Porta, Lopez-de-Silanes & Shleifer, 2008). These studies usually present the substance of legal rules and procedures as the determinant of trust in the Judiciary. Rules of law and judicial procedures within Common Law systems are better at providing a positive perception of the legal environment. People tend to demand more regulation when they do not trust the regulator (Alcan, Algan, Cahuc & Shleifer, 2010). Authors (La Porta et al., 2008; Cunha et al., 2017) approach the issue of trust in the Judiciary with the assumption that individuals are knowledgeable about and interested in the law, although not always the case that individuals know profoundly. However, they do have an opinion about it.

Concerning the third variable - satisfaction, despite the absence of a universal consensus on defining 'satisfaction,' the most widely accepted conceptualization frames it as a function of the expectations held by users prior to service engagement, juxtaposed against their subsequent perceptions of the service received. This conceptual framework suggests that the measurement object is not satisfaction per se but rather the dissonance or consonance between anticipated and actualized service experiences (Parasuraman et al., 1988).

Within this context, satisfaction emerges as a reflective construct, shaped by the alignment between service expectations — influenced by prior experiences, word-of-mouth, media, and personal needs — and the perceived quality of the services rendered (Heinrich, 2003; Moynihan, 2008).

Further, applying the expectancy-perception paradigm has been instrumental in various service domains, including evaluating Judiciary services (Patterson, 2009; Murilo, 2014; Desta, 2019), which quantitatively assesses service quality across multiple dimensions, reflecting the intricate balance between expected service standards and perceived performance. It is through such methodological lenses that researchers and practitioners can glean insights into the multifaceted and dynamic construct of satisfaction within the public sector and, by extension, within the Judiciary sphere.

In sum, exploring satisfaction within academic research is marked by its intricate relation to expectations and perceptions. This relationship is pivotal and revealing in the quest to understand and enhance user experiences within public services, including the Judiciary.

In the realm of Judiciary services, where the demographic breadth of users spans a broad spectrum, there is a particular necessity to frame satisfaction questions as clearly as possible. This practice ensures that all users, irrespective of their legal acumen or familiarity with judicial processes, can provide meaningful feedback. Direct questioning, with its straightforward inquiries such as "Were you satisfied with the services you received?" fulfills this requirement by providing clarity and minimizing the cognitive load on respondents (FGV, 2019).

In a study conducted by Aavik (2018), a CEPEJ expert, a survey was developed among users of Courts and lawyers to measure satisfaction with the service on a Likert scale (the research was developed in Kosovo). Another survey conducted in the USA (IAALS, 2021) tried to understand Justice and satisfaction by 10.058 people. The user of the Judiciary was asked about their legal problems, especially how the problems were solved, including the quality of the services provided.

The development of the model, presented in the next subchapter, is predicated on the premise that the citizen's perspective is indispensable in evaluating the Judiciary. By incorporating the lay public's viewpoint, the Judiciary management can gain a multidimensional understanding that can contribute to the improved management of the Judiciary.

Incorporating citizen opinions has the potential to catalyze a transformative change in Judiciary administration. It would provide a broader spectrum of insights and be the foundation for pioneering a novel evaluative index. This index would be uniquely positioned to capture a more holistic measure of Judiciary service quality, encompassing factors that may take time to be evident to professionals deeply embedded in the legal system.

The implications of such a citizen-centric evaluation model are profound. It promotes transparency and accountability within the Judiciary by foregrounding the importance of

citizens. Additionally, it democratizes the evaluation process, thereby enhancing the legitimacy of the Judiciary in the public eye and fostering a more engaged and informed citizenry.

Moreover, the integration of citizen feedback into judicial management processes could contribute significantly to the development of targeted interventions aimed at service enhancement, like Judiciary services and the innovation of communicative strategies. It also would enable the Judiciary to identify new gaps in service delivery and user experience, thereby paving the way for strategic improvements that resonate with the needs and expectations of the general population.

In essence, a model that centralizes citizen opinion has the transformative capacity to recalibrate the performance indices of the Judiciary, ensuring that service quality is not only measured by the standards of legal experts but also by the nuanced perceptions of the citizenry it is designed to serve.

3.5.1 Research hypothesis and conceptual model

The studies, as mentioned earlier, utilized variables such as service quality, knowledge, trust, satisfaction, the interrelation among democratic powers, the evaluation of the Judiciary's functioning, as well as affective factors such as feelings and motivation. Additional variables included the number of cases per judge, case overload per lawyer, process efficiency, and the duration and timeliness of legal proceedings. Among the variables analyzed, it was stressed the importance of knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary (Patterson, 2009; Aiavik, 2018; Desta, 2019; FGV, 2019; Cunha et al., 2021; IAALS, 2021).

As seen, knowledge of the Judiciary is a recurrent study variable (FGV, 2019). The authors, like Staats et al. (2005), believe that only users should be able to evaluate; more than that, experts or those who know the laws should have the right to evaluate the Judiciary. Citizens say this author is considered biased. The judges' decisions, for example, could influence their opinion.

Therefore, this thesis also tests the importance of the citizen's gap in knowledge about the functioning of the Judiciary. Citizen can also be able to perceive quality or even express their opinions based, for example, on experience, the difference between expectation and results, and also the level of information they have about the Judiciary.

Some international barometers (FGV, 2019; WJP, 2019; EU Justice Scoreboard, 2020; Latinobarometro, 2020) use the citizen's trust perception. Sometimes (EU Justice Scoreboard, 2020), they study confidence in the system; others (WJP, 2019; FGV, 2019) test trust in institutions or magistrates, for example. Therefore, the variable trust or confidence is recurrent in several studies and barometers (Murillo, 2014; Desta, 2019; WJP, 2019; FGV, 2019; Cunha et al., 2021).

For the Legitimacy theory, laws and rules can only function if people find them legitimate or even trust the system (Voeten, 2013). If citizens trust the Judiciary, there is an impact on how they evaluate it. The power can only be legitimate if approved or sanctioned by the citizens (Claasen & Roloff, 2012).

Trust is a variable customarily used to understand if the citizen believes in institutions and, with the Judiciary, it should not be different. FGV (2019) and Cunha et al. (2021) respondents, citizens, and experts are questioned about trust in the Judiciary. The respondents were asked if they trust the institutions and judges, for example.

Present evaluations in different countries, such as the US (US Courts, 2020), have essential inputs from public servants and users. They even measure if citizens trust the Judiciary as a whole. There is no need to understand laws and regulations to have an opinion about the Judiciary because they are essential stakeholders (Freeman et al., 2007).

Social Power theories, as presented before, also understand that the essential stakeholder should be considered (Simon, 1956; Dahl, 1957; Emerson, 1962; Foucault, 1999).

As has been seen before, Patterson (2009), Desta (2019) and Moura e Sá et al. (2021) used the SERVQUAL or SERVPERF scales to measure the perception of the quality of the services provided by the Judiciary. Chatterjee and Suy, (2019) stressed the relation of citizen satisfaction with the quality of public services in light of the expectancy disconfirmation paradigm. They presented a model that provides information about the relationship among expectations, perceived service quality/performance, disconfirmation, and satisfaction.

Vigoda-Gadot (2006, p. 16) 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 governance into more tangible reactions toward government and the political system."

On the other side, Miller (2013) states that it is tough to understand citizen's preferences, especially using elected politicians, and imagine the ordinary people in the context of the Judiciary. So, considering what the experts on the Judiciary say, asking directly and simply that

the citizens are satisfied with the Judiciary could be an essential way to capture overall satisfaction with the Judiciary.

Drawing upon the literature previously referenced, it becomes apparent that knowledge, trust, and satisfaction are not merely related variables but are indeed part of an intricate nexus essential to comprehending citizen evaluations of the functioning of the Judiciary. It could be seen in Chapter Two that countries such as Brazil, Germany, Portugal, the UK, and the USA have a variety of indicators, primarily objective measures, that help them evaluate, regulate, and manage the Judiciary. They hardly ever use variables connected directly to the citizen.

The model proposed in the thesis includes a set of six hypotheses.

Hypothesis 1: This hypothesis is derived from the discussion about the relationship between trust in the Judiciary and satisfaction with the Judiciary. The debate across the area of public service relates trust with satisfaction in different areas (Lanin & Hermanto, 2019). Democracies are all impacted by a declining level of trust in government and public institutions (Nye, Zelikow & King, 1997). Surveys made in the United States and many European countries support this statement (Lanin & Hermanto, 2019). Trust is essential because it enables the Government to act without coercion for decisions taken (Gamson, 1968).

OECD countries are increasingly monitoring the performance of the public sector analyzed by citizens, applying concepts of client satisfaction surveys or other large-scale citizen surveys (OECD, 2001). For example, in the USA, there is a measure called the American Customer Satisfaction Index that combines measures of 64 federal agencies. Other examples include the Canadian Common Measurements Tool (Schmidt & Strickland, 1998), The UK People's Panel (Boddington & Coe, 2000), Central Europe (Sigma, 1998), and many local initiatives.

Globally, instruments such as the World Values Survey and European Values Study, complemented by the Eurobarometer and the European Social Survey, are utilized to monitor evolving trends in satisfaction with and trust in government institutions (Reif & Inglehart, 1991; Niedermayer & Sinnot, 1995; Saris & Kaase, 1997). Additionally, the assessment of client satisfaction is a critical component of the quality assessment framework developed by the European Foundation for Quality Management (EFQM).

Empirical studies demonstrate a positive correlation between satisfaction and trust. Kampen, Maddens, and Vermunt (2003) identified a significant relationship between public service delivery satisfaction and governmental trust. Similarly, Van Ryzin, Muzzi, and Immerwahr (2004) reported robust connections between overall satisfaction with local public services and trust in governmental institutions. However, Van de Walle, Kampen, and

Bouckaert (2005) provide evidence that a general attitude toward the Government may cause an association between satisfaction and trust. Other authors have also noticed this process of generalization. There is a common factor behind the evaluation of institutions that are related to Government (Stipak, 1979; Loveless, 1997; Uslaner, 2002).

In the referenced studies, the nature of the relationship between public perception and trust is a significant point of investigation. Conventional wisdom suggests that trust is more readily eroded than established. Despite the intuitive appeal of this notion, empirical substantiation is not abundant. However, some empirical support is offered by the work of Van Ryzin and colleagues (2004), who discovered that in the context of New York's public services, the highest-rated services contributed minimally to the overarching assessments of quality and satisfaction. In stark contrast, the lowest-rated services played a substantial role as determinants of the overall perceived quality and satisfaction, indicating that negative evaluations have a more pronounced impact than positive ones on the general perception of service quality. However, as these authors explain, this effect may be due to the particular rating scales used in the study that have caused skewness and lack of variability in their data.

Lanin and Hermanto (2019) and Kampen, Van de Walle, and Bouckaert (2006) assess the relationship between satisfaction with public service delivery and trust in the Government. The authors verify how public trust is related to satisfaction with the service, and usually, the more people trust, the more satisfied they are with the services. What these studies are implying is the relationship between satisfaction and trust in other areas.

As for evaluating the functioning of the Judiciary, Cunha et al. (2019) indicate that trust is essential to understanding how people perceive the Judiciary. The author builds a study with qualitative research that aims to understand the feelings of the citizens about the Brazilian Judiciary. Cunha et al. (2019) portray citizen trust in the Judiciary, indirectly measuring how these institutions fulfill their function, indicating signs of the quality of the Judiciary. Two steps measure the index bult in the study: Perception index, the opinion of the citizens about the Judiciary and how the service is provided; Behavioral index, identified if the citizen uses the Judiciary to solve conflicts. The analysis proceeds on the premise that citizens' trust in the Judiciary influences their satisfaction with the quality of judicial services rendered. Mizrahi, Vigoda-Gadot, and Nissin (2022) scrutinize the precursors to trust in the Judiciary, challenging the dominant perspective that procedural justice singularly accounts for trust in judicial institutions. They also critically examine outcome-focused theories that underscore the significance of distributive justice and the influence of court decisions on trust. Their research

advocates for a theory centered on outputs, incorporating public perceptions of the Judiciary's efficacy and performance as critical factors influencing trust.

Additionally, the study integrates the concept of interpersonal trust as an influential independent variable. The findings reveal that both output and process factors play significant roles in cultivating trust in the Judiciary, with the impact of output factors—specifically, public perceptions of judicial performance—proving to be more substantial than that of process variables. Belief or trust in the Judiciary is implicit in the analysis, as they measure the scale of quality of the service. Staats et al. (2005) identify five dimensions: 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. Among the variables, accountability can be related to trust in the Judiciary and effectiveness regarding quality. So, even in types of evaluation that do not directly mention satisfaction with the Judiciary and trust in the Judiciary, it can be presumed that the concepts are being debated. Therefore, based on the literature indicated, the hypothesis is as follows:

H1. There is a positive relationship between trust in the Judiciary and satisfaction with the Judiciary. Therefore, the more they trust in the Judiciary, the more they will be satisfied with the Judiciary.

Hypothesis 2: This hypothesis is connected with the debate about the importance of the knowledge of evaluating the Judiciary (Staat et al., 2005) and how the knowledge is related to the satisfaction with the functioning of the Judiciary. Analyzing the topic in different fields, education, and healthcare, for example, are reference institutions about the relationship of citizens' perception with the experience in public service. Satisfaction with the services is considered an outcome of the ability of the state to produce and deliver services. Usually, surveys being conducted in countries have as respondents the users of the system (OECD, 2017). The precondition for participating in the research is having already used the system, meaning having some level of knowledge, even if as only a user. Satisfaction can be termed as a post-consumption evaluation of the quality of services (Anderson & Sullivan, 1993). It refers to a psychological state that develops upon experiencing a service and juxtaposing it with prior experiences (Oliver, 1980). Therefore, satisfaction is positively related to the perception of the performance; in a way, the user already has previous experience with that service, meaning they tend to compare.

Satisfaction could be a benchmark for assessing the performance of services alongside managerial metrics. According to Roch and Poister (2006), there is a positive correlation between higher subjective evaluations of service quality and levels of satisfaction.

Julian Le Grand (2007) posits a compelling argument that the knowledge individuals possess regarding service provision plays a pivotal role in shaping their satisfaction with public services. Knowledge influences users' perceptions across multiple dimensions—fairness, efficiency, and responsiveness—which are satisfaction components. Le Grand articulates that when individuals are informed about the availability, nature, and quality of public services, they are better equipped to make choices that align with their needs, thus enhancing their satisfaction with the services they receive. In this sense, it could be said that there is an implicit notion that some knowledge is connected with service satisfaction.

Staats et al. (2005) argue the importance of knowing the Judiciary to construct a correct assessment of the Judiciary. In their scenario, only those involved directly with the functioning of the Judiciary, such as lawyers, judges, and public servants, can correctly assess the quality of the services provided. The other authors (Patterson, 2009; Murillo, 2014; Desta, 2019) also analyze the Judiciary using respondents who are well acquainted with the service provided or users. In some studies, regarding the evaluation of the functioning of the Judiciary, such as FGV (2019), they include in the analysis the concept of citizens who are also not users of the Judiciary. Hence, the hypothesis may be articulated in the following manner:

H2. There is a positive relationship between knowledge of the Judiciary and satisfaction with the Judiciary. So, the more they know about the Judiciary, the better satisfied they will be.

Hypothesis 3: This hypothesis is derived from the debate about satisfaction with the Judiciary and evaluation of the functioning of the Judiciary. In order to evaluate the Judiciary, the authors (Patterson, 2009; Murillo, 2014; Desta, 2019) often relate the perception of quality with the services and evaluation of the functioning of the Judiciary. In their study, Gayatri, Astuti, Martdianty, and Daryanti (2009) embark on a threefold evaluation: firstly, they assess the perceptions of consumers of public services with the quality of services provided by the government; secondly, they gauge the value that consumers perceive derive from these public services; and thirdly, they measure the level of consumer satisfaction that stems from the quality of services rendered by local governments in three distinct regions on the island of Java. The research relates directly the evaluation of public service to satisfaction with the service being provided.

In their seminal study, Cronin and Taylor (1992) elucidated the intricate relationship between perceived service quality, the evaluative processes employed by consumers, and the resultant level of customer satisfaction. Their research was pivotal in establishing that the quality of service, as assessed through the customer's lens, is intrinsically linked to and a powerful predictor of customer satisfaction. This connection has further been substantiated through the development and validation of the SERVPERF scale, which posits that the performance-only component of service delivery should measure service quality. Their findings have profound implications for service management, suggesting that organizations' efforts to enhance service quality will likely be rewarded with increased customer satisfaction. Dabholkar, Shepherd, and Thorpe (2000) also discovered that customer satisfaction is strongly mediated by the effects of service quality on behavioral intentions. Empirical findings in the literature on service quality or evaluation of the service and satisfaction showed that these variables are strongly related (Anderson & Sullivan, 1993; Cronin & Taylor, 1992, 1994).

Menezes et al. (2022) indicate in their study that evaluating public services has become an essential task to direct actions that may positively affect the quality of the service the Governments provide. In order to undertake an adequate evaluation, it is necessary to analyze data and information that could impact the services. Many studies have been proposed to measure the quality of service of an organization according to the stakeholders' expectations (Aghamolaei et al., 2014; Musah et al., 2015; Ogunnowo et al., 2015; Govender, 2016). The authors' work investigates approaches for evaluating public services from users' perspectives. The objective is to pinpoint and delineate the instruments and tools based on evaluation and utilized in assessing services. One of the main characteristics in evaluating public services is the aspect of service satisfaction. In this sense, several authors have developed an evaluation-based approach that can be adapted to different situations. They may vary depending on the perspective used, the goal of the assessment, and even the context of the object of study (Menezes et al., 2022). Satisfaction is one of the most used dimensions to assess the performance of public services. The popularity of this dimension is because the studies evaluate public services from the perspective of the user; therefore, in general, they assess user satisfaction. Sigwejo and Pather (2016) argue that satisfaction can be an essential indicator of the effectiveness of digital public services. Service quality is also an important trait mentioned in public service research (Menezes et al., 2022). In the concept of evaluation of the functioning of the Judiciary proposed by Staats et al. (2005), they also indicate that satisfaction with the services provided can be related to the actual evaluation of the functioning of the Judiciary;

usually, higher levels of satisfaction mean better evaluation of the functioning of the Judiciary. Therefore, it can indicate the hypothesis as follows:

H3. There is a positive relationship between satisfaction with the Judiciary and evaluation of the functioning of the Judiciary. Therefore, satisfied users usually do a better evaluation of the functioning of the Judiciary than nonsatisfied users.

Hypothesis 4: This hypothesis is connected with the debate about trust in the Judiciary and its relation to the evaluation of the functioning of the Judiciary. Broadening the discussion on trust and the assessment of government or public service, it becomes evident that below-average performance, or even the impression of such, tends to cultivate negative sentiments toward governmental bodies (Bok, 2001). This phenomenon underscores a broader pattern wherein negative evaluations, whether based on direct experience or perceived ineffectiveness, can significantly erode public confidence and goodwill. Such outcomes not only reflect dissatisfaction but can also influence future interactions and the overall trust in public institutions. This nexus between performance perception and attitude toward government highlights the importance of maintaining high service delivery standards and transparent evaluation mechanisms to uphold and foster public trust. Usually, the more people trust the government, the better the evaluation they make of the government (Sims, 2001).

Many authors have noticed a process of generalization. It seems that there is a common factor behind the evaluations of institutions related to government (Loveless, 1997; Mishler & Rose, 1997; Uslaner, 2002; Norén, 2000). By generalization, it is conceived that the attitude towards government refers to one amorphous unity. In most surveys, respondents are shown a list of institutions, and they are asked how much trust they have in each institution separately. It turns out that not all of these trust opinions correlate perfectly and that some clusters can be found in the list. People tend to trust institutions that have similar functions. For example, if they trust in a public institution, they tend to trust in all public institutions. Even though there are differences, trust in one institution often means trust in all institutions (Elchardus, 1998). It means that trust and evaluation are related, and people tend to generalize the notion of trust in governmental institutions. Evaluation of public service is also connected with the quality of the service and user satisfaction, as debated in the previous hypothesis.

According to Cunha et al. (2017), citizens who trust the Judiciary are more satisfied with the quality of the service provided and will evaluate the Judiciary in a better way. Global indices, such as those from the World Justice Project (WJP, 2019) and Latinobarómetro (2020),

suggest that trust in the Judiciary is a hallmark of robust democracies, closely linked to the quality of institutional performance. Thus, the hypothesis may be articulated in this way:

H4. There is a positive relationship between trust in the Judiciary and evaluation of the functioning of the Judiciary. So, the more trust in the Judiciary, the better will be the evaluation of the functioning of the Judiciary.

Hypothesis 5: This hypothesis is related to the debate about the importance of knowledge in the evaluation process of public services. Services like healthcare, water supply, public security, education, and access to the Judiciary are considered essential and constitute a fundamental human right. The delivery of such services is essential for ending poverty and developing social and economic goals (United Nations, 2015). There is a growing recognition that to improve public service delivery, more is needed to concentrate merely on supply-side mechanisms. There is also a need to capacitate the demand side of service delivery by ensuring that the citizens who can use or be affected by the public services are informed of their rights and are enabled to assert their entitlements by scrutinizing the quality of public services and demanding accountability from government bodies and service providers (OECD, 2017). In a way, there is a movement to further inform the citizens about services provided by the state, meaning that knowledge is essential to evaluate a better understanding of the functioning of the public system (Menezes et al., 2022). There are also some studies about the evaluation of the public sector, indicating the need to analyze user perceptions (Elchardus, 1998; Menezes et al., 2022).

Global instances have shown that the dissemination and utilization of performance data concerning service providers by entities within both governmental and non-governmental spheres can significantly enhance public transparency and accountability. This enhancement, in turn, cultivates and contributes to elevating quality benchmarks in providing services (OECD, 2019). Having information about the service quality, understanding performance, and having the user citizen evaluate the service is essential for improving the management and the services (Menezes et al., 2022). Reports made by the OECD (2015, 2017, 2019) indicate that the increase in the level of education contributes to more well-informed citizens and could be an essential factor in the process of improvement of public service. Although knowledge of public service does not need to be profound, at some level, it is necessary to evaluate public services (Van de Walle, 2003). In every area of expertise, education, healthcare, and public security, some experts can evaluate and improve the management of public service, but what the reports show is that user satisfaction or even user evaluation is essential to create a feedback

loop system for improvement or enhancement of public service. Some studies (Patterson, 2009; Murillo, 2014; Desta, 2019) indicate that it is essential to evaluate the Judiciary's knowledge about it because they use the users' perception or those who have a daily relationship with the Judiciary. Other authors like Staats et al. (2005) say it is essential to know how the Judiciary functions and the rule of law. Considering what was presented before, the hypothesis is described as follows:

H5. There is a positive relationship between knowledge of the Judiciary and evaluation of the functioning of the Judiciary. Therefore, more knowledge about the functioning of the Judiciary better evaluates the functioning of the Judiciary.

Hypothesis 6: This hypothesis is supported by the debate about the possible relation between trust in the Judiciary and knowledge of the Judiciary. According to Mack, Roach Anleu, and Tutton (2018), the interviews suggest an overall judicial perception that public attitudes rely on information and an absence of accurate information or, worse, wide circulation of inaccurate claims may negatively affect public confidence. They believe that accessible, reasoned information about specific judicial decisions and the court's work generally is an essential route for the Judiciary to enhance public confidence. Usually, those who have knowledge of the public service and their functioning tend to trust more (Van de Walle, 2003). The author adds that there is a relationship between public sector performance and citizens' attitudes towards government (including trust, support, and perceptions). The author further debate:

> do citizens have a negative perception of government because its services do not work properly, or do citizens evaluate government administrations and their performance in a negative way, because their image of government in general is a negative one? (Van de Walle, 2003, p. 2).

Although studies do not have a firm conclusion on whether knowledge of public service and trust in public service have positive or negative relations, they indicate that the relation is present and often positive. The more knowledge, the more trust (Van de Walle, 2003). Cloete (2007, p. 1) have:

> the assumption that a citizen well-informed about the policy problems identified by government and about the government's strategies for dealing with those problems would potentially have more trust in a government if those strategies are perceived by the citizens to be the best to protect and promote their interests under the circumstances. The interaction between government and citizens on the basis of this

> information and the responsiveness of government to optimize its public services delivery outputs and outcomes within the constraints it faces, has the potential to improve trust in government.

When applying this notion to the Judiciary, this debate is also present in Cunha et al. (2017), which discuss the perception of trust and how this affects the evaluation of the functioning of the Judiciary. Meaning that maybe there is a connection between the degree of familiarity with the Judiciary and how the Judiciary's trust is perceived. Therefore, the hypothesis can be described as follows:

H6. There is a relationship between knowledge of the Judiciary and trust in the Judiciary, although the sign of the relationship needs to be clarified.

Hence, this thesis introduces a theoretical framework, depicted in Figure 3.5, crafted to scrutinize the functionality of the Judiciary through the prism of citizen perceptions. At the heart of this framework is the dynamic relationship between the citizens' knowledge about the Judiciary, their trust in the institution, and their overall satisfaction with its operations. This model synthesizes empirical evidence and theoretical principles to construct a comprehensive new model for examining the Judiciary's performance as perceived by the populace it is designed to serve.

The directions of the relation among the variables are shown in the diagram, although it can be found different relations of causality (other directions for the arrows).

The model uses sociodemographic variables like age, gender, level of education, family income, region, and user/non-user. Each sociodemographic variable can indicate differences among the groups, observing the impact when considering each case. The result chapter describes some tests that take into consideration those variables. The objective was to verify, for example, if, in different regions of the country, there were differences regarding the main variables of the model.

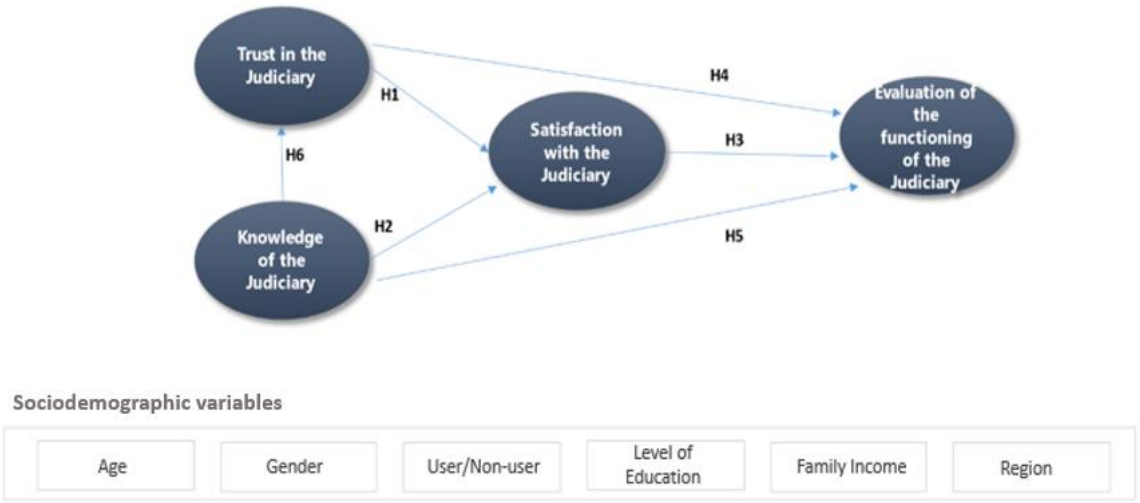


Figure 3.8 Conceptual Research Model

Chapter 4 Research Design

This chapter presented the research design and how it answered the central question of the study: How can the Judiciary be evaluated using citizen perception? The research design is based on the concept proposed in the literature review that the citizen is one of the most important actors to be considered when evaluating public service. The model was proposed to show that it is possible to evaluate the Judiciary using citizen perception by testing knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary as explanatory variables to this evaluation.

This chapter is divided into Research Problem, Research Strategy, Study Population, Data Collection Methods, Sample Characterization, and Data Analysis Methods.

To understand the methodology, following the steps shown in Figure 4.1 is essential. First, the philosophies that lead to specific approaches, methodological choices, strategies, time horizons, and techniques and procedures (data collection and analysis) were chosen.

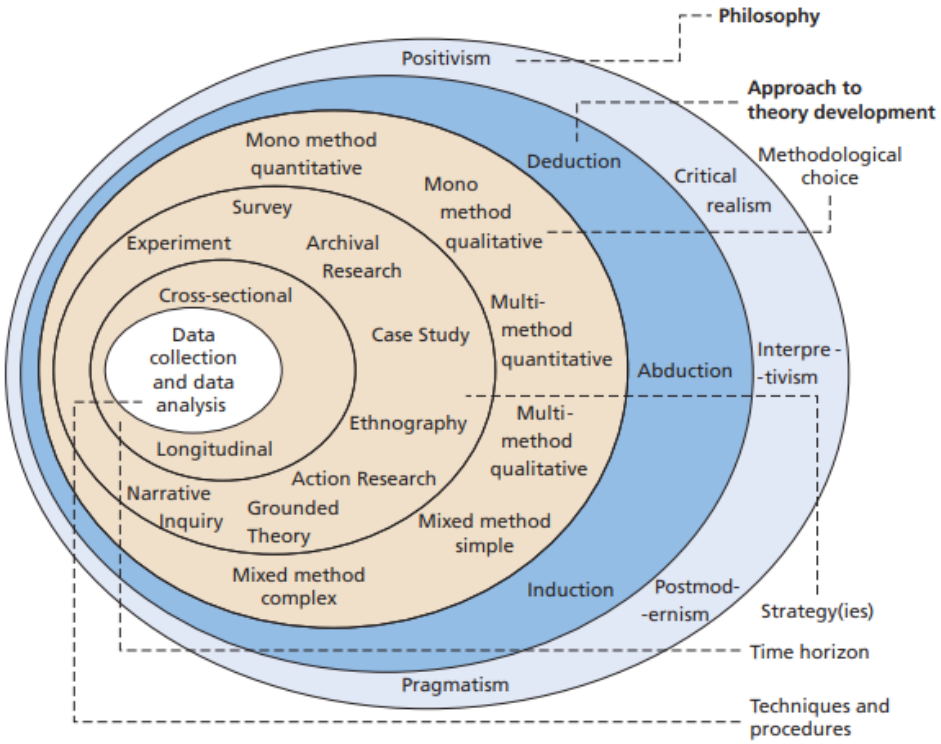


Figure 4.1 Research Onion

Source: Saunders et al. (2018, p.108)

4.1 Research problem

As previously exposed, the main objective of this thesis is to include the citizen as an actor in the process of evaluation of the functioning of the Judiciary. In order to improve the evaluation, it is essential to have insights from citizens. The literature review presented theories regarding Legitimacy, Stakeholder, and Social Power that indicate the citizen as one of the most critical actors when talking about the evaluation of the functioning of the Judiciary in a democratic era (Lebrun, 1999; Freeman et al., 2010; Deegan, 2014).

The state of the art of the subject evaluation of the functioning of the Judiciary was presented in order to understand the main variables used to evaluate. In various studies (Patterson, 2009; Desta, 2019; FGV, 2019; Cunha et al., 2021), objective and subjective measures were studied.

In this thesis, the author, actively engaged in research conducted by the Fundação Getulio Vargas (FGV) in 2019, seized the opportunity to conduct interviews (10 in total) with seasoned professionals, including sitting judges within the Judiciary. These discussions were centered around the pivotal variables to be integrated into a novel model designed to evaluate the Judiciary through the prism of citizen perception. The interviews were conducted in an open-ended manner, eschewing a rigid questionnaire format and fostering an environment conducive to in-depth dialogue.

Key points of discussion encompassed the identification of critical variables for the model, the balance between complexity and simplicity in its design, and the types of models that the Judiciary would readily adopt. It is crucial to note that these interviews were not used to forge analytical categories; instead, they served as a wellspring of insight for identifying salient variables integral to the new model's development.

The consensus among the experts was that the model should be parsimonious, incorporating only a select few variables to ensure clarity and usability within the Judiciary. Simplicity was championed to facilitate the Judiciary's comprehension and practical application of the model. Additionally, the experts underscored the importance of cost considerations, acknowledging the Judiciary's fiscal constraints regarding implementing such evaluative frameworks. Consequently, the recommendation was to employ a concise and targeted set of questions to yield a direct measure of judicial evaluation.

One expert remarked, "A model that is as simple as possible, with few questions and minimal expense, is the optimal route for adoption by the Judiciary, particularly at the outset of

the evaluation process." Another expert emphasized the citizen's perspective, whether they are users or non-users of judicial services, stating, "the questions be limited in number, straightforward, and direct." These insights are foundational to the thesis's proposed model, which offers an accessible and efficient tool for gauging public sentiment toward the Judiciary.

The chosen variables, to construct the conceptual model, considering the literature and the experts' recommendations, were knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary, as described in Chapter 3.

This approach will help to solve the problem of the citizen not having, until now, a relevant role in the evaluation of the Judiciary.

4.2 Research strategy

This study is dedicated to an in-depth examination of how citizens assess the Judiciary. It specifically investigates the roles played by the citizens' level of knowledge about the Judiciary, their trust in the institution, and their overall satisfaction with Judiciary outcomes in shaping such evaluations. The research adopts a descriptive approach, aiming to elucidate the complex interplay among these pivotal factors.

The analysis will dissect the interactions among knowledge, trust, and satisfaction to understand how they collectively influence the evaluation of the Judiciary's functioning. Through this detailed inquiry, the study seeks to identify and clarify the subtle factors that contribute to forming citizens' views on the effectiveness of the Judiciary. The ultimate goal is to map out the contributing elements that underlie and influence the public's judgment of the Judiciary.

4.2.1 Paradigms of the investigation, approach to theory development and methodological choice

This research primarily adopts a positivist framework, emphasizing empirical evidence and objective analysis. However, it also acknowledges the dynamic interplay between theories and observations, characteristic of post-positivist perspectives. Creswell (2007) has elucidated that post-positivist assumptions have often underpinned traditional claims about the nature of knowledge. This philosophical stance is frequently associated with the 'scientific method' or

conducting 'scientific' research. It is also called quantitative research positivist/post-positivist research and encompasses both empirical sciences and post-positivist methodologies (Creswell, 2007, p. 24). Such an approach recognizes that theoretical constructs and empirical observations can mutually influence each other, suggesting a more nuanced understanding of the research subject. This methodological stance is particularly pertinent in business and administration studies, where the applicability of different paradigms varies based on specific research questions and contextual considerations. Thus, the research embraces methodological flexibility, aligning with business and administrative environments' diverse and evolving nature.

Positivism is a philosophical theory that considers all knowledge derived from experience (Hoque, 2006)—considering only observation and experience as a real contribution and imperative to knowledge. When investigating management, it tends to rely on objective reality and physical evidence (Chua, 1986). According to Hoque (2006), the research that uses positivist theories observes reality as a concrete reality. In positivism, reality exists and must be observed objectively, separating the object from the subject and constructing a neutral science free of personal, ethical, moral, social, or cultural values (Delanty & Strydom, 2003).

The positivist perspective has its fundamental characteristic, the assumption that human facts are similar to facts inherent to nature. It follows from this that social facts can be observed without preconceived ideas. They can be subjected to experimentation and expressed in quantitative terms that would be explained according to general laws (Hoque, 2006). Positivism consists in the observation of phenomena, opposing rationalism and idealism, through the promotion of the primacy of sensitive experience, the only one capable of producing from concrete (positive) data the actual science (in positivist conception), without any theological or metaphysical attributes, subordinating imagination to observation, based only on the physical or material world (Chua, 1986).

Positivism relies on induction, implying that it is possible to generalize from individual behavior (Popper, 1959). Popper (1959) considers that regardless of the number of individual observations carried out, it is unreasonable to transform individual propositions into universals, proposing that scientific theories are not validated but falsified.

The Judiciary and its management should be analyzed with empirical data, using information from those impacted by their decisions. In this perspective, it should also include their stakeholders, namely, the citizen.

Critical Realism (CR) distinguishes between the real and the observable world. The real is not observable and exists independently from human perception (Rutzou, 2016), and the discussion about CR results from the crisis of Popperian epistemology in the decade of 1960 (Popper, 1963). It begins with the works of Thomas Kuhn and Imre Lakatos and progresses, in the 1960s to 1970, with the work of Larry Laudan and, on the other hand, Paul Feyerabend and Richard Rorty (Pheby, 1988; Hausman, 1994; Hands, 2001). Critical Realism (CR) originates from two foundational challenges: (i) the unease regarding elements that are "unobservable" within scientific theories, elements that are often essential for explanatory purposes but are not satisfactorily addressed by Popper's methodology or by logical empiricism; (ii) the epistemic legitimacy of scientific theories, specifically the debate over the extent to which science, as opposed to common sense, can be considered a reliable source of knowledge about the world (Popper, 1983).

There are a variety of realistic currents (Nola, 1988), but one common thread to all is the proposition that there is an objective reality outside the scientist. In other words, a minimum requirement to be realistic is to claim that there are some items objectively, regardless of the theoretical construction of scientists, and that scientific theories represent them (Mäki, 1996, 1998). The importance of this realistic criterion is related to observation (Popper, 1983). The author accepts that scientific activity aims to explain the world, but their notion of explanation is very restrictive.

The proposition of this thesis is to analyze the Judiciary and understand measurable items that exist regardless of the interpretation. There is an objective reality outside our opinions and perceptions about evaluating the functioning of the Judiciary. In addition, using a positive methodology, objective measures are used to understand the perception of the evaluation of the functioning of the Judiciary. Although there is room for interpretation, it has an objective reality apart from that.

Interpretivism involves interpreting elements and acknowledging differences between people. The variation of interpretivism includes Hermeneutics, a philosophy of interpretation and understanding; Phenomenology, which intends to understand the phenomena by experiencing; Symbolic interaction, which accepts symbols as important and significant (Croty, 1998).

A positivist approach, through an allegedly value-free observation, seeks to identify universal characteristics of humanity, society, and history that offer explanations and, therefore, control and predictability. In contrast, the interpretive approach seeks interpretations of the

world historically situated and derived from culture (Crotty, 1998). Interpretivism considers that reality does not have meaning, which occurs through the interaction between this reality and the human being. Accordingly, the epistemology of interpretivism is based on constructionism: meanings that cannot be discovered are instead constructed by the subjects. This position does not deny the ontology of realism; that is, reality itself exists, and it simply has no meaning before its iteration with humans. Objectivity and subjectivity must unite and thus maintain indissolubly (Crotty, 1998).

Interpretivism is also an empiricist paradigm as it needs to collect data for interpretation. However, it distances itself from the traditional empiricism associated with positivism since it considers that there are no value-free observations (Chua, 1986). In the interpretation of data coming from citizen regarding the Judiciary, it is crucial to consider the objective data but also the interpretation that citizen or specialist makes of the evaluation of the functioning of the Judiciary. Their thoughts and opinions can be expressed by interpreting the objective data. In this way, interpretivism is not normative since it does not aim to propose changes but rather understand human actions within a social context (Chua, 1986)

Pragmatism understands that knowledge is inseparable from agency within it (Rosenthal, 2002). In other words, everything should be experienced. These pragmatists focused significantly on theorizing inquiry, meaning, and the nature of truth. According to Rosenthal (2002), classical American pragmatism, led by philosophers such as Charles Peirce, William James, John Dewey, G. H. Mead, and C. I. Lewis, establishes that the search for scientific knowledge is an effort through which the essential characteristics of all knowledge are expressed "in a broader magnitude," and the search for scientific knowledge shares the characteristic that the organism-environment interaction involves habits of anticipation of a "next experience to come" (Rosenthal, 2002, p. 8).

Pragmatism constitutes a method to clarify concepts, defending empiricism in the theory of knowledge and utilitarianism in the field of value (James, 1974). Pragmatism is the doctrine according to which ideas are instruments of action, which are only valid if they produce practical effects. Pragmatic theory values practice more than theory and considers that it should give more importance to the consequences of the effects of action than to its principles and presuppositions. Objectively, pragmatism maintains that the criterion of truth must be found in the effects and consequences of an idea (James, 1974). For pragmatism, science must be both inductive and empirical, and philosophical hypotheses must be functional, although they do not necessarily need to be true since truth is an evolving concept (Rosenthal, 2002). A proposition

is considered trustworthy as it can guide a man in the surrounding reality and lead him from one experience to another. Truth is not rigid and permanent; on the contrary, it constantly changes and expands.

Many of the studies in business and administration, particularly those related to management processes, are increasingly oriented toward practice and functionality. Emory (1980) observes that while the sciences seek knowledge as an ultimate end, management research is oriented toward a diagnostic situation. In this condition, the main objective of the search for knowledge is the solution of pre-existing practical problems. Pragmatism is the doctrine according to which ideas are instruments of action, which are only valid if they produce practical effects (Rosenthal, 2002). Therefore, our choice of pragmatism can be explained by the need to seek a different perspective from citizens.

The present research has chosen to use the positivism paradigm to use hypotheses to test the relation between satisfaction, trust, and knowledge in evaluating the functioning of the Judiciary.

The structure of this thesis follows the sequence associated with the positive paradigm: objectivism, positivism, inquiry investigation, and statistical analysis (Crotty, 1998). This investigation seeks, through collecting, many empirical observations, regularities, universals, and causal relationships.

This research initially adopts a positivist approach, utilizing quantitative methods to gather data on citizens' perceptions, using questionnaires and statistical analysis tools to achieve an objective and measurable understanding of these perceptions. However, considering the complexity of the Judiciary and the role of contextual and subjective factors, a post-positivist perspective also becomes relevant. Post-positivism, rooted in a deterministic philosophy, suggests that causes will likely determine effects or outcomes. Researchers within this paradigm focus on exploring the causes that influence outcomes. Therefore, in acknowledging the intricacies of the Judiciary, this research also embraces a post-positivist stance. This perspective entails a reflective examination of how contextual variables, such as the social and political environment and the individual experiences of respondents, might shape the interpretation of the quantitative data (Creswell, 2007).

As proposed by Saunders et al. (2018), the second choice it has to make is regarding the approach in the research. The choice for positivism leads to using the deductive method, elaborating the theory on evaluating the functioning of the Judiciary to propose a hypothesis for the study.

The deductive approach develops a hypothesis based on a set of existing theories. After that, it develops a research strategy to test the hypothesis. The deductive approach is based on deducting conclusions from propositions (Chua, 1986). In general terms, the deductive method is a type of approach method that starts from a generalization for a particularized question. In other words, it is the method that uses logical reasoning to reach a more particular conclusion based on general principles and prepositions (Croty, 1998). It consists, therefore, of drawing a particular conclusion from a general truth. This logical reasoning made this method used by more formalistic researchers. In short, the method is based on syllogisms: it starts from a central premise, moves on to a minor premise, and arrives at a particular conclusion. The central premise can be called an axiom, and the minor premise can be called a theorem.

Deductive method: rational method that bases its assumption on the notion that reason is the only way to arrive at actual knowledge; uses a top-down way of thinking, from general to particular analysis, to conclusion; also using the syllogism: from two premises a third logically resulting is taken (Chua, 1986).

There are six methodological choices: Mono-method quantitative, mono-method qualitative, mixed method quantitative, mixed method qualitative, mixed method simple, and mixed method Complex.

The mono-method is composed of one method for the study. The mixed method is settled on the use of two or more methods of research and commonly refers to the use of qualitative and quantitative methodology. Finally, the multi-method uses different types of methods.

There are two most crucial research methodologies: quantitative and qualitative. Quantitative and qualitative can also be combined to produce a third way of investigation. The quantitative method is based on a statistical type of analysis. Qualitative methods are based on the descriptive narrative for data analysis (Berríos & Lucca, 2006). The research question influences the choice of methodology. Cooper and Schindler (2006, p. 59):

> Categorize management questions into three broad categories: "(1) choice of purposes or objectives, (2) generation and evaluation of solutions, and (3) troubleshooting or control situation."

The "notion among scholars that the traditional scientific method is the best, if not the only, legitimate way to conduct scholarly research" prevails (Gerdes & Conn, 2001, p. 1).

> The scientific community has developed clear guidelines and procedures for implementing quantitative methods. Quantitative, similar to the word quantity, implies using numerical data. So, quantitative methods rely on experiments and

surveys to collect measurable data such that statistical processes can be applied (Creswell, 2003, p. 4).

A significant advantage of quantitative methods is that the results are usually generalizable to larger populations.

The present work used mixed quantitative methods. Start with a survey and descriptive statistics. Then, using the parametric tests (t-test and ANOVA or Welch), and in order to test the robustness of the results, the non-parametric tests (Mann-Whitney and Kruskal-Wallis) and Structural Equation Modeling (SEM). First, the equality of means was tested in a more direct way to understand if there is a difference among groups considering variables: knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. The test of the hypotheses and validation of the model was made with SEM (Hair, Black, Badin & Anderson, 2010).

It is important to note that for the formulation of the research design and throughout the entire duration of the investigative process, the author of this thesis was under the guidance and supervision of eminent experts on judicial matters, as well as esteemed judges from the Brazilian Judiciary, most are academics of the Getulio Vargas Foundation (FGV). Due to the stipulations of the General Data Protection Law, these individuals are referred to within this document as "experts" and "magistrates" to ensure compliance with privacy regulations and to maintain the confidentiality of their identities.

4.2.2 Brief description of the Brazilian Judiciary

The Brazilian Judiciary is composed of 90 Courts, distributed in a hierarchy of competencies, with the Supreme Federal Court (STF) at the top, responsible for controlling the conformity of the judicial decisions of the country's Courts with the Constitution, in addition to other vital attributions. The STF is the guardian of the Constitution. In a hierarchical instance below comes the Superior Court of Justice – STJ, which has the task, among others, of equalizing the decisions of the different Courts, whether federal or State. The STF and STJ are called higher Courts. As the two Courts mentioned, the Brazilian Judiciary has three other Courts: Electoral (TSE), Labor (TST), and Military (STM).

The Federal, Electoral, and Labor Regional Courts are also part of the Judiciary, the Courts of Justice of the States, and the Federal District.

The Judiciary has a total budget of R$ 103,9 billion reais per year and has, in the first degree of the Judiciary, 14,799 judicial units. There are 18,035 magistrates and 266,338 public servants (CNJ, 2022). The Brazilian Judiciary uses some indicators in order to control efficiency and efficacy by degree of jurisdiction and by stage (knowledge and enforcement) as presented by CNJ:

- New Cases per Magistrate: relates the total number of cases filed for knowledge and extrajudicial execution with the number of magistrates in action, not counting the judicial executions;
- New Cases per Server: relates the total number of processes entered into knowledge and extrajudicial execution with the number of civil servants in the judicial area, not including judicial executions;
- Workload per Magistrate: calculates the average workload of each magistrate during the year. It is given by the sum of the processes downloaded, the pending cases, the internal appeals judged, the internal appeals pending, the incidents running judgments, and pending running incidents. Then, it is divided by the number of magistrates in office. It is worth clarifying that, in the workload, all processes are considered, including judicial executions;
- Workload per Server: same procedure as in the previous indicator, but with the division by the number of employees in the judicial area;
- IPM (Magistrates Productivity Index): computes the average number of cases downloaded by the magistrate in action;
- IPS-Jud (Productivity Index of Judicial Area Servers): computes the average number of processes downloaded per server in the judicial area;
- IAD (Demand Service Index): verifies whether the Court could lower cases at least in the number equivalent to the number of new cases. Ideally, this indicator should remain above 100% to avoid an increase in pending cases;
- Congestion Rate: measures the percentage of pending cases at the end of the base year concerning what was processed (sum of pending and write-offs). It should be noted that, of the entire collection, not all processes can be downloaded in the same year due to the existence of legal deadlines to be met, especially in cases where the process started at the end of the base year;
- Index of Electronic Processes: compares the percentage of processes closed electronically (a division of the total of new electronic cases by the total of new cases,

except for judicial executions);

- Internal Appeal: computes the number of internal resources interposed concerning the number of terminating decisions and sentences handed down; and
- External Appeal: computes the number of appeals sent to the Courts concerning the number of published judgments and decisions.

In addition to the indicators presented, the Brazilian Judiciary has an indicator that measures the comparative productivity of the Courts, seeking to associate the productivity and efficiency of the Courts, called IPC-Jus. This indicator is a function of other indicators and seeks to compare the optimized efficiency with that measured in each Court using the Data Envelopment Analysis (DEA) model.

Data production follows the classic performance evaluation model, reporting inputs, demand (entry door), and response (exit door) in an instrumental performance approach via case flow management, focusing on quantitative results for Courts. Resources (financial, human, infrastructure), the volume of demands, procedural movement times, productivity; and appeal rates are available for each Court, and it is possible to read just some of these indicators per judicial unit and for each judge, such as the volume of new, pending and downloaded cases, and the indices that derive from these data, such as the rate of congestion and the demand-supply rate. These are very general measures that allow little progress towards the proposal of effective measures to improve jurisdictional provision.

The dimensions of the performance evaluation used are those of technical efficiency (productivity), economic efficiency (costs), and speed (time). There are no measures for using evaluation of the citizen.

The CNJ has been using judicial statistics to identify some bottlenecks - applying models such as DEA, which results in the IPC-Jus mentioned above - and has been pursuing an efficient agenda concerned with managing the volume of litigation rather than dealing with its causes.

Brazil has a tradition of producing information about the Judiciary. These data have already been worked on in the 20th century by the Brazilian Instituto of Geography and Statistics (IBGE), which, in some of its yearbooks, provided detailed information on legal proceedings. From the end of the 1990s, stimulated by the modernization process of the State, through the incorporation of paradigms of the new public management and by the creation, in 2004, of the CNJ, the judicial statistics linked to the use of technology gained additional impetus in this area.

The digitization of processes, the use of digital systems for procedural monitoring, and the institutionalization of the Courts' electronic pages are already a reality in the Brazilian Judiciary. However, the focus of technology is to improve the jurisdictional provision or even the analysis, discussion, and production of public policies, enhancing the quality of the service and providing satisfaction and trust to the citizens.

Analyzing the indicators presented by the CNJ, it can be seen that there still needs to be more information regarding the citizens, as well as in other countries. So, Brazil is an excellent country to validate the conceptual model of the new way of evaluating the Judiciary.

4.3 Study population

The study's population was chosen based on the premise that there needs to be more studies using citizens as respondents. Experts, or at least registered users, are responsible for most evaluations considering the Judiciary (Petterson, 2009; Murillo, 2014; Desta, 2019). Other authors like Staats et al. (2005) consider that knowing the Judiciary is essential to understanding its functioning; therefore, to evaluate it, the respondent has to know and understand laws and procedures or interact with the Judiciary regularly.

Nevertheless, theories regarding Legitimacy (Deeagan et al., 2002), Stakeholders (Freeman et al., 2010), and Social Power (Lebrun, 1999) pointed out the importance of considering the citizen as one of the most critical stakeholders. Therefore, his opinion is essential to the evaluation of the functioning of the Judiciary.

Therefore, the present new model was developed considering the perception of the citizens and the penal majority age, which in Brazil is 18 years old and older. As the test and validation of the model will be done with the data collected in Brazil, it is essential to know who the Brazilian person the research interviewed is, so it is recommended to follow the Population Census of Brazil, developed by the IBGE.

According to data from IBGE (2019), the country's total population is estimated at 214.8 million inhabitants. This amount makes Brazil the fifth most populous globally, behind India, China, the USA, and Indonesia. Of the total number of people living in Brazil, 52% (a little more than half) are women, and 48% are men. People between 18+ and 24 years old represented more than 11% of the population. At the top of the age pyramid, with over 60 years old, around 20%. Regarding the level of education, Brazil has at the base of the pyramid, up to the Elementary School, the majority of the population, 53%.

In terms of social aspects, Brazil is experiencing social stratification. A small portion of the population living with wealth and many citizens living in extreme poverty. Brazil has a very unequal income distribution. The average monthly income of those among the wealthiest 5% in Brazil is R$10,313.00. The cut to be in the 1%, that is, with an average income higher than that of 99% of the adult Brazilian population, is R$ 28,659.00. At the pyramid's base, more than 70% earn less than 5 Minimum Wage (MW). With relation to the regions, Brazil has five: North (N), Northeast (NE), Center-West (C-W), Southeast (SE), and South (S). The most populous is the Southeast (43%), and on the opposite side is the Center-West (7%) (IBGE, 2019).

4.4 Data collection methods

The use of secondary data in academic research offers many benefits, greatly enhancing the research process and aiding the proliferation of knowledge in various academic fields. Experts in the field have chronicled the significance and advantages of employing secondary data.
The book Principles of Data Management and Presentation (Hoffmann, 2017) elucidates the cost-effectiveness of secondary data analysis. He emphasizes its strategic value, particularly for researchers operating under budget constraints. Hoffmann further expounds on the myriad benefits of using expansive, nationally representative secondary datasets, which empower researchers to undertake comprehensive and rigorous analyses without the significant financial and time resources necessitated by the collection of primary data. Tegan (2023) has highlighted the role that secondary data plays in the research landscape. He provides a revised and contemporary perspective on the definition and application of secondary research, stressing its importance.

In essence, secondary data stands as a pillar of academic inquiry, providing researchers with a dynamic and economical toolset to broaden the scope and depth of their research endeavors. By capitalizing on pre-existing data, academics can expand their analytical reach, enrich their narratives, and significantly contribute to the academic community's body of knowledge more efficiently and effectively (Hoffmann, 2017).

Nevertheless, it is imperative to approach secondary data with diligence, particularly in data analysis and cleansing, to ensure integrity and applicability to current research questions.

In the same direction, the magistrates suggested using the FGV database as the secondary data − “As we know, there is scarce literature about the evolution of the Judiciary using the citizen’s perception. I recommended using the data from the research of FGV (2019). We

already know about it. I was also interviewed during the research phase. We know the seriousness of it, and this research is one of the most complete and deep research in the field of the Judiciary" (Judge interviewed). Also, the experts recommended using the secondary data from the FGV study: "In the future, it is essential to think about the generalization of the research in order to verify the validation in other countries, and I advise using the database of the FGV study. It is complete, and it was researched in all regions of Brazil that are economically and demographically very different." (expert).

Using secondary data from the FGV study was important because it allows us to use data representative of the Brazilian population and not just the citizens registered in the Judiciary database. When carrying out studies whose data comes from the Judiciary's databases, an extremely harmful bias may occur, considering respondents from a restricted social segment different from the universe of society that should evaluate the Judiciary. See, for example, what the perception study about the Judiciary, recently produced by the CNJ (2023), says:

> "An important caveat of this research concerns the lack of statistical representativeness of the study, given the research format carried out via voluntary access electronic forms. Therefore, the respondents did not form a random sample, making it impossible to generalize the responses to the entire public served by the Judiciary, not even all legal operators. The data found in relation to the characterization of the profile of the respondents, as well as the socioeconomic profile, demonstrate that the audience reached does not necessarily represent the profile of the person under jurisdiction. The research predominantly reached the profile of people self-declared as white, who have at least completed higher education and an income above R$5,500. Furthermore, specifically in this case of citizens, the vast majority of respondents were authors of the actions, which presents a specific portrait of the service provided by the jurisdiction, distinct, therefore, from those who experienced conflicts in the Judiciary as defendants or victims." (CNJ, 2023, p 114).

It is important to note that "The Image of the Brazilian Judiciary Study" (FGV, 2019) did not present a model for the Judiciary's evaluation. Instead, it, in a certain way, emphasized the necessity of developing a model to bring the Judiciary closer to the citizens, which is deemed essential for both the institution and democratic governance. The study highlighted that "...the tensions that emerge from the interactions between the Judiciary and the public in a democracy pose a significant challenge to judicial actors and the courts as institutions" (FGV, 2019, p. 6).

Furthermore, it was noted that "The societal agenda acts as a lens through which evaluations and expectations concerning the actions of this branch of government are filtered" (FGV, 2019, p. 40).

With relation to the data collection method of this thesis, the data was extracted from the research developed by FGV (2019), face-to-face interviews from July 26th and August 10th, 2019. FGV (2019) used a questionnaire as its method of instrumentation. The questionnaire counts more than 200 questions about the Brazilian Judiciary. From this database, it was used the variables of knowledge, satisfaction, trust, and evaluation of the functioning of the Judiciary. In the literature review, there is a description of concepts used regarding knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary.

Usually, the measure variable knowledge of the Judiciary is on a Likert scale, similar to what was made by FGV (2019). The chosen variable tried to understand how well the respondent know the Judiciary (FGV, 2019). The respondents were supposed to choose on a Likert-type scale how well they know, in general, the functioning of the Judiciary. FGV (2019) used for the variable knowledge of the Judiciary a three-point Likert type scale, from no knowledge (1) of the Judiciary to strong knowledge (3).

In FGV (2019), trust was also measured regarding other institutions such as the State, the Police, and the Church. The question chosen verified if the respondent trusted the Judiciary. The variable was measured in a dichotomic way, whether the respondent trusts or does not trust the Judiciary, that is, yes (1) or no (0). FGV (2019) intended to measure trust in the Judiciary and other institutions in a much more practical term.

The variable satisfaction with the Judiciary was measured on a Likert-type scale to know how satisfied the citizens' user is with the Judiciary, on a four-point Likert-type scale from very unsatisfied (1) to very satisfied (4).

The respondents were questioned about evaluating the functioning of the Judiciary (FGV, 2019). This variable was also measured on a four-point Likert-type scale from very bad (1) to very good (4).

In addition to the variables chosen, it also extracted from the questionnaire the sociodemographic variables such as gender, age, level of education, family income, region of the country, and the information if the respondent is a user or non-user of Judiciary. Table 4.2 pointed out the questions used regarding the variables chosen.

Table 4.1

Questions selected from FGV (2019) research

Study Variables	**Questionnaire**
Knowledge of the Judiciary	Q: In general, could you say that you have strong knowledge, some knowledge or you do not know about the functioning of the Judiciary? R: strong knowledge/some knowledge/do not know
Trust in the Judiciary	Q: Do you trust in the Judiciary or in the Justice? R: Yes/No
Satisfaction with the Judiciary	Q: How it was your degree of satisfaction, in general, with the functioning of the Justice and the court? R: very satisfied/satisfied/unsatisfied/very unsatisfied
Evaluation of the functioning of the Judiciary	Q: How do you currently evaluate the functioning of the Judiciary in Brazil? R: very good/good/bad/very bad

Social-Demographic Variables	**Questionnaire**
Gender	Gender has two alternatives: male or female
Age	The age of the respondent was aggregated in four groups: 18-24/25-44/45-59/60^{+} years old
Level of Education	The level of education of the respondent was aggregated in three groups: Elementary/High School/Higher Education (graduate and undergraduate)
Family Income	The family Income was aggregated in three groups: up to 2MW/$2MW^{+}$ -5MW-/$5MW^{+}$
Region	The city and the state of the resident were aggregated in the five regions of Brazil: N/C-W/NE/SE/S
User	The respondent was classified into user/non-user of the Judiciary

4.5 Sample characterization

As described in 4.3, Brazil will be used to validate the conceptual model. So, the sample of this study should be based on the Brazilian population, segmented by the social and demographics of interest, like gender, age, level of education, family income, and region.

After the analysis of the database, the respondents who had incomplete answers to the questionnaire concerning the variables that will be used in this research were excluded, and the respondents who declined to respond and said that they needed to learn how to respond to the question. Those answers were codified differently in the questionnaire, so it was easy to exclude them. The final research sample counted 2,006 people, 18+ years old, distributed all over Brazil and randomly chosen.

Table 4.3 shows the sample with each percentage regarding the sociodemographic variables: sex, age, level of education, family income, region, and user/non-user. Regarding the users and non-users of the Judiciary in Brazil, as there is no official information, the question about the utilization of the Judiciary was posed to the respondents.

As can be seen from Table 4.3, the majority of the respondents were women (51.84%). Regarding age, the most representative segment is from 25 – 44 years old (41.33%). In terms of the level of education, the people at the high school level are the most frequent, with 41.48%. Family income up to two MW is almost the majority of the sample (48.12%). People who live in the southwest represent 41.97% of the sample, and most respondents are non-users of the Judiciary (60.53%).

Table 4.2

Demographic profile of the sample

Gender		Respondents	%
	Male	966	48.16
	Female	1040	51.84
		2006	
Age			
	18 to 24 years	259	12.91
	25 to 44 years	829	41.33
	45 to 59 years	536	26.72
	60 years or more	382	19.04
		2006	
Level of Education			
	Elementary School	763	38.04
	High School	832	41.48
	Higher Education (graduate and undergraduate)	411	20.49
		2006	
Family Income			
	Up to 2 MW	960	48.12
	From 2 to 5 MW	713	35.74
	More than 5 MW	322	16.14
		1995	
Region			
	North	164	8.18
	Northeast	569	28.36
	Southeast	842	41.97
	Midwest	145	7.23
	South	286	14.26
		2006	
User			
	User	761	39.47
	Non-user	1167	60.53
		1928	

Source: Elaborated by the author, based on the results of the SPSS Statistics.

Note. n=2006 respondents, except for income (n=1,995) and user (n=1,928).

4.6 Data analysis methods

The descriptive analysis of data considered the whole sample, 2,006. The test of the hypotheses and the validation of the model was developed with 715 respondents because the variable satisfaction with the Judiciary was present, and it had to consider the users of the Judiciary respondents. Additionally, a model variant was tested without variable satisfaction with the Judiciary so that all citizens are considered.

The data retrieved from the respondents were introduced in the IBM SPSS Statistics (version 28). The analysis was done with a t-test and ANOVA or Welch, considering the data had a large group dataset, as discussed in Hair et al. (2010) about the central limit theorem, meaning that the data tends to normality as the number of observations increases above 50 observations. It also used non-parametric tests, like the U Mann-Whitney and Kruskal-Wallis H test, to verify the results' robustness.

The t-test and ANOVA or Welch were used to test if there was a significant difference among the groups considering the mean of the variables tested. The t-test serves as an inferential statistical method that evaluates the presence of a significant disparity between the mean scores of two separate groups, shedding light on the correlation between them. The eta squared (η^2) statistical measure is utilized to calculate the proportion of variance in the dependent variable attributable to a sociodemographic characteristic. The t-tests are used when the data set has unknown variance. The t-test is a test used for hypotheses testing in statistics and uses the t-statistic, the t-distribution values, and the degrees of freedom to determine the statistical significance (Hair et al., 2010).

The t-tests are functional statistical hypothesis tests when it needs to compare means. It can compare the means of two groups with a two-sample t-test (Hair et al., 2010). In this case, the null hypothesis of a t-test is that the mean of the differences between the related measures is equal to zero. That is, there is no difference between the measures. The t-tests are used when it has to compare two groups. Analysis of Variance (ANOVA) or Welch is a statistical test that compares the means of different groups (more than two independent groups). Several scenarios use ANOVA/Welch to determine if there is any difference between the means of different groups (Hair et al., 2010).

When a small sample is available, and the numerical variable is not known to have a normal variation (or it cannot be verified satisfactorily), or even when there is no homogeneity of variances (although there is a correction in the t-test that considers variances unequal), the t-test is not appropriate (Neves, 2018). To exemplify a situation where the t-test would falsely report a statistically significant association, imagine that in one of the two groups, one observes an outlier (very outlier value). Due to this single value being much greater than the others, the group it belongs to will present a high average, increasing the t-test statistics, with a consequent small associated p-value. In this situation, the non-parametric Mann-Whitney test can be used (Neves, 2018). The result of the ANOVA/Welch is the 'F statistic.' This ratio shows the difference between the variance between the groups and the variance within the groups,

producing a value that allows the conclusion that the null hypothesis is supported or rejected. If there is a significant difference between groups, the null hypothesis is unsupported, and the F-ratio will be higher. When the variances are different, the Welch test is used instead of the ANOVA test.

The Mann-Whitney test (Wilcoxon rank-sum test) is indicated for comparing two unpaired groups to verify whether or not they belong to the same population (Hair, Black, Badin, Anderson & Tatham, 2006). In truth, check whether there is evidence to believe that the values of group A are different from the values of group B. The U test can be considered the non-parametric version of the t-test for independent samples (Neves, 2018). Unlike the t-test, which tests the equality of means, the Mann-Whitney (U) test tests the equality of the medians or distributions. The U values calculated by the test evaluate the degree of entanglement of the data from the two groups after sorting. The greater separation of the data indicates that the samples are different, rejecting the hypothesis of equality of medians or distributions. The test can only be used when two independent groups. In the case of the present study, the test will be performed only considering the groups male and female, user and non-user, to check for differences in the dependent variable's knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary and evaluation of the functioning of the Judiciary (Neves, 2018).

The Kruskal-Wallis H test (regarding William Kruskal and W. Allen Wallis) or one-way analysis of variance is a non-parametric method of testing, and it is used to compare two or more independent samples of equal or different sizes (Hair et al., 2010). It extends the Mann-Whitney U test when there are more than two groups. The parametric equivalent of the Kruskal-Wallis test is the F test used in the one-way analysis of variance (ANOVA). A significant Kruskal-Wallis test indicates that at least one sample stochastically dominates another sample (Neves, 2018). The test does not identify where this stochastic dominance occurs or how many pairs of groups of stochastic dominance are obtained.

As a non-parametric method, the Kruskal-Wallis test does not assume a normal distribution of residuals, unlike the analogous one-way analysis of variance (Neves, 2018). Suppose the researcher can make the less stringent assumptions of an identically shaped and scaled distribution for all groups except for any difference in medians. In that case, the null hypothesis is that the medians of all groups are the same. The alternative hypothesis is that at least the population median of one group is different from the population median of at least one other group. Scheffe test would help analyze specific pairs of samples for stochastic dominance in post hoc tests (Hair et al., 2006).

Finally, to test the hypotheses and validate the conceptual model, the SEM was applied using the SPSS AMOS (version 28). SEM is a very general multivariate statistical analysis technique that is widely used in the social and behavioral sciences (Ballen, 1997). It usually involves a combination of confirmatory factor analysis and multiple linear regression techniques to analyze the structural/causal relationship between measurable quantities and latent constructs.

Compared to regression analysis and factor analysis, SEM is a relatively new field. It has its roots in the path analysis developed by the geneticist Sewall Wright in 1921, but its modern forms and wide use emerged with the computational advances that occurred from the 1960s and 1970s (Neves, 2018). It is customary to start SEM by drawing a diagram of paths as proposed by Wright (1921; Apud Hair, Willia, Babin & Anderson, 1997).

SEM can be used conceptually to answer any research question involving the direct or indirect observation of one or more independent variables or one or more dependent variables. However, the primary purpose of SEM is to determine and validate a causal process or proposed model. Therefore, SEM is a technique for confirming some research study rather than exploring or explaining some phenomenon. That is, a researcher is more likely to use SEM to determine whether a given theoretical (hypothetical) model is valid than to "find" a suitable model. In this sense, the relationships shown in SEM represent the researchers' a priori hypotheses regarding theoretical constructs.

The empirical question of SEM is to verify if the proposed model produces a covariance matrix consistent with the sample covariance matrix.

SEM is a data-analytics approach with several strengths (Tomarken & Waller, 2005):

i. SEM allows researchers to specify a measurement model and a structural model (Anderson & Gerbing, 1988);

ii. SEM provides researchers with measures of global fit, that is, fit for the whole model and sub-models while competing techniques provide tests per equation, one at a time, and

iii. To Contrary traditional tests of hypotheses where the null hypothesis is, in general, the opposite of what the researcher hypothesizes, in SEM, the null hypothesis, which states that there is no difference between the model proposed and 'reality,' is, in general, what is looking for the researcher.

When a model is defined, it also sets the relationships among the variables. Those are the parameters, that is, the relationships that are believed by the researcher to be different from zero and which, therefore, are calculated by SEM (Hair et al., 2006).

For each indicator of a model, there is a parameter with the number of respective measurement errors and the number of relationships among variables. A model to be estimated needs to be identified. Identification is the mathematical process in which the relation between the number of parameters to be estimated, the number of covariances, and variances among the observed variables (degrees of freedom) are presented. For a model to be estimated, the number of degrees of freedom must be above zero (Schumacker & Lomax, 2004). A model can be under-identified, just identified, or over-identified (Chou & Bentler, 1995). A model under-identified has more variables than the number of equations, which allows the calculation of the values of those variables. A model just identified has a number of variables and, or unknown parameters that equales the number of equations allowing their calculation. A model just identified allows for a unique solution. That is, it allows for unique values for the variables being calculated. A model over-identified has more equations than the number of variables and, as such, does not allow an exact or unique solution to emerge.

Estimating SEM consists of determining values for the free parameters of the model and assessing fit (Chou & Bentler, 1995). The type of estimators used, and the characteristics of the data are related and have an importance on fit evaluation and values of model parameters. Estimators used and results of estimations depend on sample size (Marsh, Hau, Balla & Grayson, 1988; Bentler, 1990; Satorra & Bentler, 1990; MacCallum, Browne & Sugawara, 1996), under-parameterized models (Hu & Bentler, 1998), type of variables (Muthén & Kaplan, 1992; Browne & Shapiro, 1988), and data distribution (Browne, 1987; Flora & Curran, 2004). Many of the estimation methods commonly used by the software packages available assume that data have normal and continuous distributions and that all the estimators are asymptotic in the sense that the estimations that they provide assume samples are "arbitrarily large" (Bentler & Dudgeon, 1996, p. 571).

Estimation of SEM is typically performed with one of four main estimation methods (Raykov & Marcoulides, 2006; Salgueiro, 2012): i) Unweighted Least Squares (ULS), ii) Maximum Likelihood (ML), iii) Generalized Least Squares (GLS), and iv) Asymptotically Distribution Free (ADF) or Weighted Least Squares (WLS).

Based on the model indicated by the researcher, the SPSS AMOS software calculates the free parameters, minimizing the differences between the covariance matrix and the original one,

resulting from the original data observed. The observed covariance matrix is set based on the original data given to the software, not from the estimation or model proposed by the researcher.

The level of similarity (Hair et al., 2010) between the implied matrix and the observed covariance matrix provides the level of fit. Fit can be understood as how the model proposed by the researcher fits compares to the relationship present in the original data. This data was assembled directly by the questionnaire.

There are several ways to measure the model fitting, but authors have differing views on the best measure (Hair et al., 2010; Salgueiro, 2012). Several characteristics can temper the model fit, such as normality and sample size. Because there is no consensus on which is the best test, not always a good fit is a guarantee of having a suitable model, and the opposite is also true (Lei & Lomax, 2005). The recommendation is to use more than one index. Hair et al. (2006) usually recommend using three to four indexes. On the other hand, Salgueiro (2012) indicates that is needed a solid theoretical background. Some fit measures are GFI, AGFI, NFI, RMSR, and SRMR (Hair et al., 2006). Curran, West, and Finch (1996) argue that models are good when they have bigger samples above 500, which is the case in the present study. Lei and Lomax (2005) state that fit indices are robust enough only for samples above 500. Correia (2013, p. 178) explained, using some renowned authors like Hu, Bentler, and Kano (1992), Tomarken and Waller (2005): "The estimation method elected by a researcher shall be a function of the type of data continuous or discrete for example, of distribution of data, that is, normal or non-normal and if non-normal how far from normality is that data as assessed by skewness and kurtosis, but also of sample size." Carvalho (2014, p. 64) with relation to the CMIN/df, cited that "there is no consensus regarding what an acceptable ratio is. Recommendations range from as high as 5.0 (Wheaton, Muthen, Alwin & Summers, 1977), less than 5.0 (Hair et al., 2005), and as low as 2.0 (Tabachnick & Fidell, 2007). Even so, they all recommend using more than one indicator to understand if the model is good.

Chapter 5 Results

This chapter presents the results of the study following the objectives of this research:

- Evaluate the functioning of the Judiciary;
- Antecedents of the evaluation of the functioning of the Judiciary;
- The role of knowledge in the process of evaluation of the Judiciary;
- The role of the sociodemographic characteristics in the process of evaluation of the Judiciary;
- Conceptual model of evaluation of the functioning of the Judiciary, including the impacts of the region and citizen involvement with the Judiciary in the proposed model.

5.1 Evaluation of the functioning of the Judiciary

As shown in Table 5.1, most of the respondents evaluate the functioning of the Judiciary as bad or as very bad (59.54%). 2.45% evaluate it as very good, which means that the Judiciary has to look at these numbers carefully.

Table 5.1

Evaluation of the functioning of the Judiciary

	Frequency	Percentage	Cumulative Percentage
Very Bad	310	16.90%	16.90%
Bad	782	42.64%	59.54%
Good	697	38%	97.55%
Very Good	45	2.45%	100%
Total	1834		

Source: Elaborated by the author, based on the results of the SPSS Statistics.

5.2 Antecedents of the evaluation of the functioning of the Judiciary

The citizen perceptions regarding the three antecedents of evaluating the functioning of the Judiciary, namely knowledge, trust, and satisfaction, are presented in Table 5.2. As can be seen, 71.21% of the user respondents are satisfied with the services the Judiciary provides, and more than the majority, 53.73%, trust in the Judiciary. That is a piece of good news. However, as heard from the experts, there is something in between because the knowledge is diffuse, with

1/3 that do not know about the functioning of the Judiciary, and 59,54% evaluate the functioning of the Judiciary as very bad or bad.

Table 5.2

Antecedents of the evaluation of the functioning of the Judiciary

Knowledge of the Judiciary			
	Frequency	**Percentage**	**Cumulative Percentage**
Do Not Know	651	33,37%	33,37%
Some Knowledge	1204	61,71%	95,08%
Strong Knowledge	96	4,92%	100%
Total	1951	100%	
Trust in the Judiciary			
	Frequency	**Percentage**	
Trust	1036	53,73%	
Do Not Trust	892	46,27%	
Total	1928	100%	
Satisfaction with the Judiciary			
	Frequency	**Percentage**	**Cumulative Percentage**
Very Unsatisfied	39	4,92%	4,92%
Unsatisfied	189	23,86%	28,79%
Satisfied	519	65,53%	94,32%
Very Satisfied	45	5,68%	100%
Total	792	100%	

Source: Elaborated by the author, based on the results of the SPSS Statistics.

5.3 Knowledge – The role in the process of evaluation of the Judiciary

One of the main points of this thesis is to verify if the gap of knowledge is essential for evaluating the Judiciary. The idea is to verify how this knowledge gap impacts the citizen's opinion about trust, satisfaction, and the evaluation of the functioning of the Judiciary. The results will also indicate the variable's degree of importance in the model's context.

Table 5.3 shows that respondents with strong knowledge of the Judiciary trust more (59.57%) than respondents who do not know the Judiciary (56.04%). However, those with some knowledge of the Judiciary trust less (52.14%). Regarding satisfaction with the Judiciary, 68.70% of the respondents with strong knowledge of the Judiciary are satisfied or very satisfied with the Judiciary, and 68.26% who do not know the Judiciary are also satisfied or very satisfied.

Considering the knowledge of the Judiciary and evaluation of the functioning of the Judiciary, 45.94% and 52.09% of the respondents who have some or strong knowledge of the

Judiciary evaluate it as good or as very good the functioning of the Judiciary versus 27.66% of those who do not know the Judiciary.

Table 5.3

Trust, Satisfaction and Evaluation by the knowledge of Judiciary

Crosstab

	Knowledge of the Judiciary							
	Total		Do Not Know		Some Knowledge		Strong Knowledge	
	N	%	N	%	N	%	N	%
Trust in the Judiciary								
Trust	1036	53.73%	348	56.04%	610	52.14%	56	59.57%
Do Not Trust	892	46.27%	273	43.96%	560	47.86%	38	40.43%
Total	1928	100.00%	621	100.00%	1170	100.00%	94	100.00%
Satisfaction with the Judiciary								
Very Unsatisfied	39	4.92%	7	3.04%	25	5.03%	5	9.80%
Unsatisfied	189	23.86%	66	28.70%	110	22.13%	11	21.60%
Satisfied	519	65.53%	146	63.48%	334	67.20%	29	56.90%
Very Satisfied	45	5.68%	11	4.78%	28	5.63	6	11.80%
Total	792	100.00%	230	100.00%	497	100.00%	51	100.00%
Evaluation of the functioning of the Judiciary								
Very Bad	310	16.90%	132	23.40%	157	13.56%	18	18.75%
Bad	782	42.64%	276	48.94%	469	40.50%	28	29.17%
Good	697	38.00%	151	26.77%	502	43.35%	40	41.67%
Very Good	45	2.45%	5	0.89%	30	2.59%	10	10.42%
Total	1834	100.00%	564	100.00%	1158	100.00%	96	100.00%

Source: Elaborated by the author, based on the results of the SPSS Statistics

5.4 Sociodemographic characteristics – The role in the process of evaluation of the Judiciary

As a complementary and knowing the heterogeneity of the Brazilian population, it is crucial to analyze the influence of the sociodemographic characteristics on the antecedents of the evaluation of the functioning of the Judiciary and on the evaluation of the functioning of the Judiciary itself.

The first step of the analysis compares the mean values and distribution of the three/four variables using descriptive statistics and parametric and non-parametric tests. The parametric tests, t-test, ANOVA, or Welch were performed because the research has a large sample, where the data usually tends to normality (Hair et al., 2010). It also performed non-parametric tests, U Mann Whitney or Kruskal Wallies, to test for the robustness of the results..

In the first step of the analysis, the mean values and the distribution of the variables are compared using descriptive statistics and parametric and non-parametric tests.

5.4.1 Knowledge of the Judiciary by the sociodemographic characteristics

Table 5.4 indicates the existence of significative differences ($p \leq 0.05$) in the means of gender, level of education, family income, regions, and user. The robustness tests confirm the results of the parametric tests, except for the variable gender. Regarding gender, it can be verified that men tend to know more (M = 1.74) about the Judiciary than women (M = 1.69). Concerning age, little differences are found in the sample. Respondents aged 25 to 44 have a better knowledge of the Judiciary (M = 1.74). The older respondents have the worst knowledge (M = 1.66). Concerning the level of education, the three levels present significant differences. The ungraduated and graduate respondents have the best knowledge of the Judiciary (M = 1.91). The elementary school is the worst (M = 1.60). Regarding family income, there are significant differences in all three groups. The higher income level, more than 5MW, know more about the Judiciary (M = 1.90) than those earning less, up to 2MW (M = 1.65).

Regarding regions, the significant differences in terms of the means of knowledge of the Judiciary occur between the regions south (S) and southeast (SE), south (S) and northeast (NE) and south (S) and center-west (CW). The residents of the southern region know more about the Judiciary than the others (M = 1.87). The residents of the center-west have a lower level of knowledge of the Judiciary (M = 1.57). Concerning the users and non-users of the Judiciary, users know more (M = 1.77) than non-users (M = 1.68).

Regarding the ETA^2, only the socio-demographic family income (2.6%) and regions (1.9%) have effect sizes more significant than 1%.

Table 5.4

Knowledge of the Judiciary by the sociodemographic characteristics

		Do not know		Some knowledge		Strong knowledge				Tests
		Count	%	Count	%	Count	%	Average	Standard Deviation	t/W MW/KW
Gender	Male	306	32.45	574	60.87	63	6.68	1.74	0.57	t(1949)=2.083; p=.019 MW=486,998.500; p=.172 ETA²=0.2%
	Female	345	34.23	630	62.5	33	3.27	1.69	0.53	
Age	18 to 24 years	78	31.2	165	66	7	2.8	1.72	0.51	W(3;803.6)=2.003; p=.112 KW(3)=3.804; p=.283 ETA²=0.3%
	25 to 44 years	254	31.28	515	63.42	43	5.3	1.74	0.55	
	45 to 59 years	178	34.23	310	59.62	32	6.15	1.72	0.57	
	60 years or more	141	38.21	214	57.99	14	3.79	1.66	0.55	
Level of Education	Elementary	314	42.72	404	54.97	17	2.31	1.60	0.54	W(2;1048.9)=43.56; p=.000 EL ≠ HS; EL ≠ UNY; HS ≠ UNY KW(2)=63.112; p=.000 ETA²=0.4%
	High School	256	31.49	523	64.33	34	4.18	1.73	0.53	
	Higher Education (graduate and undergraduate)	81	20.1	277	68.73	45	11.17	1.91	0.55	
Family Income	Up to 2 MW	359	38.6	541	58.17	30	3.23	1.65	0.54	W(2;853.3)=26.324; p=.000 2MW- ≠ 2MW-5MW-; 2MW- ≠ 5MW+; 2MW-5MW- ≠ 5MW+ KW(2)=41.551; p=.000 ETA²=2.6%
	From 2 to 5 MW	227	32.57	436	62.55	34	4.88	1.72	0.55	
	More than 5 MW	62	19.81	220	70.29	31	9.9	1.90	0.54	
Region	North	45	28.48	106	67.09	7	4.43	1.76	0.52	W(4;507.9)=9.882; p<.001 S≠ SE; S≠ NE; S≠CW KW(4)=29.668; p=.000 ETA²=1.9%
	Northeast	180	33.15	338	62.25	25	4.6	1.71	0.54	
	Southeast	306	36.73	488	58.58	39	4.68	1.68	0.56	
	Center-West	63	47.01	66	49.25	5	3.73	1.57	0.57	
	South	57	20.14	206	72.79	20	7.07	1.87	0.51	
User	Non-user	418	35.79	705	60.36	45	3.85	1.68	0.54	t(1949)=-3.417; p<.001 MW=453,796.00; p=.010 ETA²=0.6%
	User	233	29.76	499	63.73	51	6.51	1.77	0.56	

Source: Elaborated by the author, based on the results of the SPSS Statistics.

Note. Scheffé or Dunnett Post Hoc Test; Test to identify significant differences between pairs of groups.

5.4.2 Trust in the Judiciary by sociodemographic characteristics

Table 5.5 indicates the existence of significative differences ($p \leq 0.05$) in the means only in the variable region. The robustness tests confirm the results of the parametric tests. With relation to gender, it can be verified that men (M = .53) trust the Judiciary less than women (M = .54). Regarding the age, respondents in the ranges 18 to 24 and 25 to 44 years old have almost the same mean of trust in the Judiciary (M = .54). The older respondents trust less (M = .53). With relation to level of education, higher education (undergraduate and graduate) trust less in the Judiciary (M = .52). The elementary school have higher trust (M = .56). Respecting family income, the respondents with the higher level of income, are the ones that least trust in the Judiciary (M = .50). The respondents that have the family income in the range of 2MW to 5MW, are the ones that most trust in the Judiciary (M =.57).

About regions, the significant differences in terms of the means of trust in the Judiciary occur between residents of the regions south and southeast, south and northeast and south and center-west. The residents of the southern region are the ones that most trust in the Judiciary

(M = .65). The residents of the southeast tend to have a lower level of trust in the Judiciary (M =.50). Concerning the users and non-users of the Judiciary, users trust more (M= .54) than non-users (M = .53), but the difference is not significant.

Regarding the ETA², only the sociodemographic region (1.6%) has effect size greater than 1%.

Table 5.5

Trust in the Judiciary by sociodemographic characteristics

		Trust		Do not Trust		Tests
		Count	%	Count	%	t/W MW/KW
Gender	**Male**	500	53.48	435	46.52	t(1926)=-.221; p=.413 MW=461,897.500; p=.825
	Female	536	53.98	457	46.02	ETA²=0%
Age	**18 to 24 years**	132	54.1	112	45.9	W(3;779.7)=0.056; p=.982 KW(3)=0.170; p=.982 ETA²=0%
	25 to 44 years	434	54.18	367	45.82	
	45 to 59 years	276	53.18	243	46.82	
	60 years or more	194	53.3	170	46.7	
Level of Education	**Elementary**	403	55.51	323	44.49	W(2;1040.6)=0.807; p=.447 KW(2)=1.613; p=.446 ETA²=0.1%
	High School	428	53.04	379	46.96	
	Higher Education (graduate and undergraduate)	205	51.9	190	48.1	
Family Income	**Up to 2 MW**	485	52.49	439	47.51	W(2;837.4)=2.744; p=.065 KW(2)=5.472; p=.065 ETA²=0.3%
	From 2 to 5 MW	389	56.87	295	43.13	
	More than 5 MW	153	49.51	156	50.49	
Region	**North**	103	64.78	56	35.22	W(4;507.9)=9.882; p<.001 S≠ SE; S≠ NE; S≠CW KW(4)=30.254; p=.000 ETA²=1.6%
	Northeast	276	51.3	262	48.7	
	Southeast	408	49.57	415	50.43	
	Center-West	66	51.56	62	48.44	
	South	183	65.36	97	34.64	
User	**Non-user**	623	53.38	544	46.62	t(1926)=.381; p=.438 KW=440,109.500; p=.703 ETA²=0%
	User	413	54.27	348	45.73	

Source: Elaborated by the author, based on the results of the SPSS Statistics.

Note. Scheffé or Dunnett Post Hoc Test; Test to identify significant differences between pairs of groups.

5.4.3 Satisfaction with the Judiciary by sociodemographic characteristics

Table 5.6 indicates the existence of significant differences ($p \leq 0.05$) in the means only in the variable region. The robustness tests confirm the results of the parametric tests if it is considered the significance for $p < .1$. With relation to gender, it verifies that men (M = 2.69) are less

satisfied with the Judiciary than women (M= 2.75). Regarding age, respondents in the range 18 to 24 years old are the most satisfied with the Judiciary (M = 2.75), and the older respondents are the least satisfied (M = 2.68). Concerning the level of education, elementary school respondents are the most satisfied with the Judiciary (M = 2.75), and the high school respondents are the least satisfied (M = 2.69).

Regarding family income, the respondents of higher income levels have the worst satisfaction with the Judiciary (M = 2.68). The respondents with a family income range of 2MW to 5MW are the most satisfied with the Judiciary (M = 2.73). About region, the significant difference in terms of the means of satisfaction with the Judiciary occurs between the regions south and northeast. The residents of the north region are the most satisfied with the Judiciary (M = 2.88). The residents of the center-west (M = 2.62) and south (M = 2.63) are the least satisfied.

Regarding the ETA², only the sociodemographic region has an effect size greater than 1% (1.5%).

Table 5.6

Satisfaction with the Judiciary by sociodemographic characteristics

		Very Unsatisfied		Unsatisfied		Satisfied		Very Satisfied		Average	Standard Deviation	Tests
		Count	%	Count	%	Count	%	Count	%			t/W MW/KW
Gender	Male	21	5,37	97	24,81	257	65,73	16	4,09	2,69	0,64	t(790)=-1.481; p=.070 MW=74,922.00; p=.078 ETA²=0.3%
	Female	18	4,49	92	22,94	262	65,34	29	7,23	2,75	0,65	
Age	18 to 24 years	4	4,94	19	23,46	51	62,96	7	8,64	2,75	0,68	W(3;283.6)=0.319; p=.811 KW(3)=1.239; p=.744 ETA²=0.1%
	25 to 44 years	17	5,01	80	23,60	219	64,6	23	6,78	2,73	0,66	
	45 to 59 years	11	5,12	51	23,72	141	65,58	12	5,58	2,72	0,65	
	60 years or more	7	4,46	39	24,84	108	68,79	3	1,91	2,68	0,59	
Level of Education	Elementary	11	3,62	72	23,68	203	66,78	18	5,92	2,75	0,62	W(2;)=443; p=.504 KW(3)=1.305; p=.521 ETA²=0.2%
	High School	17	5,43	79	25,24	201	64,22	16	5,11	2,69	0,65	
	Higher Education (graduate and undergraduate)	11	6,29	38	21,71	115	65,71	11	6,29	2,72	0,68	
Family Income	Up to 2 MW	16	4,36	90	24,52	240	65,4	21	5,72	2,72	0,63	W(2;348.2)=0.328; p=.721 KW(3)=0.347; p=.841 ETA²=0.1%
	From 2 to 5 MW	15	5,17	65	22,41	193	66,55	17	5,86	2,73	0,65	
	More than 5 MW	8	6,15	32	24,62	84	64,62	6	4,62	2,68	0,66	
Region	North	2	1,92	18	17,31	75	72,12	9	8,65	2,88	0,57	W(4;280.3)=3.326; p=.011 S≠ NE KW(4)=8.879; p=.064 ETA²=1.5%
	Northeast	7	3,80	44	23,91	117	63,59	16	8,7	2,77	0,65	
	Southeast	14	4,79	76	26,03	186	63,7	16	5,48	2,7	0,65	
	Center-West	7	9,86	15	21,13	47	66,2	2	2,82	2,62	0,70	
	South	9	6,38	36	25,53	94	66,67	2	1,42	2,63	0,63	
User	User	39	4,92	189	23,86	519	65,53	45	5,68	2,72	0,64	

Source: Elaborated by the author, based on the results of the SPSS Statistics.

Note. Scheffé or Dunnett Post Hoc Test; Test to identify significant differences between pairs of groups.

5.4.4 Evaluation of the functioning of the Judiciary by sociodemographics

Table 5.7 indicates the existence of significant differences ($p \leq 0.05$) in the means for region and user. The robustness tests confirm the results of the parametric tests, except for the variables age and user. Concerning gender, it can be verified that men evaluate the functioning of the Judiciary worse (M = 2.24) than women (M = 2.28). Regarding age, respondents in the range 18 to 24 years old have a better evaluation of the functioning of the Judiciary (M = 2.33). The older respondents have the worst evaluation of the functioning of the Judiciary (M = 2.17). Concerning the level of education, the elementary school has the best evaluation of the functioning of the Judiciary (M = 2.27). The worst evaluation is the respondents of undergraduate and graduate school (M = 2.24).

Regarding family income, the higher level of income (M = 2.18) has the worst evaluation of the functioning of the Judiciary. The respondents of the range from 2MW to 5MW (M= 2.28) have the best evaluation of the functioning of the Judiciary. About region, the significant differences in terms of the means of evaluation of the functioning of the Judiciary occur between the regions south and southeast, south and northeast, and south and center-west. The residents of the southern region tend to have the best evaluation of the functioning of the Judiciary (M = 2.52). The residents of the southeast tend to have the worst evaluation of the functioning of the Judiciary (M = 2.09). Concerning the users and non-users of the Judiciary, users tend to evaluate the functioning of the Judiciary significantly better (M = 2.30) than non-users (M = 2.23).

Regarding the ETA^2, only the sociodemographics regions have an effect size greater than 1% (4.8%).

Table 5.7

Evaluation of the functioning of the Judiciary by sociodemographic characteristics

		Very Bad		Bad		Good		Very Good				Tests
		Count	%	Count	%	Count	%	Count	%	Average	Standard Deviation	t/W MW/KW
Gender	**Male**	158	17.61	389	43.37	324	36.12	26	2.9	2.24	0.77	t(1832)=.938; p=.174
	Female	152	16.22	393	41.94	373	39.81	19	2.03	2.28	0.75	MW=408,695.500; p=.273 ETA²=0%
Age	**18 to 24 years**	31	13.19	100	42.55	100	42.55	4	1.70	2.33	0.72	W(3;748.6)=2.573; p=.053
	25 to 44 years	129	16.78	312	40.57	308	40.05	20	2.60	2.28	0.77	KW(3)=8.817; p=.0.032
	45 to 59 years	82	16.73	213	43.47	184	37.55	11	2.24	2.25	0.75	60+ ≠ 24-44;60+ ≠ 18-24
	60 years or more	68	20	157	46.18	105	30.88	10	2.94	2.17	0.77	ETA²=0.4%
Level of Education	**Elementary School**	122	18.18	268	39.94	259	38.6	22	3.28	2.27	0.79	
	High School	114	14.77	354	45.85	291	37.69	13	1.68	2.26	0.72	W(2;998.7)=0.214; p=.808
	Higher Education (graduate and undergraduate)	74	18.93	160	40.92	147	37.6	10	2.56	2.24	0.78	KW(3)=0.392; p=.822 ETA²=0%
Family Income	**Up to 2 MW**	145	16.76	365	42.2	337	38.96	18	2.08	2.26	0.76	W(2;811.9)=2.124; p=.120
	From 2 to 5 MW	106	16.13	277	42.16	255	38.81	19	2.89	2.28	0.76	KW(3)=4.756; p=.093
	More than 5 MW	59	19.6	138	45.85	96	31.89	8	2.66	2.18	0.77	ETA²=0.2%
Region	**North**	18	12.68	47	33.1	70	49.3	7	4.93	2.46	0.78	W(4;507.9)=9.882; p<.001 S≠ SE; S≠ NE; S≠CW KW(4)=96.881; p=.0.000 ETA²=4.8%
	Northeast	80	16.43	178	36.55	213	43.74	16	3.29	2.34	0.79	
	Southeast	166	20.42	419	51.54	216	26.57	12	1.48	2.09	0.72	
	Center-West	27	22.5	43	35.83	43	35.83	7	5.83	2.25	0.87	
	South	19	6.99	95	34.93	155	56.99	3	1.10	2.52	0.64	
User	**Non-user**	189	17.4	479	44.11	393	36.19	25	2.3	2.23	0.76	t(1832)=-1.777; p=.038
	User	121	16.18	303	40.51	304	40.64	20	2.67	2.30	0.77	MW=38,678.000; p=.061 ETA²=0.2%

Source: Elaborated by the author, based on the results of the SPSS Statistics.

Note. Scheffé or Dunnett Post Hoc Test; Test to identify significant differences between pairs of groups.

5.5 Conceptual model of evaluation of the functioning of the Judiciary

It is essential to calculate the bivariate linear correlations among the four variables (as it was considered knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary as quantitative in the remaining analysis). Table 5.8 shows that the Pearson linear correlation is significant for four relationships but not for two. Those two are associated with knowledge, trust, and satisfaction. Considering those four that are significant, the most important, but with a moderate correlation, is between trust in the Judiciary and the evaluation of the functioning of the Judiciary ($r = .412$, $p < .05$).

One of the principal aims of the study is to demonstrate that despite a gap in citizens' knowledge about the Judiciary, their input can still be integral to evaluating its functioning, underscoring the association between knowledge and the assessment of the Judiciary's performance. The Pearson correlation revealed a positive, albeit weak, yet statistically significant relationship ($r = .171$, $p < .01$).

Table 5.8

Linear correlation matrix for Knowledge, Trust, Satisfaction, and Evaluation of the Functioning of the Judiciary

	Trust in the Judiciary	Knowledge of the Judiciary	Satisfaction with the Judiciary	Evaluation of the Judiciary
Trust in the Judiciary	1			
Knowledge of the Judiciary	-.016	1		
Satisfaction with the Judiciary	.168**	.010	1	
Evaluation of the Judiciary	.412**	.171**	.172**	1

**. Correlation is significant at the .01 level (2-tailed).

Source: Elaborated by the author, based on the results of the SPSS Statistics.

The hypotheses test and the conceptual model's validation used SEM.

At the end of the Literature Review, the conceptual model presents the hypotheses and exposes the pretended relationships among the variables: knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. The model considers that each variable has a degree of importance in order to explain the evaluation of the functioning of the Judiciary.

It analyzed first the complete model with knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary, and then the alternative model without those not confirmed hypotheses. The test and validation of the model considers the sample that only included those respondents for the four questions related to the variables presented in the conceptual model (n= 715).

5.5.1 Test and validation of the conceptual model

The first test tested the conceptual model with all six relationships (hypotheses) between the four variables (knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary), as shown in Figure 5.1.

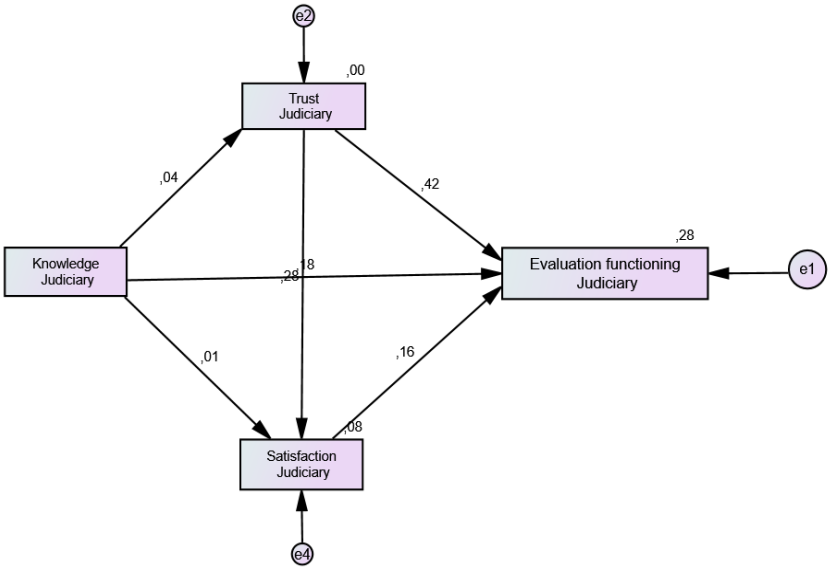


Figure 5.1 The original Conceptual Model – Standardized coefficients

Source: SPSS Amos.

The numbers between the variables are the power of relationships among the variables, which can be better visualized in Table 5.9. Each variable is represented by F (Factor), although they are observed variables: F1 – Trust in the Judiciary; F2 – Knowledge of the Judiciary; F3 – Satisfaction with the Judiciary, and F4 – Evaluation of the functioning of the Judiciary. In order to verify the model's fit, it followed Salgueiros's (2012) recommendation. Therefore, it employs various indices. A model can be deemed a good fit based on several criteria: the value of CMIN/DF should be less than 5; both the Goodness-of-Fit Index (GFI) and the Adjusted Goodness-of-Fit Index (AGFI) should exceed 0.90 (Hair et al., 2010); and the Normed Fit Index (NFI) should be greater than 0.90 (Hair et al., 2006). A Comparative Fit Index (CFI) greater than 0.90 is also recommended (Bentler, 1990). Furthermore, an adequate-fitting model is indicated by a Standardized Root Mean Square Residual (SRMR) value of less than 0.05, as calculated by SPSS AMOS (Hair et al., 2010).

In the original conceptual model, the results showed that the squared multiple correlation (R2) is .28 for the evaluation of the functioning of the Judiciary. Its value shows that 28% of the variance in the evaluation of the functioning of the Judiciary is explained by trust in the Judiciary, satisfaction with the Judiciary, and knowledge of the Judiciary. Tables 5.9 and 5.10 show the results of the tests.

Concerning the hypotheses, the results showed:

Hypothesis H1: There is a positive relationship between trust in the Judiciary and satisfaction with the Judiciary. Therefore, the more they trust in the Judiciary, the more they will be satisfied with the Judiciary.

The result of the SEM analysis shows that the impact of trust in the Judiciary (F1) on satisfaction with the Judiciary (F3) is positive and statistically significant (b = .284, t = 7,924, p <. 001). The H1 is supported.

Hypothesis H2: There is a positive relationship between knowledge of the Judiciary and satisfaction with the Judiciary. So, the more they know about the Judiciary, the better satisfied they will be.

The result of the SEM analysis shows that the impact of knowledge of the Judiciary (F2) on satisfaction with the Judiciary (F3) is positive but not statistically significant (b = .005, t = .171, p = .865). H2 is not supported.

Hypothesis H3: There is a positive relationship between satisfaction with the Judiciary and evaluation of the functioning of the Judiciary. Therefore, satisfied users usually do a better evaluation of the functioning of the Judiciary than nonsatisfied users.

The result of the SEM analysis shows that the impact of satisfaction with the Judiciary (F3) on the evaluation of the functioning of the Judiciary (F4) is positive and statistically significant (b = .156, t = 4.704, p < .001). H3 is supported.

Hypothesis H4: There is a positive relationship between trust in the Judiciary and evaluation of the functioning of the Judiciary. So, the more trust in the Judiciary, the better will be the evaluation of the functioning of the Judiciary.

The result of the SEM analysis shows that the impact of trust in the Judiciary (F1) on the evaluation of the functioning of the Judiciary (F4) is positive and statistically significant (b = .422, t = 12,716, p < .001). H4 is supported.

Hypothesis H5: *There is a positive relationship between knowledge of the Judiciary and evaluation of the functioning of the Judiciary. Therefore, more knowledge about the functioning of the Judiciary better evaluates the functioning of the Judiciary.*

The result of the SEM analysis shows that the impact of knowledge of the Judiciary (F2) on the evaluation of the functioning of the Judiciary (F4) is positive and statistically significant (b = .183, t = 5,772, p < .001). H5 is supported.

Hypothesis H6: There is a relationship between knowledge of the Judiciary and trust in the Judiciary, although the sign of the relationship needs to be clarified.

The result of the SEM analysis shows that the impact of knowledge of the Judiciary (F2) on the trust in the Judiciary (F1) is positive but not statistically significant (b=.038, t=1.009, p=.313). H6 is not supported.

Table 5.9

SEM Coefficients – Conceptual Model

Relationships			**Estimate (β)**	**S.E.**	**C.R.**	**p-value**
Trust (F1)	←	Knowledge (F2)	.068	.068	1.009	.313
Satisfaction (F3)	←	Trust (F1)	.122	.015	7.924	***
Satisfaction (F3)	←	Knowledge (F2)	.005	.028	.171	.865
Evaluation (F4)	←	Trust (F1)	.216	.017	12.716	***
Evaluation (F4)	←	Knowledge (F2)	.170	.029	5.772	***
Evaluation (F4)	←	Satisfaction (F3)	.186	.040	4.704	***

Source: Elaborated by the author, based on the results of the SPSS Amos.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.10

Standardized SEM Coefficients – Conceptual Model

Relationships			Estimate (β)
Trust (F1)	←	Knowledge (F2)	.038
Satisfaction (F3)	←	Trust (F1)	.284
Satisfaction (F3)	←	Knowledge (F2)	.006
Evaluation (F4)	←	Trust (F1)	.422
Evaluation (F4)	←	Knowledge (F2)	.183
Evaluation (F4)	←	Satisfaction (F3)	.156

Source: Elaborated by the author, based on the results of the SPSS Amos.

5.5.2 Test and validation of the alternative model

Considering that there are two no statistically significant relationships: knowledge of the Judiciary and trust in the Judiciary and knowledge of the Judiciary and satisfaction with the Judiciary, it is tested an alternative model without these relationships. The results are presented in Figure 5.2.

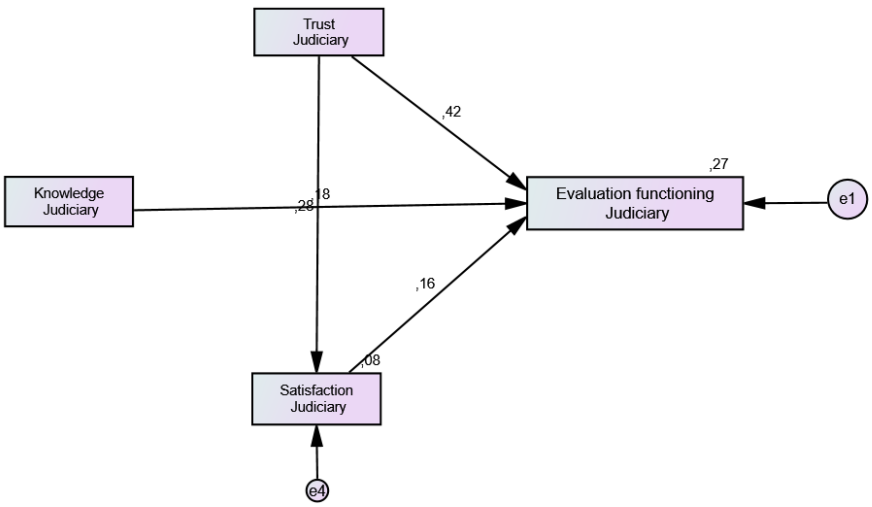


Figure 5.2 Alternative conceptual model – Standardized coefficients

Source: SPSS Amos.

The squared multiple correlation (R2) of this model is .27 for the evaluation of the functioning of the Judiciary. Its value shows that 27% of the variance in the evaluation of the functioning of the Judiciary is explained by trust in the Judiciary, satisfaction with the Judiciary,

and knowledge of the Judiciary. The study assessed only the statistically significant relationships (Table 5.11 and 5.12), as presented below:

Hypothesis H1: There is a positive relationship between trust in the Judiciary and satisfaction with the Judiciary. Therefore, the more they trust in the Judiciary, the more they will be satisfied with the Judiciary.

The result of the SEM analysis shows that the new impact of trust in the Judiciary (F1) on satisfaction with the Judiciary (F3) is positive and statistically significant ($b = .285$, $t = 7.936$, $p < .001$). H1 is still supported.

Hypothesis H3: There is a positive relationship between satisfaction with the Judiciary and evaluation of the functioning of the Judiciary. Therefore, satisfied users usually do a better evaluation of the functioning of the Judiciary than nonsatisfied users.

The result of the SEM analysis shows that the new impact of satisfaction with the Judiciary (F3) on the evaluation of the functioning of the Judiciary (F4) is positive and statistically significant ($b = .156$, $t = 4.704$, $p < .001$), the H3 is still supported.

Hypothesis H4: There is a positive relationship between trust in the Judiciary and evaluation of the functioning of the Judiciary. So, the more trust in the Judiciary, the better will be the evaluation of the functioning of the Judiciary.

The result of the SEM analysis shows that the new impact of trust in the Judiciary (F1) on the evaluation of the functioning of the Judiciary (F4) is positive and statistically significant ($b = .423$, $t = 12.723$, $p < .001$), the H4 is still supported.

Hypothesis H5: *There is a positive relationship between knowledge of the Judiciary and evaluation of the functioning of the Judiciary. Therefore, more knowledge about the functioning of the Judiciary better evaluates the functioning of the Judiciary.*

The result of the SEM analysis shows that the new impact of knowledge of the Judiciary (F2) on the evaluation of the Judiciary (F4) is positive and statistically significant ($b = .184$, $t = 5.776$, $p < .001$), and the H5 is still supported.

Table 5.11

SEM Coefficients – Alternative Model

Relationships			Estimate (β)	S.E.	C.R.	P Value
Satisfaction (F3)	←	Trust (F1)	.122	.015	7.936	***
Evaluation (F4)	←	Trust (F1)	.216	.017	12.723	***
Evaluation (F4)	←	Knowledge (F2)	.170	.029	5.776	***
Evaluation (F4)	←	Satisfaction (F3)	.186	.040	4.704	***

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.12

Standardized SEM Coeficients – Alternative Model

Relationships			Estimate (β)
Satisfaction (F3)	←	Trust (F1)	.285
Evaluation (F4)	←	Trust (F1)	.423
Evaluation (F4)	←	Knowledge (F2)	.184
Evaluation (F4)	←	Satisfaction (F3)	.156

Source: Elaborated by the author, based on the results of the Amos, SPSS.

The fit indices for this model are shown in Table 5.13. Considering the literature cited before, they are within the acceptable range for CMIN/df = .524, GFI = .999, AGFI = .996, NFI = .996, CFI = 1, and RMR = .016.

Table 5.13

Model Fit Summary – Alternative Model

CMIN					
Model	**NPAR**	**CMIN**	**DF**	**P**	**CMIN/ DF**
Default model	8	1.047	2	.592	.524
Saturated model	10	0	0		
Independence model	4	295.8	6	0	49.3
RMR, GFI					
Model	**RMR**	**GFI**	**AGFI**		
Default model	.016	.999	.996		
Saturated model	0	1			
Independence model	.201	.825	.708		
Baseline Comparisons					
Model	**NFI Delta1**	**CFI**			
Default model	.996	1			
Saturated model	1	1			
Independence model	0	0			

Source: Elaborated by the author, based on the results of the SPSS Amos.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

Table 5.14 displays the standardized total effects, which are the sum of the direct and indirect effects through intermediate variables, of the predictor variables trust, satisfaction, and knowledge on the evaluation of the functioning of the Judiciary. The results indicate that trust has the most substantial effect, with a coefficient of 0.467, accounting for 58% of the variance in the evaluation of the functioning of the Judiciary. Satisfaction and knowledge had minor but significant effects, with coefficients of 0.184 (23%) and 0.156 (19%). These findings suggest that, with this model, trust in the Judiciary is the most essential factor in shaping citizens' evaluation of the functioning of the Judiciary. At the same time, satisfaction with the Judiciary and knowledge of the Judiciary also play a role, but to a lesser extent.

Table 5.14

Standardized Total Effects for Evaluation of the functioning of the Judiciary

	Standardaized Total Effects
Trust in the Judiciary	0.467 (58%)
Satisfaction with the Judiciary	0.184 (23%)
Knowledge of the Judiciary	0.156 (19%)

Source: Elaborated by the author, based on the results of the SPSS Amos.

The first model considered the complete conceptual model with the variables: knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. The model testing showed that hypothesis H2, about the relationships between knowledge of the Judiciary and satisfaction with the Judiciary, and hypothesis H6, trust in the Judiciary and knowledge of the Judiciary, were not statistically significant.

Considering what was presented by Le Grand (2007), individual awareness of service provision significantly influences their contentment with public services, and this knowledge affects the user perceptions in various aspects—such as fairness, efficiency, and responsiveness—all of which contribute to overall satisfaction. She suggests that well-informed individuals about the accessibility, characteristics, and caliber of public services are more capable of selecting options that correspond to their requirements, thereby increasing their satisfaction with the services utilized. Hence, it is implied that a degree of knowledge is inherently linked to service satisfaction. However, considering the results of the tests, this relationship between the knowledge of the Judiciary and satisfaction with the Judiciary (H2) was not confirmed.

Concerning the relationship between the knowledge of the Judiciary and trust in the Judiciary (H6), the literate shows that those with knowledge of the public service and their functioning tend to trust more (Van de Walle, 2003). The present research also refuted this hypothesis.

The alternative model excluded the relationships considered not statistically significant, as described before, H2 and H6 while maintaining the other statistically significant hypotheses, like the relationship of knowledge of the Judiciary with the evaluation of the functioning of the Judiciary. This model presented a good fit and indicated that knowledge of the Judiciary is

relevant to explaining the evaluation of the functioning of the Judiciary, although not related to trust in the Judiciary or satisfaction with the Judiciary.

These results, at least in the traditional view, could emphasize that only those who know about the Judiciary could evaluate it. However, it is necessary to consider that citizens who are not users of the Judiciary can also acquire knowledge of the Judiciary, at least by the media. On the other hand, as suggested by the experts, the evaluation of the functioning of the Judiciary to be presented to start the debate between the academic experts, policymakers, and magistrates could include only users of the Judiciary even though the perspective of the whole citizen is indeed relevant for the evaluation of the Judiciary and should be adopted in the future.

5.5.3 Conceptual Model by region

The conceptual model was tested considering the five regions of Brazil. Because the SEM is sensitive to the sample size (Hair et al., 2010), it was decided to join the North and the Center-West regions, which have only 8% and 7% of the Brazilian inhabitants, respectively. It tested the complete model and then reran the SEM with only those relationships that were statistically significant. As can be seen by analyzing the results and considering the parametric and non-parametric tests, the differences between regions were confirmed.

North and Center-West

Figure 5.3 and Tables 5.15, 5.16, and 5.17 show the model's results applied to the North and Center-West regions. The variables knowledge of the Judiciary (F2), trust in the Judiciary (F1), and satisfaction with the Judiciary (F3) explained 30% of the variance in the evaluation of the functioning of the Judiciary (F4), bigger than that observed in the total of the sample, that was 27%.

The impact of knowledge and trust on the evaluation of the functioning of the Judiciary are ($b = .271$, $t = 3.815$, $p < .01$) and ($b = .391$, $t = 5.448$, $p < .01$), respectively, and were also positives and statically significant.

With relation to the impact of trust on satisfaction ($b = .158$, $t = 1.928$, $p < 0.1$) and satisfaction on evaluation of the functioning of the Judiciary ($b = .12$ $t = 1.708$, $p < 0.1$), those relationships were positive. However, the p-value is less than 0.1, which is different from the results within the total sample, showing $p < .01$.

The impact of knowledge of the Judiciary on trust in the Judiciary, which was not significant in the total sample, appeared in this region as positive and statistically significant (b = .221, t = 2.732, p < .05).

The fit indices for this model can be considered within the acceptable range for CMIN/df = 1.133, the goodness of fit GFI = .996, AGFI = .961, NFI = .983, RMR = .013.

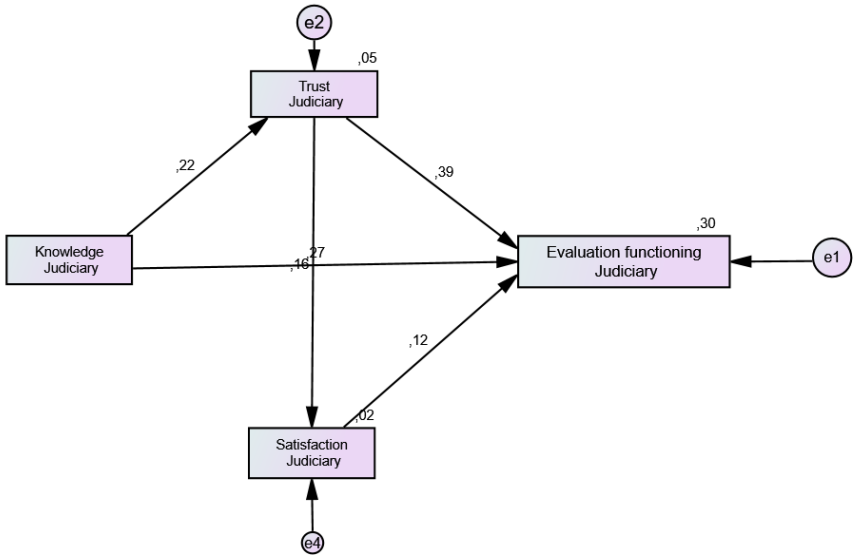


Figure 5.3 The SEM Diagram for the North and Center-West regions

Source: AMOS, SPSS.

Table 5.15

SEM Coeficients – Regions North and Center-west

Relationships			Estimate(β)	S.E.	C.R.	P Value
Trust (F1)	←	Knowledge (F2)	.428	.157	2.732	.006
Satisfaction (F3)	←	Trust (F1)	.065	.034	1.928	.054
Evaluation (F4)	←	Trust (F1)	.212	.039	5.448	***
Evaluation (F4)	←	Knowledge (F2)	.283	.074	3.815	***
Evaluation (F4)	←	Satisfaction (F3)	.157	.092	1.708	.088

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.16

Standardized SEM Coeficients – Regions North and Center-west

Relationships			Estimate (β)
Trust (F1)	←	Knowledge (F2)	.221
Satisfaction (F3)	←	Trust (F1)	.158
Evaluation (F4)	←	Trust (F1)	.391
Evaluation (F4)	←	Knowledge (F2)	.271
Evaluation (F4)	←	Satisfaction (F3)	.120

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.17

Model Fit Summary – Regions North and Center-west

CMIN

Model	NPAR	CMIN	DF	P	CMIN/DF
Default model	9	1.133	1	.287	1.133
Saturated model	10	0	0		
Independence model	4	65.626	6	0	10.938

RMR, GFI

Model	RMR	GFI	AGFI
Default model	.013	.996	.961
Saturated model	0	1	
Independence model	.212	.803	.671

Baseline Comparisons

Model	NFI Delta1	CFI
Default model	.983	.998
Saturated model	1	1
Independence model	0	0

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual;

GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

Northeast

In the model appplyed to the Northeast region, as shown in Figure 5.4 and Tables 5.18, 5.19, and 5.20, the variables knowledge of the Judiciary (F2), trust in the Judiciary (F1) and satisfaction with the Judiciary (F3) explained 26% of the variance in the evaluation of the functioning of the Judiciary (F4), closer, but less to that observed in the total of the sample, that it was 27%. The explanation of the model for the Northeast is less than the result for the North and Center-West region, which is 30%.

The relationships between knowledge of the Judiciary with the evaluation of the functioning of the Judiciary (b = .209, t = 2.998, p < .05), trust in the Judiciary with the evaluation of the functioning of the Judiciary (b=.338, t= 4.712, p < .01), trust in the Judiciary with satisfaction with Judiciary, (b = .245, t = 3.171, p < .05) and satisfaction with the Judiciary with the evaluation of the functioning of the Judiciary (b = .2, t = 2.825, p < .05), are positive and statistically significant, as the results were found with the total sample.

The impact of the knowledge of the Judiciary on trust in the Judiciary was not significant in the total sample. However, in the Northeast region, it appeared positive and statistically significant (b = .221, t = 2.732, p < .05).

The fit indices for this model can be considered within the acceptable range for the CMIN/df = .393, goodness of fit GFI = .999, AGFI = .988, NFI = .994, RMR = .009.

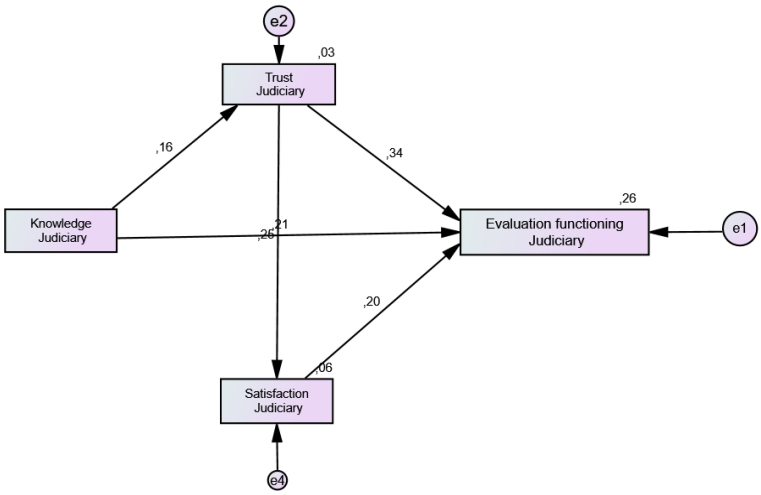


Figure 5.4 The SEM Diagram for the Northest region

Source: AMOS, SPSS.

Table 5.18

SEM Coeficients – Region Northeast

Relationships			Estimate (β)	S.E.	C.R.	P Value
Trust (F1)	←	Knowledge (F2)	.285	.139	2.047	.041
Satisfaction (F3)	←	Trust (F1)	.110	.035	3.171	.002
Evaluation (F4)	←	Trust (F1)	.182	.039	4.712	***
Evaluation (F4)	←	Knowledge (F2)	.199	.066	2.998	.003
Evaluation (F4)	←	Satisfaction (F3)	.242	.086	2.825	.005

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.19

Standardized SEM Coeficients – Region Northeast

Relationships			Estimate (β)
Trust (F1)	←	Knowledge (F2)	.161
Satisfaction (F3)	←	Trust (F1)	.245
Evaluation (F4)	←	Trust (F1)	.338
Evaluation (F4)	←	Knowledge (F2)	.209
Evaluation (F4)	←	Satisfaction (F3)	.200

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.20

Model Fit Summary – Region Northeast

CMIN					
Model	**NPAR**	**CMIN**	**DF**	**P**	**CMIN/DF**
Default model	9	.393	1	.531	.393
Saturated model	10	0	0		
Independence model	4	60.418	6	0	10.07
RMR, GFI					
Model	**RMR**	**GFI**	**AGFI**		
Default model	.009	.999	.988		
Saturated model	0	1			
Independence model	.204	.829	.715		
Baseline Comparisons					
Model	**NFI Delta1**	**CFI**			
Default model	.994	1			
Saturated model	1	1			
Independence model	0	0			

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index;; CFI = comparative fit index.

Southeast

As can be seen in Figure 5.5 and Tables 5.21, 5.22, and 5.23, for the southeast region, the applied model showed that the variables knowledge of the Judiciary (F2), trust in the Judiciary (F1) and satisfaction with the Judiciary (F3) explained 30% of the variance in the evaluation of the functioning of the Judiciary (F4), the same percentual of the North and Center-West and 3pp and 4pp more than that observed with the total of the sample, that is 27% and Northeast that is 26%, respectively.

The relationships between knowledge of the Judiciary (F2) with the evaluation of the functioning of the Judiciary (b = .175, t = 3.462, p <.01); trust in the Judiciary with the evaluation of the functioning of the Judiciary (b = .476, t = 9.021, p < .01); trust in the Judiciary with satisfaction with the Judiciary (b = .3, t = 5.271, p < .01) and satisfaction with the Judiciary with the evaluation of the functioning of the Judiciary (b = .15 t = 2.858, p < .05), are positive and statistically significant, as the results of the total sample.

The impact of the knowledge of the Judiciary on trust in the Judiciary was not significant for the total sample. For the Southeast region, it appeared negative and statistically significant (b = -.125, t = -2.113, p < .05).

The fit indices for this model can be considered within the acceptable range for the CMIN/df = .769, goodness of fit GFI = .999, AGFI = .986, NFI = .994, RMR = .009.

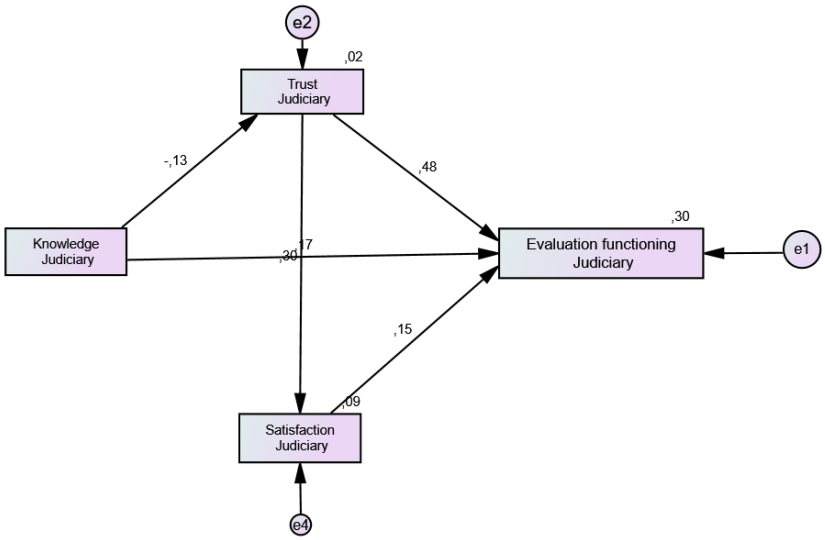


Figure 5.5 The SEM Diagram for the Southeast region

Source: AMOS, SPSS.

Table 5.21

SEM Coeficients – Region Southeast

Relationships			Estimate (β)	S.E.	C.R.	P Value
Trust (F1)	←	Knowledge (F2)	-.222	.105	-2.113	.035
Satisfaction (F3)	←	Trust (F1)	.130	.025	5.271	***
Evaluation (F4)	←	Trust (F1)	.237	.026	9.021	***
Evaluation (F4)	←	Knowledge (F2)	.154	.044	3.462	***
Evaluation (F4)	←	Satisfaction (F3)	.173	.06	2.858	.004

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.22

Standardized SEM Coeficients – Region Southeast

Relationships			Estimate (β)
Trust (F1)	←	Knowledge (F2)	-.125
Satisfaction (F3)	←	Trust (F1)	.300
Evaluation (F4)	←	Trust (F1)	.476
Evaluation (F4)	←	Knowledge (F2)	.175
Evaluation (F4)	←	Satisfaction (F3)	.150

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.23

Model Fit Summary – Region Southeast

CMIN					
Model	**NPAR**	**CMIN**	**DF**	**P**	**CMIN/DF**
Default model	9	.769	1	.381	.769
Saturated model	10	0	0		
Independence model	4	132.24	6	0	22.04
RMR, GFI					
Model	**RMR**	**GFI**	**AGFI**		
Default model	.009	.999	.986		
Saturated model	0	1			
Independence model	.211	.815	.691		
Baseline Comparisons					
Model	**NFI Delta1**	**CFI**			
Default model	.994	1			
Saturated model	1	1			
Independence model	0	0			

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

South

Figure 5.6 and Tables 5.24, 5.25, and 5.26 show the model applied to the South region. The variables knowledge of the Judiciary (F2), trust in the Judiciary (F1), and satisfaction with the Judiciary (F3) explained 21% of the variance in the evaluation of the functioning of the Judiciary (F4), the smaller value considering all regions.

The relationships between trust in the Judiciary with the evaluation of the functioning of the Judiciary ($b = .308$, $t = 3.461$, $p < .01$); trust in the Judiciary with satisfaction with the Judiciary ($b = .473$, $t = 6.091$, $p < .01$) and satisfaction with the Judiciary with the evaluation

of the functioning of the Judiciary (b = .221 t = 2.483, p < .05), are positive and statistically significant, as the results of the total sample.

The impact of the knowledge of the Judiciary with the evaluation of the functioning of the Judiciary was positive and significant in the total sample and the other three regions. In the South region, it appeared not significant.

The fit indices for this model can be considered within the acceptable range for the CMIN/df = .194, goodness of fit GFI = .998, AGFI = .993, NFI = .991, RMR = .009.

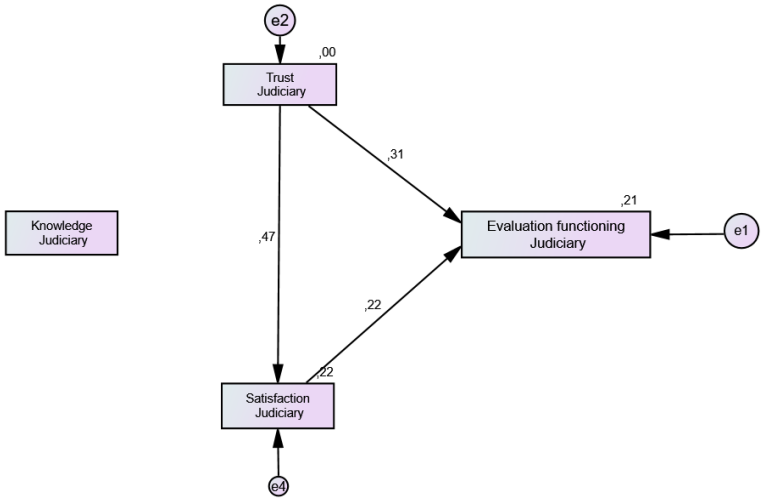


Figure 5.6 The SEM Diagram for the South region

Source: AMOS, SPSS.

Table 5.24

SEM Coeficients – Region South

Relationships			Estimate (β)	S.E.	C.R.	P Value
Satisfaction (F3)	←	Trust (F1)	.205	.034	6.091	***
Evaluation (F4)	←	Trust (F1)	.137	0,04	3.461	***
Evaluation (F4)	←	Satisfaction (F3)	.227	.091	2.483	.013

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.25

Standardized SEM Coeficients – Region South

Relationships			Estimate (β)
Satisfaction (F3)	←	Trust (F1)	.473
Evaluation (F4)	←	Trust (F1)	.308
Evaluation (F4)	←	Satisfaction (F3)	.221

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.26

Model Fit Summary – Region South

CMIN					
Model	**NPAR**	**CMIN**	**DF**	**P**	**CMIN/DF**
Default model	7	.582	3	.901	.194
Saturated model	10	0	0		
Independence model	4	63.223	6	0	10.537
RMR, GFI					
Model	**RMR**	**GFI**	**AGFI**		
Default model	.009	.998	.993		
Saturated model	0	1			
Independence model	.183	.79	.651		
Baseline Comparisons					
Model	**NFI Delta1**	**CFI**			
Default model	.991	1			
Saturated model	1	1			
Independence model	0	0			

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

Table 5.27 presents the resume of the results of SEM, considering the total sample and the sample for each of the regions of Brazil.

Table 5.27

Resume of the SEM – Total and Regions

Relationships			Hypotheses	Total	N-CW	NE	SE	S
Trust (F1)	→	Satisfaction (F3)	H1	.285	.158	.245	.300	.473
Knowledge (F2)	→	Satisfaction (F3)	H2					
Satisfaction (F3)	→	Evaluation (F4)	H3	.156	.120	.200	.150	.221
Trust (F1)	→	Evaluation (F4)	H4	.423	.391	.338	.476	.308
Knowledge (F2)	→	Evaluation (F4)	H5	.184	.271	.209	.175	
Knowledge (F2)	→	Trust (F1)	H6		.221	.161	-.125	
Total Impact				27%	30%	26%	30%	21%

Source: Elaborated by the author, based on the results of the Amos, SPSS.

5.5.4 Conceptual model by user and non-user of the Judiciary

Considering the Literature Review, the social theories - Legitimacy, Stakeholders, and Social Power - and the tests realized and described in this chapter, it was demonstrated that the variables knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary, as stated in referenced academic literature, impacted statistically significant in the evaluation of the functioning of the Judiciary. Therefore, the research question of this thesis is answered.

Now, it is necessary to know if there are differences in the model's explanation concerning the evaluation of the functioning of the Judiciary when the model was tested between citizens who are users and citizens who are non-users of the Judiciary. The variable satisfaction with the Judiciary was not considered, given that the satisfaction question was made only for those citizens who are users of the Judiciary. First, it was tested using the total sample, then with the sample related to the user, and finally, the sample with no user of the Judiciary.

Total Sample

Figure 5.7 and Tables 5.28, 5.29, and 5.30 show the model applied to the total sample. The variables knowledge of the Judiciary (F2) and trust in the Judiciary (F1) explained 23% of the variance in the evaluation of the functioning of the Judiciary (F4). The relationship between knowledge of the Judiciary and trust in the Judiciary has no statistically significant impact, so it was not considered when the test was realized with the total sample.

The relationships between trust in the Judiciary with the evaluation of the functioning of the Judiciary (b = .437, t = 20.903, p < .01), knowledge of the Judiciary with the evaluation of the functioning of the Judiciary (b = .189 t = 9.064, p < .01) are positive and statistically significant.

The fit indices for this model can be considered within an acceptable range for the the CMIN/df =.821, goodness of fit GFI=1, AGFI=.998, NFI=.998, RMR=.011.

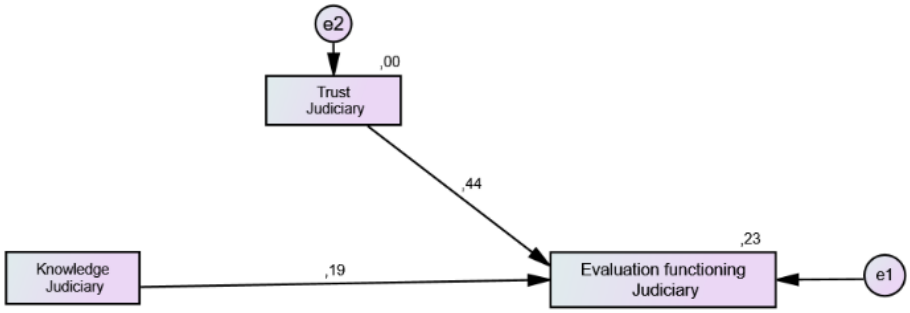


Figure 5.7 The SEM Diagram for the Total sample

Source: AMOS, SPSS.

Tables 5.28, 5.29, and 5.30 show the regressions weights and the model fit summary for the total sample.

Table 5.28

SEM Coeficients – Total sample

Relationships			Estimate (β)	S.E.	C.R.	P Value
Evaluation (F4)	←	Trust (F1)	.223	.011	20.903	***
Evaluation (F4)	←	Knowledge (F2)	.177	.019	9.064	***

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.29

Standardized SEM Coeficients – Total sample

Relationships			Estimate (β)
Evaluation (F4)	←	Trust (F1)	.437
Evaluation (F4)	←	Knowledge (F2)	.189

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.30

Model Fit Summary – Total sample

CMIN

Model	NPAR	CMIN	DF	P	CMIN/DF
Default model	5	.821	1	.365	.821
Saturated model	6	0	0		
Independence model	3	449.832	3	0	149.944

RMR, GFI

Model	RMR	GFI	AGFI
Default model	.011	1	.998
Saturated model	0	1	
Independence model	.207	.872	.744

Baseline Comparisons

Model	NFI Delta1	CFI
Default model	.998	1
Saturated model	1	1
Independence model	0	0

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

User

Figure 5.8 presents the model that was tested. The variance in the evaluation of the functioning of the Judiciary is 25%, explained by the knowledge of the Judiciary and trust in the Judiciary, bigger when compared with the value found with the total of the sample, which is 23%. The relationship between knowledge of the Judiciary and trust in the Judiciary has no statistically significant impact. It was not considered in the model.

The relationships between trust in the Judiciary with the evaluation of the functioning of the Judiciary (b = .470, t = 14.55, p < .01) and the relationship between knowledge of the Judiciary with the evaluation of the functioning of the Judiciary (b = .182 t = 5.653, p < .01), are positive and statistically significant.

The fit indices for this model can be considered within an acceptable range for the CMIN/df = .888, goodness of fit GFI = .999, AGFI = .995, NFI = .996, RMR = .019.

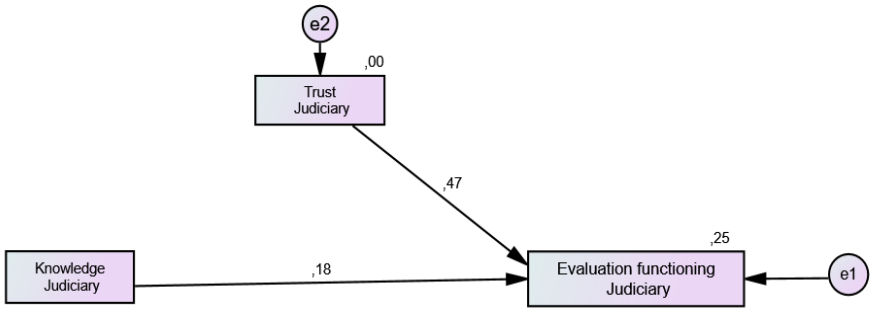


Figure 5.8 The SEM Diagram for the User of the Judiciary sample

Source: SPSS AMOS.

Tables 5.31, 5.32, and 5.33 show the regressions weights and the model fit summary for the user sample.

Table 5.31

SEM Coeficients – User sample

Relationships			**Estimate (β)**	**S.E.**	**C.R.**	**P Value**
Evaluation (F4)	←	Trust (F1)	.24	.016	14.55	***
Evaluation (F4)	←	Knowledge (F2)	.169	.03	5.653	***

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.32

Standardized SEM Coeficients – User sample

Relationships			Estimate **(β)**
Evaluation (F4)	←	Trust (F1)	.470
Evaluation (F4)	←	Knowledge (F2)	.182

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.33

Model Fit Summary – User sample

CMIN					
Model	**NPAR**	**CMIN**	**DF**	**P**	**CMIN/DF**
Default model	5	.888	1	.346	.888
Saturated model	6	0	0		
Independence model	3	214.911	3	0	71.637
RMR, GFI					
Model	**RMR**	**GFI**	**AGFI**		
Default model	.019	.999	.995		
Saturated model	0	1			
Independence model	.228	.849	.699		
Baseline Comparisons					
Model	**NFI Delta1**	**CFI**			
Default model	.996	1			
Saturated model	1	1			
Independence model	0	0			

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

Non-User

Figure 5.9 presents the model that was tested. When tested with the sample of non-users, the variables knowledge of the Judiciary and trust in the Judiciary explained 20% of the variance in the evaluation of the functioning of the Judiciary. Comparing the results from the total and user samples verifies that the explanation is 20% and 13% less than the result from the user and total samples, respectively. However, it can use the estimators only as a reference because the degree of freedom equals zero.

The relationships between trust in the Judiciary with the evaluation of the functioning of the Judiciary (b = .417, t = 15.114, p < .01) and knowledge of the Judiciary with the evaluation of the functioning of the Judiciary (b = .168 t = 6.859, p < .01), are positive and statistically significant. The relationship between Knowledge of the Judiciary and trust in the Judiciary (b = -.062, t = -2.014, p < .05) is negative and statistically significant. However, the sign differs from all other results it found, and the p-value is less than .05, not .01.

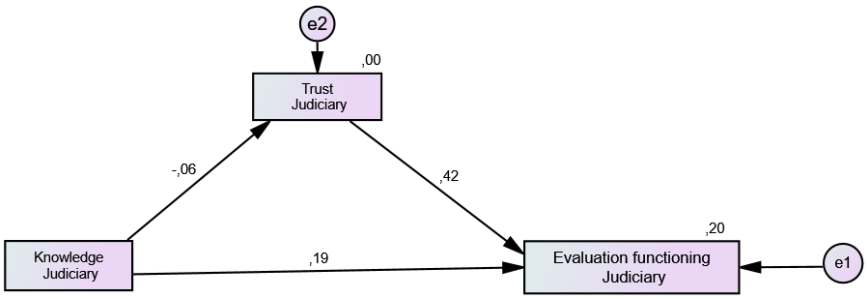


Figure 5.9 The SEM Diagram for the Non-user sample

Source: SPSS AMOS.

Tables 5.34, 5.35, and 5.36 show the regressions weights and the model fit summary for the user sample.

Table 5.34

SEM Coeficients – Non-User sample

Relationships			Estimate (β)	S.E.	C.R.	P Value
Trust (F1)	←	Knowledge (F2)	-114	.057	-2.014	.044
Evaluation (F4)	←	Trust (F1)	.211	.014	15.114	***
Evaluation (F4)	←	Knowledge (F2)	.177	.026	6.859	***

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. S.E = Standard error; C.R. = Critical ratio; *** = Statistical significance for .001.

Table 5.35

Standardized SEM Coeficients – Non-User sample

Relationships			Estimate (β)
Trust (F1)	←	Knowledge (F2)	-.062
Evaluation (F4)	←	Trust (F1)	.417
Evaluation (F4)	←	Knowledge (F2)	.189

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Table 5.36

Model Fit Summary – Non-User sample

CMIN

Model	NPAR	CMIN	DF	P	CMIN/DF
Default model	6	0	0		
Saturated model	6	0	0		
Independence model	3	239.433	3	0	79.811

RMR, GFI

Model	RMR	GFI	AGFI
Default model	0	1	
Saturated model	0	1	
Independence model	.194	.885	.77

Baseline Comparisons

Model	NFI Delta1	CFI
Default model	1	1
Saturated model	1	1
Independence model	0	0

Source: Elaborated by the author, based on the results of the Amos, SPSS.

Note. NPAR = total number of free parameters; CMIN = chi-square statistic; DF = degrees of freedom; P = p-value; CMIN/DF = ratio of the chi-square statistic to the degrees of freedom; RMR = root mean square residual; GFI = goodness of fit index; AGFI = adjusted goodness of fit index; NFI = normed fit index; CFI = comparative fit index.

Table 5.37

Resume of the SEM – Total and User and Non-user

Relationships			Hypotheses	Total	User	Non-User
Trust (F1)	→	Evaluation (F4)	H4	.437	.470	.417
Knowledge (F2)	→	Evaluation (F4)	H5	.189	.182	.189
Knowledge (F2)	→	Trust (F1)	H6			-.062
Total Impact				23%	25%	20%

Source: Elaborated by the author, based on the results of the Amos, SPSS.

This chapter presents some statistics regarding the Judiciary, some of which are positive, while others are less so. However, all individuals who support democracy should recognize the importance of preserving and strengthening the Judiciary, one of the most vital institutions of democracy. Unfortunately, news and statistics from various parts of the world are cause for concern. According to Lavareda (2022), the independence of the Judiciary has been limited in 72% of countries, indicating a silent struggle to weaken the bond between the Judiciary and the citizens. It is in this context that the numbers in this thesis are presented. The readers have to view these statistics as numbers but also as a representation of the future of democracy. These numbers indicate that it must make every effort to bring the Judiciary and society closer together. One such effort involves a new model for evaluating the Judiciary's performance through the eyes of citizens.

Chapter 6 Discussion, Implications, and Challenges

Considering the 21st century, the Legitimacy, Stakeholders, and Social Power theories, and the growing pressure to include society in the discussion of public service improvement, the main objective of this research is to propose a new way to evaluate the Judiciary, considering the perception of citizens. This new way of evaluating the Judiciary, as suggested by the experts, especially Ministers and Judges of the Courts, shall have three main characteristics: simple conception, easy implementation, and ease of understanding by the Judiciary. As the Judiciary has a long-term culture of being assessed by internal people or with those who have a daily relationship with the Judiciary, it is crucial to consider the expert's suggestions. These suggestions make sense, considering that the Judiciary is an institution, by principle, hermetically sealed and with a specific management culture based chiefly on objective indicators.

Any change in the internal processes takes time and must be ostensibly debated to be acceptable and implemented. While the walk may be long, the ultimate reward of witnessing the Judiciary and society uniting in the name of democracy and a better future for all will make it well worth the effort (Salomão & Costa, 2022).

The experts and at least user is the usual resource of information in the research in the Judiciary field (Staats et al., 2005; Petterson, 2009; Desta, 2019). The citizen needs to be more effectively heard in evaluating the Judiciary. In the case of the users, it is essential that the research goes directly to the citizens and not use the internal database to interview those who used the Judiciary. The sample using the internal database typically causes a bias in the results, like what was reported in the recent study of the CNJ (2023). Using samples like Murilo (2014), Cunha et al. (2017), and FGV (2019), asking directly by the citizens could be more appropriate.

Implications of this research should affect the policymakers, the citizens, the Judiciary, and the academy.

The policymakers, by giving them new insights and perception to develop public policy more adherent to what the citizen needs. It could be identified if any laws are negatively affecting a significant portion of the population. From the citizen's perceptions, it is essential to develop a project of laws that facilitate access to the citizens to some Judiciary services.

From the point of view of the Judiciary, for example, if the information that the level of trust is below, compared with a pre-defined level, an internal process could be started to identify the leading causes of the index drop. If the knowledge is not reaching the target, a publicity

campaign could be started, or new internal processes could be started to face the problem. Monitoring and accompanying at least these four variables (knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary) in a pre-defined cycle of the evaluation process will help the internal public of the Judiciary to review the management procedures (FGV, 2019). Therefore, citizen insights could help build processes more efficiently. A new type of evaluation, which includes citizen perception, should give more legitimacy to the Judiciary as a whole. For the citizen, having more influence in the public sphere would be beneficial.

From the academic point of view, considering the scarce literature about this theme, this research could help to open a new line of research, considering the citizens' perception. For example, one master's degree thesis was defended in ISCTE by Santos (2022) to understand the media's effect on evaluating the Judiciary. Like this, some other theses could be developed to understand the citizens' perceptions about the Judiciary.

In order to understand the implications of the thesis, Table 6.1 shows some indications of contributions to each stakeholder. One study of this magnitude should contribute to the citizen's participation but also give some reasonable indications for improving the management of the Judiciary and the field of public service evaluation.

Table 6.1

Implications of the Research

Implications	How this research can impact each stakeholder
Citizen	1. The citizens are perceived as an essential stakeholder of the Judiciary; 2. The citizens get more influence in the public sphere, especially in the Judiciary sphere; 3. Improvement in information about how the citizens perceive this important Institution.
The Judiciary	1. Provides insights to start the debate about the evaluation of the Judiciary by the citizens; 2. The Judiciary's internal staff, including managers and civil servants, will gain valuable insights into this crucial stakeholder, enabling them to enhance its management and increase its efficiency, effectiveness, and responsiveness to citizens' needs; 3. New indicators could be developed based on knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary from the citizens' point of view.
Policymakers	1. Sensitize this segment, with the responsibility to build the laws, to the importance of citizens to be heard in themes about the Judiciary; 2. Provides insights to start the important debate about the evaluation of the Judiciary by the citizens; 3. Create a new parliament base to understand and defend the citizens' needs in the area of the Judiciary.
Academics	1. Fulfill the literature gap in the area of evaluation of the Judiciary and citizens' perception; 2. Encourage further studies in the area of the Judiciary and citizens' perception; 3. Sensitize the academia to the importance of citizens being studied more deeply.

This chapter is divided into five sub-chapters: Discussion, Theoretical Implications, Police Implications, Management Implications, and Challenges of Evaluating the Judiciary by citizens.

6.1 Discussion

In Brazil, recent estimates show that in 2021, there was an increase of more than 10% in the number of lawsuits, totaling more than 77.3 million pending lawsuits (CNJ, 2022). Such a considerable number of pending lawsuits 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 (Correio da Manhã, Expresso, 2021). In the USA, examples of similar problems are federal judges' load cases per year and pending federal cases mandated by civilians (US Courts, 2020).

In recent years, the importance of public opinion has grown enormously in our society, mainly due to the role of traditional media and, more recently, digital media (Voeten, 2013). There is a global movement to increase social integration and awareness. It can find examples of this in women's rights, gender movements, democratic pleads, and racial equality protests. Currently, some social movements demand from the general society and the public power to implement an actual counterbalance policy to deal with the historical and social differences at the heart of modern civilization's history (Buechler, 2016). They all demonstrate the necessity of understanding and integrating public opinion (Calderón et al., 2018). The perception of the citizen is already used on a large scale to evaluate public services, such as healthcare, education, and public security (Loveless, 1997; Mishler & Rose, 1997; Stipak, 1979; Uslaner, 2002).

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 user, are contributing to greater effectiveness of the services provided.

Some studies are measuring the functionality of the Judiciary. Some of the studies imply that only experts should evaluate the Judiciary, therefore stating that knowledge is the core concept of evaluating the Institution. Staats et al. (2005) use this notion by which those who know the Judiciary are more prepared to evaluate it. Another study (Petterson, 2009) researched civil servants to evaluate the Judiciary. However, there needs to be more research evaluating

the Judiciary from the citizen's perspective, like Murilo (2014), Cunha et al. (2017), and FGV (2019), that ask directly the Citizens.

Osborne and Gaebler (1992) state that public institutions should embrace a dynamic, catalytic, and competitive approach akin to private sector strategies. Specifically, they suggested that the public sector should emulate the dedication and efficiency that are hallmarks of successful business entities in their service delivery to customers, advocating for a more entrepreneurial spirit in government practices to enhance service quality and satisfaction among citizens.

This thesis indicates that an evaluation of the functioning of the Judiciary should also incorporate the citizen's perception, at least the citizen who uses the Judiciary, selected randomly from the population of the country, not from the database of the Judiciary.

In a variety of studies (OCED, 2016; Cunha et al., 2017; Desta, 2019; Patterson, 2019; WJP, 2019), some variables were studied, such as knowledge of the Judiciary, trust in the Judiciary, relation among democratic 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, this thesis stresses the importance of knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary (FGV, 2019).

Therefore, what is discussed is the importance of reconsidering the knowledge gap. A citizen, at least a user, can also perceive quality based, for example, on experience, the difference between expectation and results, and the level of information they have about the Judiciary. As in other areas of the Government, this happens when the system user is considered in the evaluation process (Guan et al., 2022).

Some international barometers (FGV, 2019; WJP, 2019; EU Justice Scoreboard, 2020; Latinobarometro, 2020) use the citizens' trust perception. Sometimes (EU Justice Scoreboard, 2020), they study confidence in the system. Others (Rule of Law, 2019; FGV, 2019) test trust in institutions or magistrates. Therefore, trust or confidence is recurrent in several studies and barometers (Murillo, 2014; Cunha et al., 2017; Desta, 2019; FGV, 2019; WJP, 2019).

Considering the Legitimacy theory, laws and rules can only operate if people find them legitimate or even trust the system. The power can only be legitimate if approved or sanctioned by the citizens (Voeten, 2013). It can also be related to expectations: citizens trust political agents or institutions when they believe they will act as they should (Gamson, 1968). The more

citizens trust the Government, the better the evaluation they make of the Government. (Bok, 2001; Sims, 2001).

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

In Cunha et al. (2017) and FGV (2019), the respondents, citizens, and experts were questioned about trust in the Judiciary: they were asked if they trust the institutions and judges. Present evaluations in different countries, using knowledge and trust, such as the US (US Courts, 2020), have essential inputs to the management of the Judiciary. The results lead to changes in process and an increase in efficiency.

Consider trust in the Judiciary, a variable of the study. 46.3% do not trust the Judiciary. Will this number mean that the Judiciary is losing legitimacy? This discussion is necessary for understanding the process of evaluating the functioning of the Judiciary.

Petterson (2009), Murilo (2014), Desta (2019) and Moura e Sá et al. (2021) used the SERVQUAL or SERVPERF scales to measure the quality of services provided by the Judiciary. Chatterjee, R. and Suy, R. (2019) highlighted the connection between citizen satisfaction and the quality of public services, utilizing the expectancy disconfirmation paradigm. They introduced a theoretical framework elucidating the interplay among individual expectations, perceived service quality or performance, the degree of disconfirmation experienced, and overall satisfaction.

The use of a more straightforward way to measure the variables: knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary is debated by some experts in the Judiciary, as indicated in interviews made in the process of investigating the model proposed in the thesis.

According to experts, the initial model for assessing the Judiciary should be simple to implement, read, and understand. "The study of the image of the Judiciary points to a path: knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary. Based on direct and objective questions, the construction of the evaluation model of the Judiciary from the perspective of the citizen has the necessary conditions to consolidate itself and be used by the Judiciary" (expert).

The experts also suggest in favor of building the debate and the credibility of this new model – "while the approach ought to encompass all citizens, it could initially focus on leveraging the insights of citizen users. This segment typically has a narrower knowledge gap regarding the Judiciary, making it a strategic starting point."

In the area of the citizens, Vigoda-Gadot (2006) argues that citizens who view public services as political, unfair, and unethical may first react by expressing lower levels of satisfaction and only then, with time and experience, translate their dissatisfaction with the Government into more tangible reactions towards it and the political system. Miller (2013) states that the citizens' preference is difficult to understand, so go directly to the citizen and ask if they are satisfied is more effective.

In the results, knowledge affects the evaluation of the Judiciary, implying that citizens with some knowledge of the Judiciary are satisfied or very satisfied (72.83%) with the Judiciary than those who do not know the Judiciary (68.26). However, it can also be seen that citizens with strong knowledge of the Judiciary were worse satisfied than those who have some knowledge (68.70%).

Understanding the results of this research and considering the literature cited before, knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary are interconnected and essential variables to understand how citizens evaluate the functioning of the Judiciary.

Those relationships are statistically significant, although the impact of knowledge of the Judiciary on trust in the Judiciary and knowledge of the Judiciary on satisfaction with the Judiciary were not significant.

The hypotheses discussed and the model validation corroborated what was found in the literature review: the new model for evaluating the Judiciary should include knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary. These three variables accounted for 27% of the variability in the evaluation of the Judiciary's functioning, as per the total sample. In the sample of Judiciary users, which comprised 40% of the total sample, the tested model explained 25% of the variability in the evaluation of the Judiciary's functioning, as opposed to 20% with non-users of the Judiciary.

In summary, the study's results provide a basis for including knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary in the new model for evaluating the Judiciary's functioning.

As expected, the results showed differences between users and non-users of the Judiciary, and based on expert recommendations for a more readily implementable model by the Judiciary, it is advised to primarily focus on citizens who are actual users of Judiciary services. Nonetheless, the sampling process should take into account the broader population. The questionnaire should not be limited to those with official access to the Judiciary or those listed in the Institution's database. Instead, it should also encompass individuals with any relation with the Judiciary to ensure a comprehensive understanding of diverse experiences (CNJ, 2023).

About the regions of Brazil, the results showed differences between them. The model explained 30% in the North and Center-West and Southeast, 26% in the Northeast, and only 21% in the South. As seen in the results, the regions had differences, such as level of education and family income that could affect the results.

6.2 Theoretical implications

The literature review was extensive, delving deeply into several critical areas of study. It covered the Judiciary's role as a public service, various methodologies for evaluating its functioning, and the complexities involved in its management. Additionally, the review explored significant social theories, including those about Legitimacy, Stakeholder, and Social Power. This analysis examined the existing scholarly discourse and endeavored to weave together these varied strands, aiming for a comprehensive perspective of the Judiciary, situating it within a broader social and administrative framework.

One of the thesis objectives is to present the state-of-the-art of the subject "Evaluation of the Judiciary" and how the citizens' perception could be a part of it. Legitimacy, Stakeholder, and Social Power theories support that the participation of citizens in evaluating institutions or social services provided by the State is essential. The management theories affirm that a periodic evaluation of services is essential for their improvement (Freeman et al., 2010; Deegan, 2014). Therefore, understanding how citizens evaluate public service is essential, including how knowledge, trust, and satisfaction influence the evaluation. In recent years, popular participation in world decisions has increased (Voeten, 2013). Considering that, the Judiciary must include citizens' perceptions in evaluating the Judiciary.

The results of the theoretical study were that there needs to be more studies regarding citizens' evaluation of the functioning of the Judiciary. Therefore, there will be a clear contribution if it stresses the necessity of considering citizens' opinions. The literature on citizen

perception evaluating the Judiciary is very scarce and hard to come across, and research on this field should help clarify why and how the citizens should be listened to.

Some of the barometers (Latinobarometro, 2020; WPJ, 2019) indicate the citizen's participation in their research, although the subject of the application or the utilization of this research by the Judiciary is not directly mentioned. In some specific studies of the evaluation of the Judiciary, the respondents were primarily lawyers, judges, or public servants (Petterson, 2009). If it considers different fields, such as healthcare and education, many studies can be found regarding the utilization of citizen perception to improve the internal process (Guan et al., 2022).

In FGV (2019), one of Brazil's most important research on the Judiciary, the citizens researched various characteristics of the Judiciary. Because of that and the importance of Brazil in the Judiciary world scenario, this research is presented in this thesis, and their primary data was used as secondary data.

In Chapter 4, it was found that the theoretical relations presented between variable's knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary are confirmed, and the process of the validation of the model, indicate relationships among all three variables. However, they were not, in two cases, significant. As was cited before, even though other variables could impact the evaluation of the functioning of the Judiciary, the analysis of these three variables – knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary is essential to understand the evaluation of the functioning of the Judiciary.

Legitimacy and stakeholder's theories (Freeman et al., 2010; Deegan, 2014) indicate that to be legitimate, the Judiciary should have the citizen's support. These ideas go together with the notion that the citizen should be a part of the evaluation process in the Judiciary. The Social Power theory underscores the importance of public involvement in policy-making across all branches of democratic governance. It posits that societal changes gain solidification initially among the citizenry, and such changes attain legitimacy only when they receive widespread societal endorsement. This theory emphasizes that power is legitimate solely when grounded in society's collective opinion.

According to these theories, citizen opinions must be legitimate to evaluate the public services, such as the Judiciary. The results of this study show that the citizen users and non-users are essential in evaluating the Judiciary, and including this vital stakeholder will create new insights and inputs to improve the management of the Judiciary.

In an interview made previously of the study, the author talked with experts regarding the process of including the citizen. For a member of the Judiciary, the citizen's view must matter for the internal improvement of the Judiciary (Salomão & Costa, 2022). In Brazil and abroad, objective indicators, such as the number of cases per court, case per judge and civil servant, are usually used, among other variables. Significant improvements over the last few years are observed with the utilization of these indicators. From the citizen's perspective, it is a gap to be filled. It is also known that evaluation models based on the citizen's perception are a considerable challenge, given the complexity of the Judiciary, which impacts their reliability and credibility. However, there is a growing movement to change how the Judiciary is evaluated. One example is the Center for Innovation, Administration and Research in the Judiciary at FGV Knowledge - CIAPJ-FGV, which works in this direction.

As suggested by the experts, the model could contemplate, in principle, variables with which the Judiciary is already more familiar, such as knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary. With a more simplified model, a broad debate could start in society and build the necessary credibility for its concrete use within the Judiciary. Modern and contemporary management of the Judiciary requires adding a component associated with the citizen's perception to existing models. With this, society will effectively contribute to improving public policies in the Judiciary.

The evaluation and management of the Judiciary would significantly benefit from a theoretical enhancement by incorporating the perspectives of all citizens, whether they are users or non-users of the Judiciary. This inclusive approach ensures a more comprehensive and representative evaluation process, recognizing that every citizen, irrespective of their direct engagement with the Judiciary, holds valuable insights and opinions that can contribute to a more holistic and effective management and assessment of the judicial system. Such broad-based participation aligns with democratic principles and enriches the quality of the evaluation, leading to outcomes that reflect the needs and expectations of the entire populace.

6.3. Public Police Implications

The potential for enhancement in Judiciary public policies is considerable when citizen opinions are integrated into the internal evaluation processes. This inclusion offers fresh perspectives that could significantly augment the productivity and effectiveness of the institution. Public policies, thus informed, would be shaped not solely by objective indicators

but also by insights directly sourced from the citizenry. This approach would ensure that these policies align more with public needs and expectations, particularly in areas directly impacting societal perceptions of justice, such as the fairness of judicial decisions.

Furthermore, this research underscores the importance of addressing challenges identified in the Judiciary, such as accessibility, bureaucratic hurdles, physical and psychological distance from citizens, procedural speed, and transparency. Various studies have highlighted these issues (Patterson, 2009). By actively involving citizens in evaluating the Judiciary, there is an opportunity to develop new, more effective public policies (FGV, 2019). Such policies can lead to a Judiciary that is more efficient, agile, sustainable, and attuned to its role as a crucial stakeholder in the democratic process (WPJ, 2019). This participatory approach contributes to the evolution of the Judiciary as it becomes more responsive and closely connected to the community it serves.

6.4 Management Implications

The pivotal role of Judiciary management has garnered significant attention in academic discourses on the judicial system, a point emphasized by Gomes and Guimarães (2013). This theme gains added importance in light of the prevalent crisis impacting judiciaries globally, a crisis more often linked to managerial inefficiencies than fiscal limitations, as observed by the World Bank (2004). Although the administration of the Judiciary is intrinsically connected to public administration, the theoretical frameworks for its study have been extensively derived from diverse disciplines, primarily economics and law. This interdisciplinary perspective underscores the complexity and multifaceted nature of the challenges faced in Judiciary management (Mendes, 2016).

The evaluation models presented in Chapter 3 sought to evaluate the operation of institutions and services and how the users, public servants, and magistrates see their quality or effectiveness. The evaluation held by independent institutions or the Courts is helping to increase the Judiciary's quality. Although, the indicators are a more objective measure than a measure of perception. In the research conducted by Patterson (2009), Murilo (2014), Desta (2019), and Moura e Sá et al. (2021), the SERVQUAL and SERVPERF scales were employed to assess the quality of services concerning perception. These studies included both users and experts as respondents. Most indicators are objectives in countries such as Brazil, Germany, Portugal, the UK, and the USA.

In the USA, a commission was formed in 1960 to verify Judicial Performance. Every state in the country has its commission, which oversees the quality of the Judiciary. The commission is an independent state agency responsible for investigating judicial misconduct and incapacity complaints and disciplining judges. (United States Courts, 2021). Therefore, they use indicators such as public service production, caseloads, and process duration to improve the Judiciary services. The Judiciary performance in the UK is evaluated by the European Commission for Efficiency of Justice (CEPEJ, 2020). 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 closures since 2010, court workforce, judicial diversity, and expenditure on courts (United Kingdom Parliament, 2021). The German Judiciary also has a department for court statistics. The court statistics aim to provide accessible and comprehensive information about its role, work, structure, and types of proceedings (The Federal Constitutional Court, 2021). These reports help public management improve the 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 sentences (Judiciário Português, 2021). In Brazil, the Justice in Numbers report is primarily 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 appeal rates; procedural processing time until the sentence, until the discharge, and the average age of the processes; 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) (CNJ, 2022).

As seen, most indicators of evaluating the functioning of the Judiciary worldwide are objectives, not contemplating the citizens' perception more generically. That is, those who are in any way impacted by the Judiciary decision or need the Judiciary services. Therefore, articles studying the change in the Judiciary management using the citizens' perception are sporadic in the academic literature. There is an implicit idea that it has to know the law to evaluate the Judiciary's functioning. It is two different things: to know the laws and the rule of law, which

is the ability of lawyers and judges to have the right background to do their work well. Another thing is being able to evaluate the institution itself.

Considering what was discussed before and validated with some experts of the Judiciary and policymakers, it can see some paths for the Judiciary to become closer to the Citizens, considering the variables that are part of our model. For example:

- Outreach and education: The Judiciary can conduct outreach programs and educational campaigns to inform the public about its role and function. It can include organizing public events, publishing informational materials, and providing educational programs for schools and community groups.
- Media engagement: The Judiciary can engage with the media to increase its visibility and promote its activities. It can include issuing press releases, participating in interviews, and engaging with journalists to provide accurate and timely information.
- Transparency: The Judiciary can increase transparency by providing access to court documents and proceedings, publishing annual reports, and making information available on its website. It can demystify the legal process and increase public awareness of the Judiciary's activities.
- Public engagement: The Judiciary can engage with the public by soliciting feedback and input on its activities. It can be achieved by creating feedback mechanisms, such as suggestion boxes or online forums, or by engaging with citizens and community groups to obtain feedback and suggestions for improvement.
- Partnerships: The Judiciary can form partnerships with civil society organizations, academic institutions, and other stakeholders to promote awareness and understanding of its role and function. It can include participating in conferences, collaborating on research projects, and supporting initiatives to promote access to Justice.
- Accountability: The Judiciary should be accountable for its decisions and actions. It can be achieved by improving feedback and complaint mechanisms, enhancing performance metrics, and monitoring judges' behavior and compliance with ethical standards.
- Fairness: The Judiciary should ensure that all individuals, regardless of social status, race, or gender, are treated fairly and equally. It can be achieved by improving access to legal aid and education, promoting diversity in the Judiciary, and implementing measures to prevent discrimination and bias.

- Timeliness: Citizens expect timely Justice, and thus, the Judiciary must ensure that court procedures are conducted in a timely and efficient manner. It can be done by improving court management, reducing backlogs, and providing regular updates to citizens on the status of their cases.
- Quality of Service: Citizens expect high-quality services from the Judiciary. It can be achieved by improving the professionalism of judges and court staff, providing regular training and education to judges and court staff, and ensuring that courtrooms and facilities are clean, comfortable, and accessible.
- Accessibility: The Judiciary should be accessible to all citizens, including those with disabilities and those who live in remote areas. It can be achieved by improving court infrastructure, providing interpreters for non-native speakers, expanding technology to provide remote access to court proceedings, simplifying legal language, and expanding alternative dispute resolution mechanisms.
- Communication: The Judiciary should communicate effectively with citizens to inform them about court procedures, outcomes, and rights. It can be achieved by providing precise and concise information in plain language, using accessible and user-friendly channels, and assisting citizens with difficulty understanding legal procedures.
- Feedback: The Judiciary should seek feedback from citizens. It can be achieved by conducting regular surveys, creating feedback mechanisms such as suggestion boxes, and engaging with citizens and community groups to obtain feedback and suggestions for improvement.

By taking these steps, the Judiciary could be more knowledgeable, enhance citizens' satisfaction with its services, promote public trust and confidence, and ensure that it provides efficient and effective Justice to all citizens.

6.5 Challenges of Evaluating the Judiciary by citizens

Given the complexity of the Judiciary, one significant challenge in citizen-based evaluation of this Institution lies in understanding the influence of the knowledge gap on such assessments. Chapter 4 of this thesis shows a difference in evaluation between users and non-users of the Judiciary.

Despite the impact of this knowledge gap, it remains imperative for the Judiciary, as a public service, to incorporate these evaluations, recognizing citizens as key stakeholders (Dahl, 1957; Degan, 2002; Freeman et al., 2010; Voeten, 2013). Some studies show that users of the Judiciary are research respondents (Murillo, 2014; Desta, 2019). However, seeking the opinion of only those citizens who directly access the Judiciary can generate significant bias in the results (CNJ, 2023). In the same direction, as seen in the results shown in Chapter 4, the knowledge of the Judiciary varies depending on the gender, level of education, income, the regions where the citizen reside and user. Trust in the Judiciary, satisfaction with the Judiciary and evaluation of the functioning of the Judiciary varies depending on the region where the citizen resides. Therefore, listening to all citizens, regardless of income, educational level, and location, is vital. However, from the Judiciary's perspective, surveying citizen opinions like that of the FGV (2019) can sometimes entail significant costs. Consequently, a meticulously prepared sample becomes crucial to ensure it is as small as possible with credibility and cost-benefit. However, the variables identified in the model validated by this thesis offer the potential for integration into existing research and barometers that evaluate the Judiciary. Such integration is feasible since the quality of data collection and the reliability of the sample are assured. This strategy could enable a citizen's participation in evaluating the Judiciary with fewer resources.

Another critical challenge is the influence of the media on citizens' opinions regarding the Judiciary's assessment. This theme has already generated a master's thesis at ISCTE (Santos, 2022). Santos (2022) asserts that the investigation concludes that news disseminated via media can impact the citizens' assessment of the Brazilian Judiciary. However, the specific type of media through which this news is disseminated does not directly influence this assessment. Santos further notes that, based on the surveyed profiles, it is evident that, alongside media influence, social media also significantly affects individuals' perceptions (p. 53). She also asserts that the citizens who live in different regions tend to evaluate differently (p.54).

Another topic that deserves attention is which institution will conduct the Judiciary assessment. For respectability, credibility, and exemption, it must be an institution of national or even international renown, under penalty of the process loss of credibility and consequently not using the results by the Judiciary.

However, the Judiciary's inherent culture, characterized by its singularity and resistance to external feedback, necessitates a cautious and strategic approach to integrating citizen opinions. As suggested by experts interviewed, beginning with more straightforward and comprehensible

processes for Judiciary members—emphasizing minimal complexity and quick assimilation—is essential. This approach allows for a gradual adaptation within the Judiciary to gain credibility and usability.

Chapter 7 Conclusion

The concluding chapter of this thesis is organized into five sections, which are as follows: Research Summary, Contributions, Limitations, Future Research, and Epilogue. This structure provides:

- A comprehensive overview of the thesis and its main findings;
- An analysis of the limitations; and
- Suggestions for further research in the field.

7.1 Research summary

This thesis aims to answer the question: *Can the Judiciary be evaluated using citizen perception?* In order to achieve this objective, a comprehensive theoretical framework was developed, covering topics such as the Judiciary as a public service, the evaluation of the Judiciary, the management of the Judiciary, and theories of Legitimacy, Stakeholder, and Social Power besides the complete description of the Judiciary institutions. Considering this theoretical foundation, a novel model for evaluating the Judiciary is proposed that incorporates citizen perception. This innovative approach has the potential to introduce new indicators and enhance the management of the Judiciary.

After analyzing the literature and conducting expert interviews, several key measures were identified to evaluate the Judiciary. Specifically, this thesis emphasizes the importance of the citizen's knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the Judiciary's overall functionality. These factors are critical to developing an accurate and comprehensive understanding of the citizen's perception of the functioning of the Judiciary.

Knowledge of the Judiciary is a recurring topic in research, and some scholars argue that individuals with significant knowledge of the Judiciary should be entrusted with evaluating it. However, it is important to consider that citizens are essential stakeholders in the Judiciary's operations, and their perceptions are critical in assessing the institution's overall performance. Therefore, incorporating citizen perception into evaluations of the Judiciary is imperative for developing a comprehensive understanding of its effectiveness.

Therefore, what it is discussing, besides the importance of the citizens evaluating the Judiciary, is the importance of relativization of the gap of knowledge when evaluating the functioning of the Judiciary. The citizen can also perceive quality based on experience, the

difference between expectation and results, and the level of information they have about the Judiciary.

Trust in the Judiciary is also a significant variable. Some international studies use the citizens' trust perception. Sometimes, they study confidence in the Judiciary; others research trust in the institution or magistrate. Therefore, trust or confidence is recurrent in several studies and barometer studies; citizens and experts were questioned about trust in the Judiciary.

With relation to satisfaction with the Judiciary, it is important first to analyze studies that use the SERVQUAL and SERVPERF scales to measure the perception of the quality of the service. However, it is known that there is a relationship between expectations, perceived service quality/performance, disconfirmation, and satisfaction. Some authors state that the citizens' preference is hard to understand, so it is better to ask directly when the citizen is satisfied than to use a more sophisticated scale.

The methodological approach follows the sequence: objectivism, positivism, inquiry investigation, and statistical analysis. However, the results of the hypotheses tests and conclusions are subject to interpretation. It adopted a quantitative method. Beginning with a survey and then analyzing the data using parametric and non-parametric tests and SEM to test the study's hypotheses and validate the proposed model to evaluate the functioning of the Judiciary. It used IBM SPSS Statistics as the statistical software and SPSS AMOS for the Structural Equation Model.

The results confirm that citizens tend to have a some level of knowledge of the Judiciary, and more then the majority trust the Judiciary. Respondents tha are users of the Judiciary are satisfied with the Judiciary. Nevertheless, with these perceptions, Brazilian citizens tend to evaluate the functioning of the Judiciary as bad or very bad, and less than 5% considered the evaluation of the functioning of the Judiciary as very good. Thus, the results suggest that the Judiciary should see those results carefully and develop an internal process to identify and correct the cause.

Sociodemographic characteristics have been found to have little impact on the evaluation of the Judiciary. Among these characteristics, the region is the most influential factor in shaping perceptions of the Judiciary's functionality. On the other hand, gender, age, level of education, and family income do not significantly affect citizens' evaluations of the Judiciary. Notably, individuals with personal experience with the Judiciary exhibit significant differences in their perceptions compared to those who have not interacted with the institution. This finding is consistent with previous literature suggesting that direct experience with the Judiciary can

shape individuals' perceptions and knowledge about the institution, potentially influencing their evaluations.

Regarding the proposed conceptual model for evaluating the functioning of the Judiciary by the citizens, six hypotheses were formulated; hypothesis H1 implies the relationship between trust in the Judiciary and satisfaction with the Judiciary. The literature has an underlying notion that trust and satisfaction are positively related. Therefore, higher levels of trust usually mean more satisfied citizens. If it is considered the results, there is a significant and positive impact of trust in the Judiciary on satisfaction with the Judiciary. Therefore, there is a confirmation of hypothesis H1.

The hypothesis H2 is connected with the debate about the importance of knowledge of the Judiciary in studies of satisfaction with the Judiciary. A positive relationship was expected between knowledge of the Judiciary and satisfaction with the Judiciary. So, the more they know about the Judiciary, the better satisfied they will be. Therefore, the hypothesis H2 is not confirmed.

Hypothesis H3 is derived from the debate about the positive relationship between satisfaction with the Judiciary and evaluation of the Judiciary. By analyzing hypothesis H3, there is a significant positive impact of satisfaction with the Judiciary on the evaluation of the functioning of the Judiciary, so hypothesis H3 is confirmed.

Hypothesis H4 proposes a positive relationship between trust in the Judiciary and evaluation of the functioning of the Judiciary. The results confirmed this hypothesis.

The hypothesis H5 is related to the debate about the importance of knowledge in the evaluation process of the public services. It is expected that there is a positive relationship between knowledge of the Judiciary and evaluation of the functioning of the Judiciary. The hypothesis (H5) is confirmed.

The debate about the possible relationship between trust in the Judiciary and knowledge of the Judiciary supports hypothesis H6. The results showed no significant impact of the knowledge of the Judiciary on trust in the Judiciary.

In summary, four of the hypotheses (H1, H3, H4, and H5) were confirmed by the data, while H2 and H6 were not supported. Future research could explore and test the opposite directions of the relationships between knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the institution. Investigating these relationships can refine the model and further advance the understanding of citizen evaluations of the Judiciary.

The model explained 27% of the variability in the evaluation of the functioning of the Judiciary, suggesting that the antecedents of the evaluation are indeed important factors in explaining citizens' perceptions of the institution.

Answering the research question of the Judiciary can be evaluated using citizen perception. It can say yes. The research findings confirm that the proposed model is a valuable tool for evaluating the functioning of the Judiciary. However, it is essential to keep the measurement of citizens' perceptions as simple as possible, avoiding technical terms that may need clarification for individuals with lower education levels, particularly those with limited direct contact with the Judiciary. Therefore, developing a clear and accessible methodology for assessing citizens' perceptions of the Judiciary is crucial to ensure that the evaluation accurately reflects their opinions and experiences.

7.2 Contributions

The sub-chapter contributions are divided into two main fields: Theoretical and Managerial.

7.2.1 Theoretical contribution

The Legitimacy, Stakeholder, and Social Power theories all emphasize the importance of citizen participation in evaluating institutions or social services the State provides. As such, it is critical to understand how citizens evaluate public services. In recent years, there has been a rise in popular participation in decision-making worldwide. Given this trend, the Judiciary must try to incorporate citizens' perceptions in managing internal processes.

The findings of the theoretical study revealed a significant gap in the literature concerning the evaluation of the Judiciary from the citizens' perspective. Thus, emphasizing the importance of incorporating citizens' opinions in the assessment of the Judiciary would make a noteworthy contribution to the field. It is crucial to reinforce that citizens' participation should be a crucial part of the management process in institutions like the Judiciary. This theoretical contribution is especially relevant, given that other areas, such as healthcare and education, have already recognized the value of including citizen participation in evaluating their services.

Adding to that, the thesis not only confirms the importance of variables such as knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary in understanding citizens' evaluation of the functioning of the Judiciary, but it also fills a significant gap in the

literature on this topic. Through the research, it hopes to encourage further studies on the relationship between the Judiciary and citizens' perceptions, as well as sensitize the academic community to the importance of studying citizens' opinions and experiences more in-depth.

As the FGV Center of Innovation, Administration, and Research of the Judiciary aims to promote meaningful discussions about the Judiciary, evaluating the Judiciary by citizens is one of the important themes. Therefore, the Center can consolidate this new research line to explore citizens' perceptions of the Judiciary. This thesis is a valuable resource for academics and researchers as they delve into this important topic and permanently contribute to the research line.

7.2.2 Managerial contribution

The Judiciary would benefit from having different inputs on this type of evaluation, considering, for example, Judiciary public policies. These public policies could be developed based on a new type of evaluation that considers experts' opinions or those of those who deal with the Judiciary daily and those who use and are impacted by the Judiciary. The Judiciary directly impacts society, mainly when it discusses the notion of justice in society, fairness of a judge's decision, for example. The result of this research should contribute to including new ideas for public policy more connected to citizen's needs and will contribute also to the sustainability of the Judiciary.

Improving processes within the Judiciary is essential, particularly regarding enhancing performance, especially important given that citizens' perceptions of the Judiciary vary depending on factors such as region. Society has a keen interest in the activities of the Judiciary, and it is a fundamental principle of the Judiciary to provide services that efficiently and effectively meet collective needs. Therefore, Judiciary managers must prioritize principles of efficiency and effectiveness in their management approach to achieving institutional goals. By incorporating citizens' evaluation, the Judiciary can make meaningful improvements and better serve the public.

Considering the literature, a way to improve quality in the Judiciary is to increase the capacity of better case management, invest in infrastructure, and decrease caseloads. Considering the citizens are important stakeholders, they should be listened to regarding the quality of services the Judiciary provides.

Also, considering the results of the empirical research, there are clear contributions with the validation of the model. Continuous data monitoring as a means of evaluating and producing diagnoses is becoming more frequent in public administration management. The strategic decisions taken by the senior management of institutions are more efficient and effective when based on data and empirical evidence. The validation of the model contributes to a better way of evaluating the functioning of the Judiciary in Brazil and, consequently, improving the Judiciary's management.

7.3 Limitations

The problem identified is complex, being the object of investigation and debate by researchers and other interested parties. It is, therefore, impossible to solve the problem with a single work of this nature, although the thesis's contribution is decisive in clarifying it. Thus, despite the precise contribution of this research for the evaluation of the Judiciary, for literature, and for the debate to be carried out, and despite all the efforts made at the methodological level, the research has some limitations that should be mentioned. This item presents some of the study's limitations related to the sample, proposed model, and methods.

As it is known, it uses samples when it is impossible or exceedingly difficult to survey the entire population. In this case, when assessing the functioning of the Judiciary, it has to survey all the citizens impacted by the Judiciary decisions, in resume almost all the inhabitants. However, considering that in Brazil, there is a concept of the criminal majority, that is, up to 18 years old, every citizen is judicially responsible, the target population of our study is all habitats that have more than 18 years of age, distributed in all five regions of the country. It will be impossible to survey all of them. Therefore, it surveyed using a sample representing this population, the focus of the study. In the case of Brazil, it is based on the National Census conducted by the Brazilian Institute of Geography and Statistics (IBGE). Considering that the research of the FGV (FGV, 2019) is one of the most complete research in the area of the Judiciary, the author of this thesis analyzed the methodology and accompanied all the phases of the FGV's research and certified that the questionnaire is adherent to this thesis research, it was decided to use the data of the FGV' research, as the secondary data. However, as with any sample, it has the limitation of representing the study's population focus.

As seen in the literature, the number of variables that may influence the evaluation of the functioning of the Judiciary is large. Other variables could play a part in evaluating the

Judiciary, such as speed of the process, efficiency, transparency, access, impartiality, independence, and especially the influence of the media; however, as it is also known from the literature, few academic studies citizens' perceptions. So, considering the recommendation of the experts, the model should be as simple as possible in the beginning.

As mentioned in the methodology chapter, the evidence collection instrument used consisted of a questionnaire, which presents some limitations. In the questionnaire design, procedures were adopted to reduce these limitations. However, using a questionnaire contains a limitation of the ontological forum; that is, it made it possible to collect perceptions about reality, not reality itself. In addition, perception is complex to interpret, and some choices were made regarding the scales used.

The evaluation of the functioning of the Judiciary is a complex problem; the utilization of only four variables to explain the problem can represent a limitation, although it presents the reasons for the adoption of the present model.

Another limitation related to the data is that the variables are ordinal and are treated quantitatively, as being ordinals can cause the distribution to be non-normal, which was the case. Even though the fit indices were good, the proposed model is just one model in a set of potential models, which may fit the data as well.

7.4 Future research

This thesis made it possible to identify paths for future research, which, along with the identified limitations, led to the suggestion of a set of clues for new research.

This study advances the literature by focusing on the citizen's perception associated with evaluating the functioning of the Judiciary. The results, mainly when it tested with the samples of users and non-users, showed a difference in explanation of variable evaluation of the functioning of the Judiciary, between one and another of about 20%. When it considered the sociodemographic variable region, there were also differences between regions in the explanation of the evaluation of the functioning of the Judiciary. Therefore, considering the scarce academic literature on this theme, there is room for improving the theoretical field and including other variables in the new research, especially the impact of the favorability of the media on the Judiciary's assessment, access to the Judiciary, speed of the process, besides knowledge of the Judiciary, trust in the Judiciary, and satisfaction with the Judiciary.

In addition, as cited, that there were statically significant differences between the Brazilian regions, the test of the model in other countries, at least with similar systems of justice, could enable to prove the efficacy of the model in larger samples.

Another suggestion would be exploring the sociodemographic variables such as age, sex, education, and family income. It could be explored in different studies where the differences were present in multiple variables.

Developing an index to represent the citizens` perception of the evaluation of the functioning of the Judiciary is recommended. Although it is considered a big challenge, it is essential to encourage research to produce an index that joins the consolidated indicators already used by the Judiciary and the citizen's perceptions to have a global and general index of evaluating the Judiciary.

EPILOGUE

The primary goal of this thesis is to develop a novel model for evaluating the Judiciary that incorporates the citizen's viewpoint. Currently, a significant proportion of studies that evaluate the Judiciary using perception utilize judges, public servants, or legal specialists as reference points. In contrast, citizens are less frequently asked to evaluate the Judiciary, and even less frequently are they solicited to offer feedback that could enhance the processes or services of this vital institution. There are multiple reasons for the exclusion of citizens from the Judiciary evaluation. However, one of the primary justifications is that they need more information and knowledge to evaluate this complex institution. Their opinions may be influenced by their limited understanding and by the media.

Pay special attention to the media is essential as it can significantly impact citizens' perception of the Judiciary. The media can shape public opinion by highlighting specific cases or judicial decisions and providing commentary and analysis. For instance, citizens may negatively perceive the institution if the media frequently reports negative news about the Judiciary. On the other hand, if the media highlights cases where the Judiciary upholds justice and protects citizens' rights, it can positively influence public opinion about the Judiciary. Moreover, the media can educate citizens about the legal system, the role of the Judiciary, and its operation. It can also lead to a more informed and engaged citizenry, resulting in a better relationship between the Judiciary and citizens.

In the 21st century, it is crucial to recognize the increasing influence of citizens on all social segments, whether individually or collectively, and the value of their social power. It has been facilitated by the emergence of big tech companies and their platforms for accessing and disseminating information. Given this reality and that the decisions made by the Judiciary directly impact the lives of citizens, it is essential to recognize the citizen as one of the most important stakeholders in this institution. The citizen's voice needs to be heard to ensure the Judiciary's legitimacy, which is constitutionally delegated to ensure the rule of law and the exercise of democracy.

There is a gap in the knowledge of the Judiciary that could impact the evaluation of the Judiciary by the citizens. However, today, the Judiciary cannot operate in isolation, confined to its microcosm of judges, lawyers, civil servants, public defenders, and legal experts. The Judiciary must commit to society and the citizens it serves. By actively listening to and

considering citizen feedback, the Judiciary can improve its processes and services and, in turn, ensure the legitimacy necessary for its sustainability.

However, after a few years of researching and talking with specialists, servants, and scholars of the Judiciary, the author of this thesis is confident in the need to start evaluating the Judiciary with a simple model with few variables and easy implementation. To be better and more quickly assimilated by the Judiciary, this new model must have a scientific basis but be simple to understand by the Judiciary, as the experts emphasize.

Legitimacy, Stakeholder, and Social Power theories provide the theoretical basis for supporting a model incorporating the citizen's opinion, but it must go further. The citizen needs to be heard and, with that, influence the improvement of the management of the Judiciary and, thus, see the necessary improvement of its processes and judicial services.

The path, as described in detail throughout the thesis and based on a thorough review of the literature, was the construction of a model that takes into account four essential variables: knowledge of the Judiciary, trust in the Judiciary, satisfaction with the Judiciary, and evaluation of the functioning of the Judiciary. Variables that are easy for citizens and members of the Judiciary to understand and measure and have the necessary academic foundation to be respected, helping to better incorporate it by the Judiciary in its assessments of efficiency and effectiveness. Additionally, these four variables are widely used in research and are well-supported in the literature. However, their measurement methodology, while effective in other areas of public service, can pose challenges when applied in the context of the Judiciary.

The author is confident that developing the ***Iudiciarius Civis*** model provides an important evaluation tool for the Judiciary, significantly enhancing its relationship with citizens, like Sadek so very well explicit in the text described below:

> "... the winds of change have reached and will continue to reach the Judiciary. Rarely has the debate been so heated, so many have sought to negotiate and thus change their initial positions, and projects, or at least project items, have gained so much concreteness, allowing us to conclude that it is unlikely that an institution as crystallized as the Judiciary will remain immune to changes. The ongoing changes and the break with the doldrums are surprising steps for skeptics, small for idealists, necessary and welcome, but insufficient to guarantee faster, impartial, and widely accessible justice for realists guided by republican principles. More is needed – this is the cry of citizenship." (Sadek, 2004, p. 93)

Happy life to ***Iudiciarius Civis***!

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APPENDICES

Appendix A. SERVQUAL: A Multiple Item Scale for Measuring Consumer Perceptions of Service Quality

DIRECTIONS: This survey deals with your opinions of ------ services. Please show the extent to which you think firms offering ------- services should possess the features described by each statement. Do this by picking one of the seven numbers nexto to each statement. If you strongly agree that these firms should possess a feature, circle the number 7. If you strongly disagree that these firms should possess a feature, circle 1. If your feelings are not strong, circle one of the numbers in the middle. There are no right or wrong answers -- all we are interested in is a number that best shows your expectations about firms offering ----- services.

E1	They should have up-to-date equipment.
E2	Their physical facilities should be visually appealing.
E3	Their employees should be well dressed and appear neat.
E4	The appearance of the physical facilities of these firms should be in keeping with the type of services provided.
E5	When these firms promise to do something by a certain time, they should do so.
E6	When customers have problems, these firms should be sympathetic and reassuring.
E7	These firms should be dependable.
E8	They should provide their services at the time they promise to do so.
E9	They should keep their records accurately.
E10	They shouldn't be expected to tell customers exactly when services will be perfomed. (-)[b]
E11	It is not realistic for customers to expect prompt service from employees of these firms. (-)
E12	Their employees don't always have to be willing to help customers. (-)
E13	It is okay if they are too busy to respond to customer requests promptly. (-)
E14	Customers should be able to trust employees of these firms.
E15	Customers should be able to feel safe in their transactions with these firms' employees.
E16	Their employees should be polite.
E17	Their employees should get adequate support from these firms to do their jobs well.
E18	These firms should not be expected to give customers individual attention. (-)
E19	Employees of these firms cannot be expected to give customers personal attention. (-)
E20	It is unrealistic to expect employees to know what the needs of their customers are. (-)
E21	It is unrealistic to expect these firms to have their customers's best interests at heart. (-)
E22	They shouldn't be expected to have operating hours convenient to all their customers. (-)

DIRECTIONS: The following set of statements relate to your feelings about XYZ. For each statement, please show the extent to which you believe XYZ has to feature described by the statement. Once again, circling a 7 means that you strongly agree that XZY has that feature, and circling a 1 means that you strongly disagree. You may circle any of the numbers in the middle that show how strong your feelings are. There are no right or wrong answers --- all we are interested in is a number that best shows your perceptions about XYZ.

P1	XYZ has up-to-date equipment.
P2	XYZ's physical facilities are visually appealing.
P3	XYZ's employees are well dressed and appear neat.
P4	The appearance of the physical facilities of XYZ is in keeping with the type of services provided.
P5	When XYZ promises to do something by a certain time, it does so.
P6	When you have problems, XYZ is sympathetic and reassuring.
P7	XYZ is dependable.
P8	XYZ provides its services at the time they promise to do so.
P9	XYZ keeps its records accurately.
P10	XYZ does not tell customers exactly when services will be perfomed. (-)
P11	You do not receive prompt service from XYZ's employees. (-)
P12	Employees of XYZ are not always willing to help customers. (-)
P13	Employees of XYZ are too busy to respond to customer requests promptly. (-)
P14	You can trust employees of XYZ.
P15	You feel safe in your transactions with XYZ' employees.
P16	Employees of XYZ are polite.
P17	Employees get adequate support from XYZ to do their jobs well.
P18	XYZ does not give you individual attention. (-)
P19	Employees of XYZ do not give you personal attention. (-)
P20	Employees of XYZ do not know what your needs are. (-)
P21	XYZ does not have your best interests at heart. (-)
P22	XYZ does not have operating hours convenient to all their customers. (-)

Source: Parasuraman, A., Zeithalm, V., Berry, L. (1988). Journal of Retailing.

Appendix B. Measuring service quality: A reexamination and extension

Performance

The following set of statements relate to **your feelings about XYZ ____.** For each statement, please show the extent to which you believe XYZ ____ has the feature described by the statement. Once again, placing a seven on the line means you strongly agree that XYZ has that feature, and a one means you strongly disagree. You may use any of the numbers in the middle as well to show how strong your feelings are. There are no right or wrong answers — all we are interested in is a number that best shows your perceptions about XYZ whether you use their service or not.

1-----2-----3-----4-----5-----6-----7

STRONGLY DISAGREE — STRONGLY AGREE

— P1. XYZ ____ has up-to-date equipment.
— P2. XYZ ____'s physical facilities are visually appealing.
— P3. XYZ ____'s employees are well dressed and appear neat.
— P4. The appearance of the physical facilities of XYZ ____ is in keeping with the type of service provided.
— P5. When XYZ ____ promises to do something by a certain time, it does so.
— P6. When you have problems, XYZ ____ is sympathetic and reassuring.
— P7. XYZ ____ is dependable.
— P8. XYZ ____ provides its services at the time it promises to do so.
— P9. XYZ ____ keeps its records accurately.
— P10. XYZ ____ does not tell its customers exactly when services will be perfomed.
— P11. You do not receive prompt service from XYZ _____ employees.
— P12. Employees of XYZ ____ are not always willing to help customers.
— P13. Employees of XYZ ____ are too busy to respond to customer requests promptly.
— P14. You can trust employees of XYZ ____.
— P15. You can feel safe in your transactions with XYZ ____'s employees.
— P16. Employees of XYZ ____ are polite.
— P17. Employees get adequate support from XYZ ____ to do their jobs well.
— P18. XYZ ____ does not give you individual attention.
— P19. Employees of XYZ ____ do not give you personal attention.
— P20. Employees of XYZ ____ do not know what your needs are.
— P21. XYZ ____ does not have your best interests at heart.
— P22. XYZ ____ does not have operating hours convenient to all their customers.

Source: Cronin, J. J., & Taylor, S. A. (1992). Journal of Marketing.

Appendix C. Toward service excellence: A preliminary assessment of service quality in Georgia Courts

Georgia Court Manager's Survey on Service Quality

1. Cover page

Dear Court Manager:

Currently, I am participating in the Court Executive Development Program offered by the Institute for Court Management at the National Center for State Courts. One of the program requirements is a research project which benefits the state's judicial system. The focus of my research is service quality at local trial courts. For purposes of this study service quality is defined as the degree in which services meet customer needs or expectations. This project investigates perceptions surrounding service quality delivery, service quality gaps and barriers to improvement. Findings gleaned from the research data will have practical implications for judicial stakeholders, including judges, court managers, staff and external users of services.

You can assist in this project by completing this 24 question survey - it will take less than ten minutes. This survey is completely voluntary. Results will only be presented in an aggregated form. You are assured I will not identify you or your court in presenting the results of this survey. A copy of my survey results will be made available to you upon request.

As a manager at the local trial court your honest assessment is of critical importance. The overall quality of this study depends on the information obtained from you. I realize the value of your time and greatly appreciate you completing this survey by March 12, 2009. As a token of my gratitude, I am offering a Wal-Mart gift certificate valued at twenty dollars ($20.00) to every twentieth trial court manager to complete the survey online (one response per person please). Be sure to provide the necessary information when prompted to do so, that I may contact you regarding the gift certificate award. A maximum of ten (10) gift certificates will be awarded.

Please note: (1) Although I am an employee of the Administrative Office of the Courts (AOC) I am personally and solely responsible for any and all awards associated with this research project. (2) You may complete the survey while opting out of consideration for the gift card by withholding your contact information if you believe a conflict exists with applicable regulations and policies governing gifts and monetary awards.

I look forward to your response and hope to begin data analysis on March 13th. If you have questions concerning this study and its purpose, you may contact me at (404) 463-3804 or patterc@gaaoc.us .

Thank you for your assistance.

Sincerely
Christopher T. Patterson

2. Overall Rating

*** 1. Using a 10-point scale, where 1 indicates "very poor" and 10 represents "excellent", how would you rate the overall service quality at your court?**

Remember: For purposes of this survey "service quality" is defined as the degree in which services meet customer needs or expectations.

◯ 1 ◯ 2 ◯ 3 ◯ 4 ◯ 5 ◯ 6 ◯ 7 ◯ 8 ◯ 9 ◯ 10

Very Poor Excellent

3. Perceptions and Expectations

Please review each of the 10 statements carefully. Two rows are provided for your response. Row 1 scores your beliefs about current services and arrangements at your court. Row 2 seeks your opinion of service levels that customers expect at excellent courts.
If you strongly disagree, check the leftmost button. If you strongly agree, check the rightmost button. If your feelings are less strong, check the button in the middle that best represent your viewpoint.

This study is interested in your feelings so there is no right or wrong answer.

*** 1. The court utilizes modern equipment and technology to improve service delivery to its customers.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Our court utilizes modern equipment and technology to improve service delivery to its customers	◯	◯	◯	◯	◯	◯	◯
Court users expect courts to use modern equipment and technology to improve service delivery to its customers.	◯	◯	◯	◯	◯	◯	◯

*** 2. Information brochures, court forms, instructions, and other materials are presented in clear and easy to understand terms.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
At our court, instructions, court forms, brochures and other informational materials are clear and easily understood.	◯	◯	◯	◯	◯	◯	◯
Court users expect instructions, court forms, brochures and other informational materials to be clear and easily understood.	◯	◯	◯	◯	◯	◯	◯

*** 3. When the court promises to do something by a certain time it is performed.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
When our court promises to do something by a certain time it is performed.	◯	◯	◯	◯	◯	◯	◯
Court users expect services to be performed according to the communicated timeframe.	◯	◯	◯	◯	◯	◯	◯

*** 4. The court performs its services correctly the first time.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Our court performs its services correctly the first time.	◯	◯	◯	◯	◯	◯	◯
Court users expect the court to perform its services correctly the first time.	◯	◯	◯	◯	◯	◯	◯

*** 5. Court employees deliver prompt and courteous service.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Court employees at our court deliver prompt and courteous service.	◯	◯	◯	◯	◯	◯	◯
Court users have an expectation that services will be delivered in a prompt and courteous manner.	◯	◯	◯	◯	◯	◯	◯

*** 6. Customers are provided opportunity to make suggestions and offer feedback.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Customers of our court are provided opportunity to make suggestions and offer feedback.	◯	◯	◯	◯	◯	◯	◯
Court users expect to be provided an opportunity to make suggestions and offer feedback.	◯	◯	◯	◯	◯	◯	◯

*** 7. Court employees have the knowledge to answer customer questions.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Employees at our court have the knowledge to answer customer questions.	◯	◯	◯	◯	◯	◯	◯
Court users expect court employees to have the knowledge to answer their questions.	◯	◯	◯	◯	◯	◯	◯

*** 8. The behavior of the court's employees instill confidence in its customers.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The behavior of our court employees instill confidence in our customers.	◯	◯	◯	◯	◯	◯	◯
Court users expect the behavior of court employees to instill confidence in its customers.	◯	◯	◯	◯	◯	◯	◯

*** 9. Court employees understand the specific needs of the court's customers.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
At our court, employees understand the specific needs of our customers.	◯	◯	◯	◯	◯	◯	◯
Court users expect court employees to understand their specific needs.	◯	◯	◯	◯	◯	◯	◯

*** 10. The court has the customer's best interest at heart.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Our court operates with the customer's best interest at heart.	◯	◯	◯	◯	◯	◯	◯
Court users expect the court to operate with the customer's best interest at heart.	◯	◯	◯	◯	◯	◯	◯

4. Influencers of Service Gaps

This section contains 13 questions which seeks your candid appraisal of attitudes and arrangements that may impact service quality. Please indicate your agreement level with the following statements as they pertain to your court.

As in the previous section, the leftmost button indicates strong disagreement and the rightmost button signifies strong agreement. If your feelings are less strong, check an answer in the middle that best represent your viewpoint.

Again, this study is interested in your feelings so there is no right or wrong answer.

*** 1. Court leadership (judges and executive-level managers)is fully supportive of service quality improvement efforts.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Court leadership (judges and executive-level managers)is fully supportive of service quality improvement efforts.	◯	◯	◯	◯	◯	◯	◯

*** 2. Court staff receive regular training to maintain subject matter knowledge and professional competency.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Court staff receive regular training to maintain subject matter knowledge and professional competency.	◯	◯	◯	◯	◯	◯	◯

*** 3. Adequate rewards and recognition are available for employees who demonstrate customer service excellence.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Adequate rewards and recognition are available for employees who demonstrate customer service excellence.	◯	◯	◯	◯	◯	◯	◯

*** 4. Communication across all organizational levels is good.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Communication across all organizational levels is good.	◯	◯	◯	◯	◯	◯	◯

*** 5. Court employees are empowered to make decisions that enhance customer service delivery.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Court employees are empowered to make decisions that enhance customer service delivery.	◯	◯	◯	◯	◯	◯	◯

*** 6. The court has established internal procedures, time standards, or other measures to reduce court delay.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The court has established internal procedures, time standards, or other measures to reduce court delay.	◯	◯	◯	◯	◯	◯	◯

*** 7. The court has internal procedures or guidelines that instruct staff on assisting self represented litigants.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The court has internal procedures or guidelines that instruct staff on assisting self-represented itigants.	◯	◯	◯	◯	◯	◯	◯

*** 8. The court has been reviewed to determine whether physical barriers exist that could impede access.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The court has been reviewed to determine whether physical barriers exist that could impede access.	◯	◯	◯	◯	◯	◯	◯

*** 9. The court has established protocol for assisting persons who require interpreter services - sign language and linguistic.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The court has established protocol for assisting persons who require interpreter (sign language and linguistic) services.	◯	◯	◯	◯	◯	◯	◯

*** 10. The court's website contains clear, accurate and current info on services, procedures and contact information (see below if no website).**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
The court's website contains clear, accurate and current info on services, procedures and contact information (see below if no website).	◯	◯	◯	◯	◯	◯	◯

Type "no" here if court lacks a web presence

*** 11. Court staff and security personnel receive regular customer service training (see below if diversity topics are included).**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
Court staff and security personnel receive regular customer service training (see below if diversity topics are included).	◯	◯	◯	◯	◯	◯	◯

Does training include diversity topics (type "yes" or "no" here).

*** 12. A customer-focused culture exists at our court.**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree, Nor agree	Somewhat Agree	Agree	Strongly Agree
A customer-focused culture exists at our court.	◯	◯	◯	◯	◯	◯	◯

13. (Optional) Please complete the following statement:

Service quality at courts like mine could be improved if

5. General Information

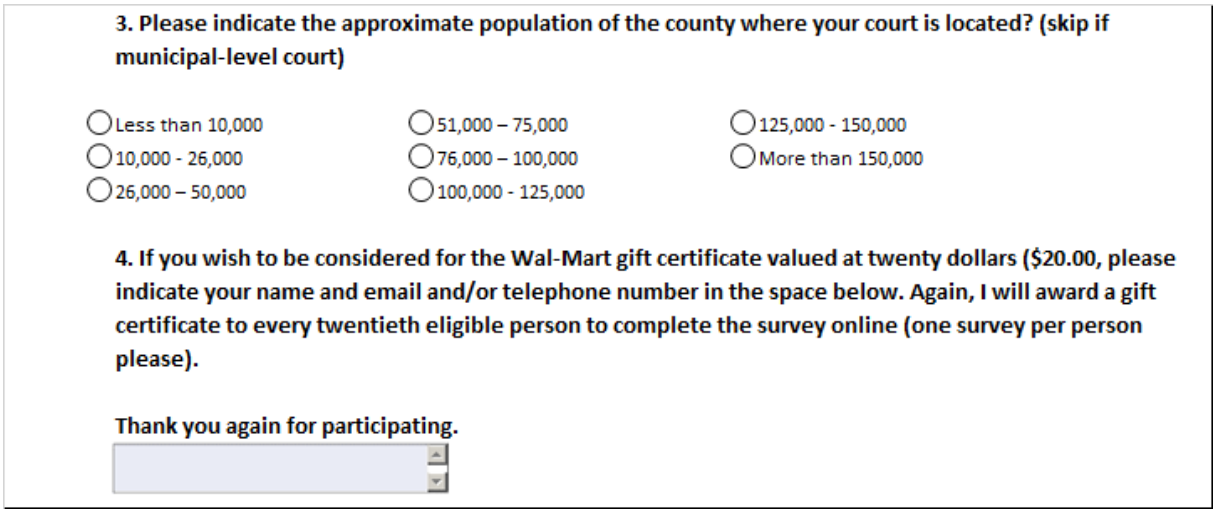
Please indicate below the response that most accurately represent your circumstances.

*** 1. Which title best categorizes your position at the court?**

◯ Court Administrator ◯ Deputy Court Administrator ◯ Court Manager/Supervisor ◯ Chief Clerk of Court ◯ Chief Deputy Clerk of Court

*** 2. In which class of court do you primarily manage? (check one only)**

☐ Superior Court ☐ State Court ☐ Juvenile Court ☐ Probate Court ☐ Magistrate Court ☐ Municipal Court ☐ Special Court



Source: Patterson, C. T. (2009). Institute for Court Management. Court Executive Development Program.

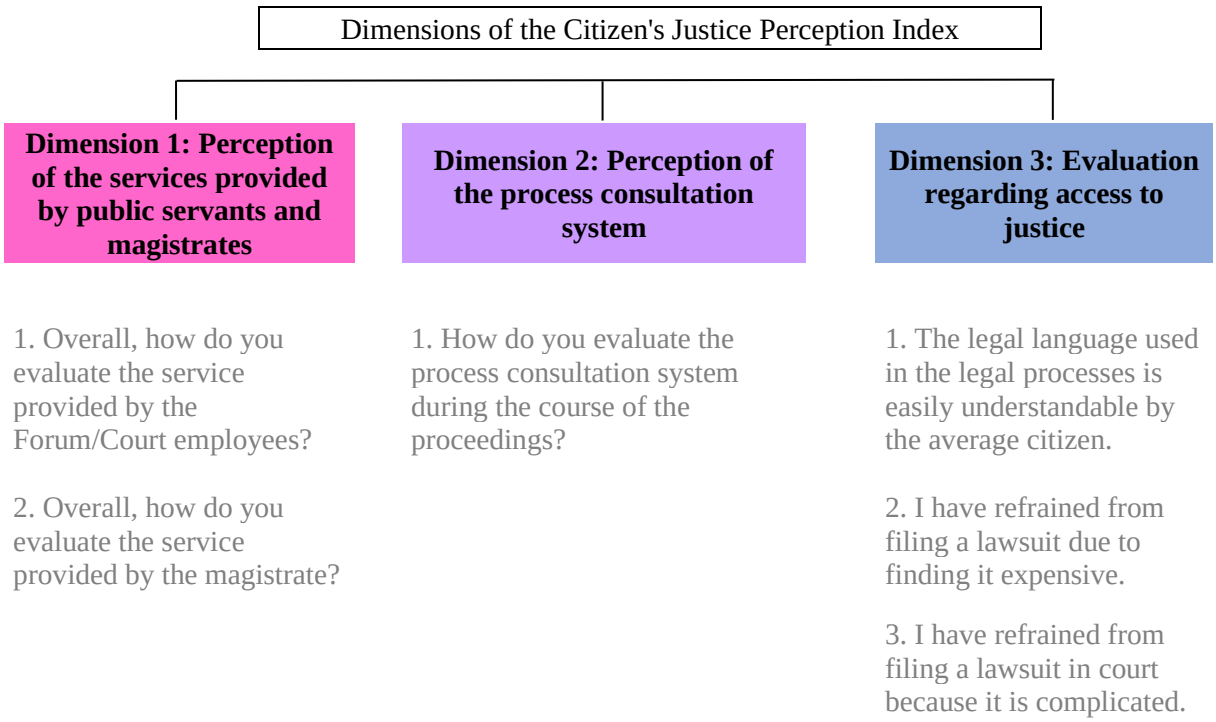
Appendix D. Quality assessment of the services delivered by a Court, based on the perceptions of Users, Magistrates, and Court Officials

	Service Quality Items (SERVPERF Instrument)	Users	Magistrates	Court Officials	KW Test (p)
TANGIBLES					
1.1.	The court has modern equipment	3.19	2.40	2.55	0.006
1.2.	The buildings and rooms are visually attractive	3.42	2.10	2.26	0.000
1.3.	Internal signalization is good	3.42	2.45	2.48	0.000
1.4.	The court is accessible to disabled people	3.63	2.50	2.29	0.000
1.5.	The materials (technological equipment and furnishing) are visually attractive	3.00	2.00	2.01	0.000
1.6.	- Magistrates have a good and professional looking	4.20	3.80	3.96	0.075
	- Court officials have a good and professional looking	4.10	3.68	3.86	0.099
RELIABILITY 2.1.	Services are provided according to the law	4.13	3.80	3.92	0.323
2.2.	Court officials are helpful	4.19	3.95	4.10	0.476
2.3.	Services are performed in a correct and error-free manner	4.03	3.45	3.61	0.012
2.4.	The court provides the service within the deadlines established in the law	3.63	3.37	3.71	0.327
RESPONSIVENESS 3.1.	- The (oral and written) language used by Magistrates when interacting with users is plain and clear	3.82	3.30	3.54	0.065
	- The (oral and written) language used by court officials when interacting with users is plain and clear	3.93	3.60	3.82	0.216
3.2.	- Magistrates explain the procedures to the users	3.81	3.60	3.47	0.359
	- Court officials explain the procedures to the users	3.66	3.65	3.98	0.132
3.3.	Court officials provide quick assistance to users	3.52	3.68	4.09	0.004
3.4.	Court officials are always keen to help users	3.67	3.50	4.00	0.026
3.5.	Court officials are never too busy to answer to users' requests	3.60	3.31	3.49	0.420
3.6.	The informatics system of the court is operational	*	3.21	3.33	0.842
ASSURANCE 4.1.	- Magistrates behave in a way that inspires users' trust	4.00	3.8	3.69	0.175
	- Court officials behave in a way that inspires users' trust	3.95	3.8	3.89	0.694
4.2.	- Users have confidence on the services provided by the cc	3.88	*	*	*
	- Magistrates transmit confidence to the users	*	3.75	3.71	0.765
	- Court Officials transmit confidence to the users	*	3.75	3.84	0.606
4.3.	- Magistrates behave in a way that is friendly to users	4.05	4.15	3.84	0.175
	- Court officials behave in a way that is friendly to users	4.14	4.15	4.08	0.855
4.4.	- Magistrates have the necessary skills and competencies to answer users' requests	3.97	4.30	4.22	0.454
	- Court officials have the necessary skills and competencies to answer users' requests	3.90	4.10	3.97	0.545
EMPATHY	- Magistrates give individual attention to users	3.46	3.70	3.26	0.263
5.1.	- Court officials give individual attention to users	3.60	3.85	3.91	0.390
5.2.	- The court opening hours are convenient to users	3.83	3.80	3.32	0.035
5.3.	- Magistrates deal with users with courtesy	3.94	3.94	3.85	0.341
	- Court officials deal with users with courtesy	4.08	4.08	3.95	0.755
5.4.	- Court officials show a genuine interest in helping users	3.87	3.95	3.97	0.842
5.5.	- Magistrates understand the specific needs of users	3.61	3.95	3.55	0.346
	- Court officials understand the specific needs of users	3.82	4.00	3.93	0.664
	** Question was not asked to this group of respondents*				

Source: Moura e Sá, P., Rosa, M. J., Santinha, G., & Valente, C. (2021). Sustainability, 13, 504.

Appendix E. Research on the Perception and Evaluation of the Brazilian Judicial Power

List of selected questions in their respective previous dimensions for the selection of questions, validity and reliability of the Justice Perception Index for citizens who have been involved in any judicial process in the last five years.



Justice Perception Index	Response Categories			
1. Justice Perception Index for Citizens	Very Dissatisfied	Dissatisfied	Satisfied	Very Satisfied

Source: Conselho Nacional de Justiça (CNJ, 2023).