

# Modernization spheres of the Portuguese judicial system

## Esferas de modernização do sistema judicial português

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### Abstract

Portuguese judicial system modernization process can be divided into several dimensions. Considering the key actors' speeches, placed at the level of the judicial system reforms' implementation, the paper explores the main spheres that are part of that modernization process. From the analysis of who these key actors are, through the role of the European Union, to the relevance of information and communication technologies and corresponding infocommunicational skills, there are several spheres highlighted. This analysis culminates in the perception of how modernization has been implemented. The interviews applied to eight key actors are analyzed, concluding on the current inevitability of the Portuguese judicial system modernization, a vision enhanced by the 2019 pandemic and by the changes to which the World and the labor market were submitted to. The paper presents the content analysis' results applied to the interviews.

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**Palavras-chave:** Portuguese judicial system; modernization; spheres of modernization; Justice.

## Resumo

O processo de modernização do Sistema judicial português pode ser dividido em diversas dimensões. Considerando os discursos de atores-chave, situados ao nível da implementação das reformas do sistema judicial, o artigo explora as principais esferas que são parte do processo de modernização. Da análise de quem são esses atores-chave, passando pelo papel da União Europeia, até à relevância das tecnologias de informação e comunicação e das correspondentes competências infocomunicacionais, há diversas esferas que podem ser enunciadas. Esta análise culmina com a percepção de como esta modernização foi implementada. São analisadas as entrevistas aplicadas a oito atores, concluindo com atual inevitabilidade da modernização do sistema judicial português, uma visão potenciada com a pandemia de 2019 e pelas mudanças que a que o Mundo e o mercado de trabalho foram submetidos. O artigo apresenta os resultados da análise de conteúdo aplicada às entrevistas.

**Keywords:** Sistema judicial português; esferas de modernização; Justiça.

## Introduction

In 1983, Walzer (1999) wrote his book *Spheres of Justice*. As the title suggests, the author thinks about Justice in terms of spheres. It is the goods' distribution between spheres that is the starting point for his conception of justice. Each of these spheres includes a good or a set of goods, and the criteria for their distribution. All societies have different spheres of justice, although the separation and complexity of spheres is probably more marked in the contemporary world. Often, the spheres are not fully autonomous, but have relative autonomy in relation to each other (Walzer, 1999, pp. 21-45).

Walzer (1999) identifies 11 spheres of justice: membership; social security; money and merchandise; public positions; hard work; leisure; education; kinship and love; divine grace; social significance; and political power. All these 11 spheres are perceived as goods, which may be distributed among citizens, avoiding predominance of some sphere over the other in specific individuals. But admitting the existence of a complex equality.

I.e., in complex equality some individuals may possess a big amount of goods placed at a specific sphere, and that is acceptable if this means that those citizens need that good. However, predominance doesn't imply some social meaning associated to that amount of goods. It implies advantage and using that same advantage for its own purpose. Because of the inequalities that predominance produces, it should be avoided.

Applying this theory to the paper discussion, one may say that some Portuguese judicial system modernization spheres are the dimensions (goods in Walzer's conception) included by the interviewed key actors in that modernization process. The optimal situation is that all the

dimensions are developed equally, and all the actors placed at the judicial system implementation level have access to those goods (dimensions and information about them) equally as well.

Thus, the dimensions/spheres described and analyzed in the following section were the ones pointed out by the interviewees. In each one of the spheres, goods and/or sets of goods are included as well as the criteria for distributing those goods. And in this distribution, some inequalities are produced. At the same time, spheres are dependent on one another.

For example, when mentioning European Union (EU) influence, the goods or sets of goods may be the projects' funding or the legal directives. Which may favor some groups of people, communities, or Countries (whether because of complex equality or predominance) and depends on the key actors' work (which justifies the distribution of funding) and, at the same time, influences it.

Furthermore, another different aspect this paper considers regarding Walzer's theory is that the author thinks of justice as a philosophical concept, as an equilibrium of distribution and right's access. The paper perceives the concept of Justice/the judicial system as a public policy Melro (2021), composed by all the elements described in the sections below (and many more), by all the actors (whether the ones that defines it, implements it and/or is assisted by it) and as a response to problems the citizen faces.

The paper is divided into two sections. The first one identifies and explains the Portuguese judicial system modernization spheres. These spheres were retrieved from the interviews' analysis and were the most mentioned dimensions by the interviewees, whether because of its underdevelopment or lack of existence in the judicial system; whether because of its evident development.

The first dimension/sphere are precisely the key actors or their relevance for the modernization process to occur. The second sphere is the European Union influence. The third sphere are the key moments interviewees identified as being the ones defining their current work. The fourth dimension is the impact of some specific projects and/or reforms. And the fifth and last sphere are the Information and Communication Technologies and the related competences to use those ICT.

The second section introduces the methodology followed to achieve the results presented in the first section. This section also characterizes the interviewees.

Finally, the paper presents some conclusions regarding the spheres most mentioned by the interviewees and their role in the Portuguese judicial system modernization processes.

## **Modernization spheres of the Portuguese judicial system**

Modernization and reform processes in Public Administration have been discussed since the beginning of the XX<sup>th</sup> century (obviously, one could go further and mention authors and theories that already analyzed reform processes before this period, but the aim is to consider theories linked to New Public Management, post-NPM reform-style, governance, etc.))

Brunsson and Olsen (1993) explored the administrative changes and the way

organizations prepares themselves to implement reform processes. The authors believe that reforms must follow a top-down structure to happen in a coordinated way.

Opposing to that theory, Peters (1998) showed that reforms could be implemented by following a bottom-up strategy, where some Public Administration sectors and departments are perceived as laboratories, where pilots take place, always considering the importance of trial-error iterations (in a controlled environment).

One of these experiments was what happened at the Sintra Court. In 2016, the Project Court + (*Tribunal +*) was launched, considering the full involvement of its workers (Public Prosecutors, Judges, Court Officials, etc.) both at the level of the strategy definition and implementation. This pilot and its positive results were then distributed through all the Courts in Portugal.

The paper analyses the main results some dimensions had, when posing interviewees questions regarding their opinion on the Portuguese judicial system modernization process. This section is the outcome of the interviews' content analysis. Interviewees identified of being core spheres of that modernization process the following: key actors; EU; some key moments; the impact of some measures; and the ICT and the infocommunicational competences. All these spheres will be explained and explored.

## Key actors of the Portuguese judicial System modernization

In the modernization process, actors placed at the implementation level are its driven force. This conclusion was shared by most of the interviewees. And, since it was possible to collect the opinions of actors placed at different positions and professional categories, in the judicial system, there was a tendency to believe that the actors of that specific position or category were the more relevant ones in terms of allowing the modernization measures to occur. And this is present in the discourses below:

*Modest opinions aside, I think Court Officials [are the most relevant actors], because they are the basis of any judicial process. Of course, all the other parties, all the other subjects that participate in the process are important, namely, the lawyers with their legal documents, the judges, who give the solution. But, if the Court Official doesn't know how to build the process from start to finish and how to give it the necessary progress, for example, what to do after the deadlines have elapsed and which diligence to do next, a judicial process can easily be lost in time, forgotten. Court Official\_2, since 2017.*

*In terms of what is politically correct, it should be said that it is the Administration [the most relevant actor], but it's not. They have a lot of ideas and, from time to time, they try to innovate, but it's really on the ground that we realize whether things work or not. We are the ones who must deal with the citizens, we are the ones who must deal with the frustrations... Therefore, I think that a lot has been due to the dedication and commitment of those who apply in the field and there is a lot of pressure, of course. Registry Official, since 2003.*

*I think it's us [the most relevant actors], because, strictly speaking, the judges, in this*

*field, are also very, I won't say old-fashioned, but... They really like to "see" things. I speak from my own experience. Judges who master IT are rare. If there is any problem we always must go there to help, either because the computer does not turn on, or because the document does not open, for example if the color of the PDF icon was red and now is grey, they can't find it. Court Official\_1, since 2017.*

However, another opinion was shared. One that places in the middle the relevance of macro entities, like EU and Central Administration, and entities and actors which occupy measures' implementation positions.

*I mean, whoever is in the European Union and who is leading our government will always be the key actors in these policies that are implemented. But, above all, who is in the European Commission, of course. Notary, since 2018.*

*I think that the great driver is always the State, in one way or another, whether the modernization measure gains life at the level of the definition or the implementation. Because this can be born in several places, it can be born in civil society, it can be born in a political party, but in the end the State is enforceable. Therefore, it is the State and the people who, at that moment, govern it, who are always the great drivers of reform. Because they are the ones who carry out the reform, but also because often a good idea that is poorly executed goes very wrong. Notary, since 2006.*

These same conclusions were already achieved in the research project conducted by Vecchi (2013). When studying the "Cantieri" ("Building sites") program, an Italian public administration modernization project, specifically focused on local public institutions, the author concluded that several sets of actors were relevant for the implementation of the program. This followed a strategy of communities of practice and transfer of tested innovations to include local actors' participation. And this participation was required at the beginning of the project, meaning, by using a bottom-up strategy (Vecchi, 2013, p. 8).

But, as well as the interviewees mentioned, Vecchi (2013) also concluded that the European Commission and national Ministers played a relevant role, whether by hearing what local entities had to say and their suggestions after projects' implementation, or by consulting them before the modernization process began.

In conclusion, one may claim that the modernization process is the result of the interaction between two major groups of people (that, obviously, are divided into several other groups with smaller dimension): the ones placed at the level of public policies definition and the ones placed at its implementation level. Exchanging places considering the process follows a top-down strategy or a bottom-up one.

### **(a) European Union influence**

As already previously mentioned, the interviewees perceived the importance and major influence in their work coming from the European Union (EU). Changes conducted in the law, to make it more homogeneous and similar to the other European Countries, imply changes in

the actors' daily working practices.

*I will give a small example, so simple, the matter of succession. In the past, everything was much easier, we applied Portuguese civil code and law of nationality in the succession processes. Nowadays, we must know where the person died, if (s)he decided to put away the country of residence or not, and this brings us some constraints. Although we have access to foreign legislation, God knows what it's like to know our own, we must be constantly studying the legislation of others. And regulations are being imposed to us. It is difficult to apply, it is like the property regime, or the foreign marriages regime. We now live for foreigners, literally. I have days when I think that if I work for a Portuguese, it's to register a citizen's card, everything that is a process is all foreigners. And we must always pay attention to this, not only to our legislation, but also foreign legislation, which is complicated. Registry Official, since 2003.*

*Today, anyone within the European Union is delivered in Portugal, even if (s)he is a German, even if (s)he is a Frenchman, even if it is a document, whatever it is, the transition is much easier. In the past, there were very few cases at Interpol. Today, we work a lot. Because what Interpol does is that connection. [...] In addition to all the rules we have, which are more or less homogeneous, which were necessarily made to be more homogeneous. We now have access to and have a lot of processes that come from transnational origins. Judiciary Police Inspector / Interpol inspector, since 1996 / 2006.*

The EU influence has its roots in a quite remote time. For the current research project matters, the year of 1986 is relevant, for what is the year when Portugal officially was integrated in the EU. Obviously, a lot of work of law adjustment, citizen access to law regulation, judicial procedures changing in its various sectors, such as judiciary police, courts, prisons, registrations, and notaries..., had been conducted having in mind the goal, which was Portuguese integration.

But, as Dias (2016) states, the EU influence marked some important periods regarding the stabilization of Portuguese judicial system:

- a) Between 1985 and 1995, which the author entitles as the consolidation of the judicial system
- b) Between 1996 and 2004, characterized by the author as Justice facing a major crisis
- c) Between 2005 and 2010, a period when the judicial system is described as suffering of confrontation, reform, and assessment
- d) Between 2011 and 2014, marked by the reforms imposed to the judicial system, mainly because of EU influence.

One could add two more periods to the latter:

e) Between 2015 and 2018, being this period characterized by the judicial system reorganization as giving priority to citizen proximity

f) Between 2019 and 2022, as the period of tele Justice, as in the incorporation of ICT and adaptation of the judicial system services to the online.

All the periods identified had a major influence of EU, whether by financing the reforms or by supervising them. And its inevitable that this influence is felt by local actors in their reforms' implementation.

## **(b) Key moments of the Portuguese judicial System modernization**

Besides the moments identified previously, which are relevant not only in terms of understanding the EU influence. There are some specific judicial system projects which marked eras. The interviewees also referred these projects and periods as being the ones they remember that changed their work:

*[...] from 2007, 2008, 2009, the Land, Commercial, Civil and Automobile registration databases were all dematerialized and, from that moment on, the paradigm changed completely. Notary, since 2006.*

*This is notorious, people noticed that, suddenly, I can't give a precise date, that border that existed, disappeared. People today are in Europe and feel that they can go anywhere and that they just need their Identity Card... Judiciary Police Inspector / Interpol inspector, since 1996 / 2006.*

*I was in Lisbon in 2001, the Internet was already being used, but still at the beginning. So, it started, more or less, from that moment. [...] The other [moment] was, precisely, the judicial map organization [in 2013], mainly, dividing it into competences... Public Prosecutor, since 1986.*

*When platforms such as CIUTIS and SITAF appeared, and even in the registry and notaries, which now everything is processed through platforms, the technological advance that has taken place has made the work much faster, much less bureaucratic. Lawyer, since 1996.*

Thus, mainly after the beginning of the 2000 decade, with the introduction of new tools and platforms, and the judicial system organization, it is perceived as a disruptive moment in terms of procedures and specialization. And this period had its highlight with the Closer Justice Plan (*Plano Justiça + Próxima*), launched in 2016.

Apart from the specific projects defined and implemented within this Plan<sup>4</sup>, the priorities were interoperability, information reuse, resource sharing and new tools' introduction. And as an example of the technological platforms' integration in the judicial system, one may point out the recent development of *Magistratus* and *MP Codex*, platforms for processes' management by public prosecutors and judges.

The platforms before those ones were CITIUS and SITAF. These started to be developed in

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<sup>4</sup> Which were analyzed in detail in a paper that is now under revision.



2014, as a response to processes' management by lawyers, official courts, execution agents and other parts involved in the judicial and/or administrative process.

Referring to this sphere in specific, the identification of key moments in the Portuguese judicial system modernization, it is possible to conclude that, mostly the last 20 decades, the defined plans, programs, and projects go along with which are the society demands. In fact, some of the major challenges and changes conducted in the last 2 years are a result of what were the pandemic demands. And this is still influencing future projects and fundings, for example, the Closer Justice Plan was reorganized renamed (Closer Justice Plan Powered By PRR 22|25) in order to include the European funding for this particular purpose and the projects were thought in a way that ICT presence is even more evident.

### **(c) Impact and its evaluation**

Referring to the process of the judicial power modernization, Cavalcanti (1978) already claimed that "Modernization is a process of adjusting the powers of the State in order to adapt them to the requirements of development." (Cavalcanti, 1978, p. 3). The way to understand if this adaptation worked is by defining impact indicators and conducting impact evaluations.

The OECD (2001) considers that impact evaluation has two main goals: lesson-learning and accountability. Public policies' impact evaluation may be defined as a tool to assess if the outcomes were the expected ones or not when implementing a certain measure or plan. That said, impact evaluation implies counterfactuality Asian Development Bank (2006).

As for the indicator's definition, the interviewees of the current research project consider that that happens. However, the process of evaluation is still a blur.

*Every month, DGAJ [General Direction of Justice Administration] wants to know how processes' pending is, how many processes have entered, how many processes have been completed, why is there a process that has not been changed for more than two months, why is there an accountability that is closed for more than 4 years. Court Official\_1, since 2017.*

*And then, each local system informs the district. Currently, F. [name of the city] is part of the B. [name of the district] district and, therefore, I inform B. of my statistics. Colleagues from Bar. [name of the city], G. [name of the city], also report this. Afterwards, the coordinating prosecutor, in B., takes care of it all. In turn, it informs the Regional Prosecutor's Office in Porto. The Regional Prosecutor's Office informs Lisbon. [...] And after this work done by the Prosecutor's Office, the Prosecutor's statistics are communicated to the Ministry of Justice. The Magistracy does the same thing. And their statistics and figures are also communicated to the Ministry of Justice. And in the Ministry of Justice there is an organization that collects all this information and, not only in numbers but in other things, it can be taken to legislative projects. Public Prosecutor, since 1986.*

*As a start, no one wants to know about the transitional regimes, even laws that have transitional regimes, nobody believes in transitional regimes. Laws are launched and no one cares about the transitional regime for anything, the law comes into force, and it is already known that at the end of the transitional regime it will continue as it is,*



*because no one is about to worry about that. Notary, since 2006.*

For this last interviewee, the impact evaluation is so utopic that even the laws' transitional regime, which is defined to guarantee that the society is ready to receive that law, giving society a moment to adapt (*vacatio legis*), is completely ignored.

Nowadays, judicial system measures' impact evaluation is taken serious mostly by the actors placed at the level of the public policies' definition. These ones, from time to time, must report to EU its results and main impacts. But, as became clear from the transcripts, there are also the actors placed at the implementation level who are responsible to gather all the data. And for these two groups of people impact evaluation is not some fantasy, or at least the information gathering is something real.

Apart from all the intern reports the Ministry of Justice conducts, an important external report on the Justice transformation evaluation was performed by OECD (2020). This report evaluated four main dimensions: the effective proximity of Justice to the citizen; the implementation of ICT in the judicial system; the Courts' specific projects; and judicial system human resources.

This report was a request the Ministry of Justice addressed to OECD in order to fill in the existent gap between the statistical information send to the EU and the data treatment and dissemination, which always resulted in outdated information regarding the judicial system evolution.

One may conclude that judicial system impact evaluation is a concern and a priority. However, not always is it possible to conduct effective impact evaluation processes, not even in a useful time. In most cases what happens is data gathering and an urgent treatment to respond some specific demands.

*All statistical data, for everything that can be done, can be manipulated. They always take a beauty treatment; nobody wants things to be too bad. But, of course, they demonstrate some reality. Judiciary Police Inspector / Interpol inspector, since 1996 / 2006.*

#### **(d) Information and Communication Technologies and competences**

The final modernization sphere is the ICT and infocommunicational competences. ICT gained a whole new dimension with the 2019 pandemic, specifically at the Portuguese judicial system. New working methodologies, new tools, new ways of interacting.

Specifically the judicial system because, as the interviewees explained, there were a lot of adjustments to be made in a sector that wasn't used to deal with ICT invasion. Namely, judiciary workers had to adjust to the new reality of telework,

*Regarding the section where I work, I think we were all prepared [to use ICT], because we are a relatively young section. Court Official\_1, since 2017.  
Not everyone has it [the will to use ICT and learn how to use them], nor is it willing, but I think most people, above all the younger ones like and want to learn and work*

*with this type of systems and in this type of area. Notary, 2018.*

*It is difficult, it is very difficult [to make the transition for the digital], even because sometimes, it is the Magistrates who insist on the physical process. Also, truth be told, the judicial process, especially if it's very voluminous, it's very difficult to see it just digitally, it's very, very difficult. And the physical process makes it much easier to consult X documents, X parts.... I think there always has to be a balance. Of course, the ideal is to eliminate paper, no waste. Of course, electronics are always much more practical. Court Official\_1, since 2017.*

*Most judges in this field are still very much attached to paper. Even attached on going to court, they like to go, they don't really like to work from home. Therefore, I think that these changes that have taken place are largely due to the influence of the Court Officials and because the IT staff are also Court Officials. The improvements are always the result of our day-to-day difficulties and we because we question. Court Official\_1, since 2017.*

In addition of using ICT and integrating them in working procedures, there's another variable that must be taken into account, which is the skills users need to have or to develop in order to efficiently use ICT. So, infocommunicational competences are, along with the access to ICT, a relevant variable when assessing the individual availability to use them.

Those infocommunicational competences may be defined as including three variables: "the ability to deal with information (location, evaluation, and application) and the ability to establish and maintain communication processes. Underlying these two competencies are operational competencies, linked to the handling of *hardware* and *software*." (Borges, Bezerra, Diomondes, & Coutinho, 2013, pp. 8-9).

This aspect was also mentioned by the interviewees:

*From what I notice, especially the Court Officials, they want it [to use ICT]. Because those who deal more even with the practical part of the system are the Court Officials. They carry out orders, decisions, and with different instances at the IT level. And they like to have training actions [to use ICT]. Because each court also has an Official who is specialized in this. Public Prosecutor, since 1986.*

*Almost all of them [Judiciary Police workers] are well educated, almost all of them are intelligent. The selection course worked very well, and then people adapt. I remember, for example, that there were two or three who were not in the mood to catch up with the computers, because that, in fact, at the beginning demanded an effort of having to learn. But as soon as they realized that there was something called Internet and that they could read the newspaper there and that, in fact, that would make their lives easier, immediately, people already on the verge of retirement, went to take the Windows course, went to do everything and accepted immediately, because, in fact, made it a lot easier for them. Judiciary Police Inspector / Interpol inspector, since 1996 / 2006.*

*I think there are two different levels. There is a level, first, that was not suggested in the published law, which is the training of legal professionals. These are the first ones who don't have the skills, and they don't have two types of skills, they don't have the digital literacy competence, to be able to manage processes, which is easy, but it*

*always takes some time to understand: processes' complexity, videos' recording, signatures' verification, PDFs' verification, if they are well signed, if they are not, this always takes some time. And then, essentially, the issue of training citizens' digital literacy, which is something that doesn't takes a year or two and there are people who will always be excluded from the system. There are people who, for a variety of reasons, will never enter the system, they will never have enough digital literacy to do these kinds of acts. Notary, since 2006.*

Along with the transformations, reforms and modernization processes that are happening in the Portuguese judicial system, there is a dimension that must be considered (and sometimes it's ignored), which is the Judicial Officials' development of infocommunicational skill and competences.

As seen in the previous sections, there are a lot of projects which are now under development, that include ICT or live through ICT. If one takes a glance at the Closer Justice Plan it is easy to understand the judicial system informatization, dematerialization and digitization happening right now and that will continue in the years to come.

And all this transformations and reforms, all the projects should effectively include judicial Officials and works, to comply judicial system main principles: interoperability, proximity to citizen, efficiency, transparency, humanization, etc.

## Methodology

The paper is part of a PhD research project and presents the results of the interviews applied to eight Portuguese judicial system workers, placed at different working positions and departments of that judicial system.

The interviews had the main goal of acquiring opinions regarding the evolution of the judicial system modernization process, considering interviewees' experience. For that purpose, an interview guide was elaborated, to follow the participants throughout the questions one wanted to be answered.

The semi-structured interviews took place between November and December 2021. Only two interviews were applied online. The other six were conducted in person. To all the interviewees the purpose of the study was explained, as well as the informed consent and confidentiality rules.

Table 1 characterizes the participants. Their names and city of work were omitted.

**Table 1. Interviewees' characterization**

| Function in the judicial system | Sex    | Years working in the function | Other functions occupied in the judicial system |
|---------------------------------|--------|-------------------------------|---|
| Court Official_1                | Female | 5 (since 2017)                | Public prosecution intern<br>Lawyer             |
| Lawyer                          | Female | 26 (since 1996)               | No  |

|   |        |                             |  |
|---|--------|-----------------------------|--|
| Court Official_2                                | Female | 5 (since 2017)              | Immigration and Border Service (SEF) Inspector |
| Notary  | Female | 4 (since 2018)              | No   |
| Notary  | Male   | 16 (since 2006)             | Lawyer   |
| Registry Official                               | Female | 19 (since 2003)             | Lawyer   |
| Judiciary Police Inspector / Interpol inspector | Male   | 26 / 16 (since 1996 / 2006) | No   |
| Public Prosecutor                               | Male   | 36 (since 1986)             | No   |

Along with the interview guide, categories and subcategories were created. As the research project aimed to qualify content, interviews were analyzed considering the categories and subcategories displayed below, to allow the discourses' qualification. Those categories are displayed on table 2.

**Table 2. Categories and subcategories applied to interviews' analysis**

| Categories  | Subcategories                               |
|---|---|
| <b>Key actors</b>                                 |   |
|   | <i>Impact evaluation</i>                    |
|   | <i>Influence on judicial system reforms</i> |
| <b>UE influence</b>                               |   |
| <b>Reforms/Changes</b>                            |   |
|   | <i>Key moments</i>                          |
|   | <i>Beneficial</i>                           |
|   | <i>Detrimental</i>                          |
|   | <i>Enabler's elements</i>                   |
|   | <i>Obstacles</i>                            |
| <b>Information and Communication Technologies</b> |   |
|   | <i>Infocommunicational competences</i>      |
| <b>Tradition and Modernization</b>                |   |
|   | <i>Conciliation</i>                         |
|   | <i>Tension</i>                              |
|   | <i>Optimal model</i>                        |

One may perceive that, five main categories came out from the interviews' analysis: Key actors; UE influence; Reforms/Changes; Information and Communication Technologies and Tradition and Modernization. Four of them were subdivided in other categories. This way it was possible to conduct an even more complete analysis, considering the sphere mentioned in the subsections above.

The content analysis technique also followed the guidelines of Bryman (2012, pp. 288-308). The author considers "Content analysis is an approach to the analysis of documents and texts (which may be printed or visual) that seeks to quantify content in terms of predetermined categories and in a systematic and replicable manner." (Bryman, 2012, p. 289).

## Conclusions

The first and main conclusion retrieved from the paper is that the Portuguese judicial system is highly complex. This complexity is mostly due to the services and departments that are included in it. This means a lot of processes and procedures, a lot of human and material resources. And if some reform is to be made in one of the departments, that necessarily has impact in the others.

Another reason for that complexity is that the judicial system frequently responds to sensitive problems. When the citizen looks for the judicial system to get a solution for some problem, often that problem is something quite serious. This usually means that problems don't have a quick solution. Instead, they take years to solve. Something already reported in Portugal, as well as in other Countries as well Dias (2016 e Pedroso et al. (2003 e Vecchi (2013, 2019).

Following Walzer's theory Walzer (1999), and adapting it to what were the main spheres mentioned by the interviewees regarding the judicial system modernization process, the paper concludes on five main spheres of modernization: Key actors; European Union influence; Key moments; Impact and its evaluation, and Information and Communication Technologies and infocommunicational competences.

As for the key actors, it is concluded that the opinions differ. If some (most of them) believe the key actors are themselves because they are the ones who implement the modernization measures. Others believe that key actors are the ones placed at the level of the modernization process definition.

The European Union influence was mentioned by most of the interviewees. They feel that everything in their work today is inevitably linked to the EU or to the directives it emanates. Therefore, it is impossible not to feel this influence in the minor tasks of their daily activities.

The third sphere was the key moments. And for that, interviewees mentioned the year they recall was the most remarkable, mostly because of some project and/or major change it was applied. The years of 2000, 2007/2008, 2014 and 2019 were the most mentioned. And linked to specific projects, for example, CITIUS and SITAF, electronic platforms developed for processes organization and access.

The impact evaluation was perceived as relevant. In fact, interviewees consider that there is some work already done in the data collection regarding their work. They fill in reports on a monthly basis, their work is monitored and, every once in a while, other statistics or data is requested for their superiors. However, they also think a lot of work is left to be done, mostly in what transparency is concerned. Some of the data they report don't understand why it is asked and final reports are sometimes inaccurate because they don't represent the reality.

The ICT and infocommunicational competences sphere are the most prominent ones retrieved from the discourses. This sphere is present in all the other ones. Interviewees consider that ICT played (and will continue to play) a relevant role in their work, they influence the way they work today and are a piece that can never be forgotten. And the 2019 pandemic was important to show that judicial work can also be performed at distance and

having as a great resource electronic platform.

In fact, when major conclusion is that all the spheres are intertwined. Key actors depend on each other and on the European Union, who also depends on key actors (the ones that are on the field) for the work to be done. Impact evaluation depends on key actors, but also is influenced on the European Union directives. ICT and infocommunicational competences depend on the EU, on key actors and on impact evaluation.

Therefore, all the spheres of modernization of the Portuguese judicial system all relevant on its own. But their relevance is better understood when linked with the others.

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