

Castro, Marilú Pereira; de Guimaraes, Tomas Aquino

Article

Dimensions that influence the innovation process in justice organizations

Innovation & Management Review

Provided in Cooperation with:

University of São Paulo, School of Economics, Management, Accounting and Actuarial Sciences (FEA-USP)

Suggested Citation: Castro, Marilú Pereira; de Guimaraes, Tomas Aquino (2020) : Dimensions that influence the innovation process in justice organizations, Innovation & Management Review, ISSN 2515-8961, Emerald, Bingley, Vol. 17, Iss. 2, pp. 215-231, <https://doi.org/10.1108/INMR-10-2018-0075>

This Version is available at:

<https://hdl.handle.net/10419/231631>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.



<https://creativecommons.org/licenses/by/4.0/>

Dimensions that influence the innovation process in justice organizations

Marilú Pereira Castro and Tomas Aquino Guimaraes
PPGA, Universidade de Brasília, Brasília, Brazil

Innovation
process in
justice

215

Received 12 October 2018
Revised 1 August 2019
24 October 2019
Accepted 29 October 2019

Abstract

Purpose – The purpose of this paper is to identify dimensions that can influence the innovation process in justice organizations.

Design/methodology/approach – This study uses a qualitative approach. Data were collected through a semi-structured interview script. In all, 23 in-depth interviews were undertaken with lawyers, public defenders, judges, prosecutors and public officials from the five regions of Brazil. These data were analyzed using content analysis techniques.

Findings – The perceptions of the interviewees show that the process of innovation in justice organizations can be influenced by five dimensions: Institutional Environment (institutional level), Leadership (organizational level), Organizational Resources (organizational level), Cooperative Relations (interorganizational level) and Innovative Behavior (individual level). These dimensions may promote or restrict innovation.

Originality/value – The results indicate that there are growing efforts to introduce innovations designed to improve the performance and service delivery of justice organizations. However, there is resistance to innovation because these organizations are highly institutionalized and consequently seek stability and absence of change.

Keywords Administration of justice, Innovation in justice, Justice organizations

Paper type Research paper

1. Introduction

Innovating implies the development and implementation of new products or processes, improvements to existing products or processes, new forms of marketing, new markets, new organizations or new sources of raw material (Schumpeter, 1984). The concept of innovation, initially applied to enterprises, has been used in other types of organization, including those of the justice system. Innovation in justice is a topic that has captured the attention of policy makers in several countries. Innovation in justice aims to improve the efficiency and quality of judicial services provided to society.

There are different types of innovation in justice, for example, organizational and managerial innovations, judicial innovations, political–legal innovations and technological innovations (Sousa & Guimaraes, 2014). There is also institutional innovation that could refer to the change in the shape or state of an institution (Hargrave & Van de Ven, 2006).

Innovation involves complex activities and takes place in an environment characterized by uncertainty and conflict of social and technical interests. Meijer (2015) highlights a wide



© Marilú Pereira Castro and Tomas Aquino Guimaraes. Published in *Innovation & Management Review*. Published by Emerald Publishing Limited. This article is published under the Creative Commons Attribution (CC BY 4.0) licence. Anyone may reproduce, distribute, translate and create derivative works of this article (for both commercial and non-commercial purposes), subject to full attribution to the original publication and authors. The full terms of this licence may be seen at <http://creativecommons.org/licenses/by/4.0/legalcode>

Innovation & Management
Review
Vol. 17 No. 2, 2020
pp. 215-231
Emerald Publishing Limited
2515-8961
DOI 10.1108/INMR-10-2018-0075

range of structural barriers to innovation, such as organizational capacity, financial resources and culture. In the field of public administration, these barriers can be heightened. Public sector innovations are exposed to public scrutiny, and the risks and impacts on citizens' lives are generally more significant than innovations in private companies (Borins, 2001). Justice organizations are highly institutionalized and seek stability rather than change, which can complicate innovation. Therefore, criticisms of the performance of justice organizations are common. According to Sadek (2004), since the colonial period, voices have been raised about the ineffectiveness of justice in Brazil. Nowadays, difficulties in accessing justice inhibit the full realization of citizenship. Ignorance of individual and collective rights, and the perception that justice is expensive and slow, are common among the population. The notion is widespread that justice organizations, in addition to being unable to respond to the growing demand for judicial services, are anachronistic and resistant to innovation.

Hess (2010), when dealing with the mismatch between time in the judicial process and time in the modern world, suggests that the paradigm of justice should be modified from only acting in the past, to restore the rights of the injured parties, to rescue right in present. Mendes (2009) notes that improvements in justice services involve the management of organizations of justice and the search for efficiency. In Brazil, Constitutional Amendment No. 45/2004, as well as the 2004 and 2009 Republican Covenants introduced innovations in the courts to improve the performance of the justice system. Innovation recognition awards to public service practices can also drive innovation. Such awards include the Brazilian Innovare Award, launched in 2004, the Stamp Justice in Numbers given by the National Council of Justice (CNJ), 2014 and the Inova MP (Public Prosecution) Award, 2018.

According to Sousa and Guimaraes (2014), innovation in justice is a complex and multifaceted phenomenon. These authors argue that there are only a few studies on innovation in the justice system and more are needed, examining the antecedents of innovation at different levels of analysis. There is a growing effort to foster a culture of innovation in justice organizations in Brazil, but, as a new phenomenon, it is not completely clear how innovation process could influence those organizations.

In this context, this paper addresses the following question: which dimensions influence innovation in justice organizations? This paper identifies dimensions that can influence the innovation process in justice organizations. Considering the social importance of the justice system and the lack of research in this domain, this paper reduces the theoretical gap and, at the same time, generates insights into improving the administration of justice.

2. Theoretical framework

Innovation in justice can be understood as the introduction, adoption or adaptation of new practices aiming to improve organizational processes and judicial services provided to citizens. The literature indicates that generally innovation is at least a two-level phenomenon: the actor himself and the environment in which he is embedded. Most research on innovation takes into account just one of the two levels, and studies analyzing two or more simultaneous levels are rare (Gupta, Tesluk, & Taylor, 2007). The analysis of the boundaries between the different levels needs better exploration by innovation research, especially in public organizations, to understand the antecedents that could influence innovation process in these organizations (De Vries, Bekkers, & Tummers, 2016).

Innovation process in justice is best studied from different levels of analysis:

- the individual level: encompassing characteristics and capabilities of those individuals involved in the innovation process, as well as their relationships;

- the organizational level: organizational policies, rules, strategies and managerial activities impacting organizational behavior; and
- networks: interorganizational arrangements, collaborative networks and institutional rules that structure interaction between the actors (Gieske, Van Buuren, & Bekkers, 2016).

Institutional arrangements constitute an important level of analysis that influences the innovation process in Justice.

The personality traits of each individual may influence innovative behavior (Gupta *et al.*, 2007). At the individual level, innovation is the result of antecedent conditions, cognitive style, skills, personality, knowledge, motivation and social and contextual influences (Anderson, Potočnik, & Zhou, 2014). Scott and Bruce (1994) state that when a workgroup supports an individual in a way that allows innovation to emerge, the individual is more likely to see the organization as supporting innovation. Other factors also affect innovative performance, such as stimulating diversity of ideas, adequate resources (Shalley, Gilson, & Blum, 2009), financial support, time and human resources (Anderson *et al.*, 2014).

Innovative organizations are characterized by creativity and change supporting their employees in their search for new ideas and providing appropriate resources for innovation (Scott & Bruce, 1994). With organizational support for innovation, employees realize that their working environment encourages, recognizes, respects and rewards those who are creative (Shalley *et al.*, 2009).

Connective capacity, skills that generate and sustain internal resources, and external cooperative relations that facilitate meaningful connections are important attributes of innovative organizations (Gieske *et al.*, 2016). It is important that organizational leaders pay attention to how employees experience management practices and leadership policies. Leaders can encourage or restrict the creativity and innovation of individuals in the organization (Khalili, 2016). Leadership is an important indicator of the organization's innovative behavior (Jung, Wu, & Chow, 2008), especially in the public sector (Borins, 2002), as leaders are responsible for creating the necessary conditions to support innovation projects. Creating an innovation-friendly organizational climate requires engaging members of diverse work teams, instituting awards, sponsoring ideas, recognizing and promoting innovative individuals.

To articulate innovation at the individual and organizational levels, employees must share knowledge and develop a feeling of being part of the organization (Jung *et al.*, 2008). Other important aspects in the innovation process are formal networks and cooperative information. These networks provide new information to organizations, about learning and resources (Kim & Lui, 2015), risk sharing, access to additional assets and mitigation of critical issues (Heidenreich, Landsperger, & Spieth, 2016). Trust is an important asset for cooperation networks as it reduces uncertainty raised from conflicts of interest or opportunistic behavior. These relationships highlight the importance of cooperation throughout the innovation cycle, from new ideas, through selection and experimentation, to implementation of the new idea (Gieske *et al.*, 2016).

Organizations are involved in multiple institutional logics that provide guidance on how institutions (rules of the game) can be interpreted and how to act socially (Greenwood *et al.*, 2011). Regulatory, normative and cultural-cognitive forces present in the institutional environment can contribute to understanding the innovation process (Vermeulen, Van Den Bosch, & Volberda, 2007), especially in highly institutionalized organizations such as those of the justice system. In this sense, "institutional approach can be used to explain much of the innovations . . . that occur in the justice system" (Guimaraes, Gomes, & Guarido Filho, 2018, p. 478). These authors point out that interest in innovation in justice has increased in

Brazil, because of investments made by courts in new technologies, especially after the creation of the National Council of Justice (CNJ) in 2005.

Taking into account different levels of analysis – individual, organizational, interorganizational and institutional – [Castro and Guimaraes \(2019\)](#) suggest a multilevel analysis of dimensions that can influence innovation process in justice organizations: institutional environment (institutional level), leadership (organizational level), organizational resources (organizational level), cooperative relations (interorganizational level) and innovative behavior (individual level). This research uses these dimensions as parameters, and [Table I](#) gives their constitutive definitions.

The constitutive definitions on [Table I](#) bring an integrative, nonlinear view of factors that may influence innovation process in justice organizations. These definitions were used to structure an interview script, as well in the analysis of the research results.

3. Methodology

This research has qualitative character and exploratory orientation. Data collection was undertaken from May 2016 to March 2018. A semi-structured interview script with 13 items was used to identify inducers and barriers to innovation process in justice organizations. Three pilot interviews validate the instrument.

From the group of individuals who submitted innovative practices to the Brazilian Innovare Award, 23 interviews were conducted with lawyers, public defenders, judges, prosecutors and public officials who work in the following bodies: Federal Attorney General (2), Private Attorney (3), Security Council (1), Public Defender (2), Public Prosecution Service (9), Secretariat of Justice (1) and Courts (5), located in 14 states, in the five regions of Brazil.

Of the 23 respondents, six (approximately 26 per cent) were female and 17 (approximately 74 per cent) male. Eleven interviews were conducted in person, 11 through

Table I.
Constitutive
definitions of
dimensions that can
influence innovation
in justice
organizations

Dimension	Constitutive definition
Institutional environment	Socially accepted set of rules and values, which organizations must adapt to be legitimized in the social environment. Pressures from the institutional environment on organizations manifest themselves through cognitive-cultural, normative and regulatory elements (Scott, 2008)
Leadership	Competencies of an individual who intentionally seeks to motivate and influence the actions of others to structure activities and relationships in a group or organization to achieve certain goals (Cuban, 1988 ; Yukl et al., 2002). Leaders are responsible for creating organizational climates that can support or stifle innovation (Borins, 2001)
Organizational resources	The resources of the organization represent the means available and necessary to carry out the activities and achieve the objectives of the organization, such as human, material, technological and financial resources. Organizational resources are the financial and nonfinancial support needed for innovation (Anderson et al., 2014)
Cooperative relations	Formal and informal exchanges between organizations, which share common interests aiming to achieve similar objectives. Cooperative relationships provide organizations with the accumulation of new information, learning and resources (Kim & Lui, 2015), risk sharing and access to complementary assets (Heidenreich et al., 2016)
Innovative behavior	Behavior that comprises the generation, promotion and intentional realization of new ideas in a job role, group, or organization to benefit the performance of the group or organization (West & Farr, 1989). This behavior is the complex product of contextual relationships (Van Der Vegt & Janssen, 2003)
Source: Prepared by the authors (2019)	

Skype or telephone and one written and received by email. The interviews lasted an average of 55 min, 20 h and 11 min of recording in total. To protect the interviewees' identity, their names are omitted and replaced with the codes E1 to E23.

Respondent selection was based on their profile. All individuals in the sample developed innovative practices in the justice system. The interviews were concluded when saturation of the data collected was reached. For Fontanella *et al.* (2011, p. 390) theoretical saturation occurs "when the interaction between research field and the researcher no longer provides elements to guide or deepen theorizing". This saturation occurred after 13 interviews, but ten more interviews were carried out, as they were already scheduled and the interviewees came from two regions not yet represented in the survey.

Interviews were transcribed and analyzed using content analysis, as proposed by Bardin (2011), involving three phases: pre-analysis, exploration of the material and treatment of results, inference and interpretation. In the pre-analysis phase, the interviews were fully transcribed and classified according the organization each interviewee belonged to. Interviewee statements were cut and tabulated for each item of the script. In the content exploration phase, the comments were categorized and schematized around the a priori dimensions defined – institutional environment, leadership, organizational resources, cooperative relations and innovative behavior – to compare the perceptions of respondents. In the third phase, an attempt was made to make the data meaningful and valid to understand the influences on the innovation process in justice.

4. Results and discussion

Table II presents the a priori dimensions and themes used in the research that may influence innovation in justice organizations. It also describes coding units, extracted from the interviews, which help confirm the dimensions and themes.

According to most respondents, the innovation process is already a reality in the Brazilian courts. Interviewee E7 underscores this feeling and shows that while the justice system is conservative and seeks to maintain the status quo as a means of preserving legal certainty, innovation is slowly being introduced as a means of addressing social challenges and improving the performance of justice:

The judiciary is a very conservative institution [...] It is not an environment conducive to innovation [...] But from the perception that the judiciary needed to do something new because it was being run over by social demands, it [...] sedimented a clear perception [...] of the need to get out of the box and look for something new[...] Technology has generated thousands of novelties and possibilities for innovation and has been well used in court, [...] in favor of effective [...] improvement, generating greater efficiency (E7).

In this new scenario, which values innovation, actors in the justice system are ready to develop innovations to mitigate and predict problems. There are innovations in justice with educational and conciliatory content, especially in the Public Defender's Office and Public Prosecutor's Office, to reduce court proceedings. There are innovations that aim to resolve conflicts "before the lawsuit, saving all the movement of the judicial machine [...], without the delay resulting from the formal process" (E16). Non-judicial dispute settlement reduces the country's procedural congestion rate, which is around 73 per cent in Brazil, according to the Justice in Numbers report (CNJ, 2017).

It was possible to identify innovations in legal norms; service and technological innovations are concomitantly associated with the introduction of incremental changes in organizational procedures. The implementation of legal norms can lead to changes in management processes, as well as technical routines that enable effective implementation of

Table II.
Dimensions, themes
and coding units

Dimensions	Themes	Coding units
Institutional environment	Institutional context	... I think an institution that supports innovation ... preserves the rule of law. Without giving up legality, it is open to these innovative practices that can improve the system. ... The [National Council of Justice CNJ] has been inducing these practices ... (E8) ... our legal system and the judiciary are still vehemently traditionalists. But one can notice this change of vision. ... Gradually, this is occurring in the legal system and in the judiciary in general. And for the judiciary this highlights first of all the need for paradigm shifts. ... From the moment these [innovative] practices effectively prove the effectiveness of these new methods of action of the judiciary (E12). ... Institutions are fundamental, they need to be preserved ... within these [institutional] interests has something inducing to understand that [institution] needs to be perceived by society as just and egalitarian as stated by the constitution ... that is, trying to do something in favor [of society] (E15) I learned from this [innovation] ... process ... the importance ... of putting on a table the people who are part of the justice system and who normally exercise authority. Prosecutors and judges are people who exercise power and as such are accustomed to the power of command ... and the others to obey. ... I changed this attitude a little ... so that dialogue was possible, ... this dialogue generated ... a lot of engagement ... from the people involved [in innovative practice] ... it was not an imposition ... it was a collective construction ... that gained strength because it has legitimacy (E14). ... I submitted the project and it was evaluated. The former office of the general attorney of the republic ... took it over [the project] and sponsored the [innovative] action (E20). [innovation] depends on the manager, some stimulate more, some less, others almost nothing. Despite adversity, we try to exercise resilience to the fullest. We try to take advantage of one thing that all managers have in common: the desire to implement low-cost projects that work and bring visibility. Therefore, we are always looking for something new and effective (E22) [the resource] began to appear more internally, because ... there was external recognition [of innovation], and we had less difficulty getting money [for the project] (E3). We had to look for resources where we had ... we don't have extra resources when doing this type of project (E9).
	Leadership	[The organ] bought necessary equipment ... [paid] training for our officials ... for building information technology applications [E20]
Organizational resources	Resources	

(continued)

Dimensions	Themes	Coding units
Cooperative relations	Interorganizational relations	<p>... it was not so simple... again external support was important ... you have to have support. ... Support from society, NGOs, external support. This set was responsible for the success of the project (E4). You have to make a partnership ... Because we don't work alone So, you have to build a [external] partnership ... It is not easy; it is very laborious [building a cooperative relationship] (E5).</p> <p>... the difficulty of support was immediately placed ... To overcome this a little, the state government supported ... from the outset, saying that it would provide structure ... as well as support from NGOs (E9)</p>
Innovative behavior	Innovative behavior of individuals	<p>My biggest interest is to discuss with other younger colleagues what they are doing and what experiences we can exchange ... many times an idea has been implemented by a certain industry or group, certain circumstances, [and agent wonders if the idea] applies in other circumstances as well (E4).</p> <p>[I'm not] an employee who arrives at 8am and leaves at 5 pm, slams the door and leaves. Because solutions never show up during office hours ... solutions come when you go to sleep ... The head is still working ... everything has a solution ... I was doing different things, ... so it worked, stimulated other colleagues ... to do new practices (E6).</p> <p>In this environment where I have been for ten years, I see that these people need action ... So, all the time I think about what I can do differently for these people. How my work can help these people ... we need to try every day to get the team to think [to do] something different. I can't do most of it. ... [things] need to be reinvented every moment (E19)</p>

Source: Prepared by the authors (2019)

Table II.

legislation. [Lam \(2004, p. 3\)](#) states that the “introduction of new technologies presents complex opportunities and challenges for organizations, leading to practical management changes and the emergence of new organizational forms”. This suggests that the introduction of legal, service and technological innovations in justice organizations also promotes the implementation of organizational innovations.

After this overview of the results related to innovation in justice, the following sections present and discuss results according to the dimensions used.

4.1 Institutional environment

From the 2000s, some actions were introduced in Brazil encouraging the development of an institutional environment for innovations in justice:

- the Republican Covenants for a more accessible, responsive and effective justice system in 2004 and in 2009;
- Ordinary Law 11,419/06, which regulated and encouraged electronic lawsuits in the judicial sphere;
- Constitutional Amendment No. 45/2004, which created the National Council of Justice (CNJ), the administrative and financial judiciary control body; and
- CNJ Resolution No. 70/2009, providing planning and strategic judiciary management.

According to [Scott \(2008\)](#), elements of the institutional environment regulate social behavior. [Zucker \(1987\)](#) suggests that organizations are influenced by normative pressures from external and internal sources. Therefore, the institutional environment directs the behavior of organizations. Given a framework that fosters innovation in the justice system, the institutional environment can influence organizations to innovate. Data collected in this research show that the institutional environment influences, differently, the organizations that make up the justice system. For example, in the courts, institutional pressure exerts greater influence on organs responsible for strategic planning and court management. The CNJ acted to change court goals and performance metrics. Thus, with the creation of the CNJ, there were changes (and innovations) in the institutional environment of Justice.

The role of the CNJ was mentioned 87 times by respondents, especially 11 of them who thought this organ has induced innovations in the judiciary. However, the body is still perceived with some distrust and resistance by some actors in the judiciary, who believe that courts have lost autonomy because of the regulatory pressure exerted by the CNJ. Many interviewees recognize its importance for justice modernization, as shown in the following statements:

There was a very big evolution [in the judiciary] with the CNJ. I had serious doubts about the CNJ [...] But I see that I was wrong. [...] Due to the CNJ, the judiciary has evolved a lot [...] The CNJ is this inducer [of innovations] (E3).

There is the judiciary before and after the CNJ [...] Although each state has its peculiarities, [...] Justice is one [...] The CNJ is also widely criticized by many court judges because they [...] claim that there is interference [...] in the autonomy of the state judiciary. But the CNJ came at a good time because it established an administrative-financial policy for the judiciary (E10).

The very creation of CNJ is considered an institutional innovation in the Brazilian Justice System. The new governance model of courts introduced by this board implements management practices based on the planning and definition of goals, as well as performance

indicators. Budget issues are now standardized in an attempt to improve the efficiency and effectiveness of courts. This has led to a number of changes in the institutional environment of justice, and for some actors, this new paradigm has generated some discomfort in the administration of courts. These changes can either drive innovative behaviors or generate counter reactions to maintain the status quo.

The institutional pressure exerted by the CNJ also reflects a possible change in the profile of court managers, who must develop short-, medium- and long-term action plans and strategies. The term of court administration is only two years, and strategic planning in the judiciary must go beyond a given administration. There are continuity issues in organizational strategies under different leaders. There is a pressure from the CNJ to mitigate any personal actions in courts, as E10 remarks:

Prior to the CNJ there was no mandatory strategic planning for the Judiciary [...] He [court president] did not need to present a [...] plan [...] There was also no question of the continuity of work developed [...] Today, when there will be an election [for the presidency of the court], the candidate has to present [...] long-term strategic planning [...] Lately we have a slightly more professional management in the judiciary [...] the administrative structure has greatly improved with the advent of CNJ (E10).

Although there is a normative requirement for strategic planning in the courts, there is no guarantee that objectives will meet what is advocated by the CNJ. Several factors can interfere with court goals and objectives. For example, court managers may be under pressure from the institutional environment, the organizational environment, and public opinion. Although the legal environment imposes goals, managers can accommodate these demands because of the pressure in the organizational environment from actors who oppose the CNJ normative guidelines.

Failure to achieve goals does not result in administrative sanctions for courts, although it may generate negative exposure in the Justice in Numbers Report, which consolidates the Brazilian Justice indicators; a court does not want to be known as a poor performer. In an alternative scenario, managers may promote court innovation, but be resisted by judges and court servants. A third possibility is that some judges and court servants will feel more aligned with modernization strategies but find barriers to innovative practices that could improve the performance of Justice in the organizational environment. The following comment signals some of these inferences:

If the CNJ were to open administrative proceedings for everyone who does not meet the goal, it would be lost [...] In practice [the CNJ] does nothing [...] Make that negative exposure: such a court did not meet the goal (E23).

Although the results show barriers to innovation at institutional and organizational levels, there is evidence that innovations have been emerged in the justice system. Many of these innovations are created and implemented by internal actors sensitive to social demands for a more efficient and effective Justice. The new institutional context arising from the creation of the CNJ shows the judicial context, exposing its strengths and weaknesses. To the extent that there is institutional pressure on courts and other justice organizations to adopt better management practices, these forces are reflected in the judicial units, involving judges and civil servants. Despite the existence of counter innovative forces, CNJ has been pushing innovation in the Brazilian justice system as can be seen in the words of E7 and E23:

The CNJ played a very important role in the self-knowledge of the judiciary [...] The judiciary did not know what its reality was, it had no numbers, it had opinions [...] The judge, for the first time, had to account for the number of cases, how much he judged, how much he failed to judge. [This] began to remove the judge from the comfort zone [...] to motivate and foster this exchange

of experiences, benchmarking, [...] and the judge usually [innovates] with the permanent hammering that the CNJ has been giving in the administration of the judiciary (E7).

We must somehow foster this exchange between judicial units and senior management and that people get involved [...] to ensure that this [change] process is harmonious [...], collaborative [...] Since [the CNJ] sets [the goals] we have to meet instead of just complaining and crossing our arms (E23).

According to the interview data, the CNJ plays the role of inducing innovations in the justice system at the institutional level. The management of the Council is linked to the change in leadership that occurs every two years. Thus, the action and pressures exerted by the CNJ regarding judicial administration depend on the profile of its president, as observed by E3:

The CNJ is still very personalistic, and still very reflective of its president. I see a president as he was [A], as he was [B], [...] extremely corporatist. The CNJ ends up losing space, I liked the management more like [C], which sought to confront.

The study of [Gomes, Guimaraes, and Souza \(2016\)](#) confirms that CNJ is increasingly pushing courts and judges towards more efficiency, introducing a performance appraisal process focused on quantifying work and measuring judges' productivity. Unlike the results in the courts, the influence of the CNJ in the innovation process of other justice organizations is indirect and mainly related to legal rules. This is because the CNJ assumes correctional and governance functions over the judiciary.

There are other bodies in justice system that may influence the innovation process, such as the senior councils of the Federal Public Defender's Office and the Federal Public Prosecutor's Office. The National Program for Public Management and Red Tape Reduction can influence innovation as well. Out of the 23 interviews, only the CNJ and the Public Sector Innovation Network (InovaGov) were mentioned as organs that influence the innovation process in Justice. Eleven respondents mentioned the role of CNJ, whereas only one mentioned InovaGov. Nobody mentioned other organs.

4.2 Leadership

To achieve innovation, special attention must be paid to how the leader relates to employees. The leader can contribute to or restrict innovation in an organization ([Khalili, 2016](#)). In this research, it was observed that leadership support is not always *a sine qua non* for innovation. Some innovations are essentially incremental, aiming to solve specific problems related to legal operation. Support alone may not be the key to the process, and innovation imposes more responsibility on innovative actors, as reported by E7 and E16:

We have those empirical and very personalized practices. [For example]: That judge who faced a problem in his daily life had an insight and generated a practice that had effects. This is very common (E7).

In the Public Prosecution Service there is not much talk about leadership, each promoter performs his service as best as he can [...] So there are promoters more focused on this, others on that (E16).

However, some innovations have influence beyond organizational boundaries that demand significant resources for their implementation. In such a situation, the absence of leadership supports may restrict the implementation of innovation. The lack of leadership support does not necessarily prevent innovations from emerging but may restrict their development and

diffusion. [Li, Mitchell, and Boyle \(2016\)](#) note that leaders play an important role in driving innovation across different roles and organizational levels.

Mid-level and operational actors in justice organizations can put pressure on top organizational leaders to make innovations viable, and so counter-innovation logic is transformed into a supportive organizational context more open to new ideas and practices. As E6 said: “I made a project and took it [to the leadership of the organization], but I wrote it down so well that he [leader] even resistant to the idea said: [. . .] go ahead, I give you endorsement, without resources of course”. The testimony of E5 also points to pressure of the intermediate and operational levels on senior management, which ends up favoring or accepting the new idea:

[Our] department insisted[. . .] It [department] convinced the authorities [. . .] that it was necessary [. . .] It also depends a lot on a conciliation of political wills [. . .] When you have a boss who has no interest in it you [. . .] can’t move forward with such ease.

The influence of the external environment on leadership may favor innovation. E2, who began to receive support from the leader after Innovare Award recognized his innovative practice, noted this change of conduct.

Without Innovare I would not even have the endorsement to start [boosting innovation], I have no doubt about that. It was so strong that I presented this [increment] on the day that [the leadership] asked me to know the practice better, after I already won [. . .] Until then this project had no support at all (E2).

While there are leaders resistant to innovation, there are also leaders who support new ideas. Innovative practices that were supported by leadership from the beginning go ahead more easily and quickly, as observed by E12: “Without support, it was very complicated [. . .] It was really something that depended only on us”. Leadership support also contributes to greater dissemination of the practice to other organs, both at the state and interstate levels (E21):

The project was able to have this capillarity because we had support from top management [. . .] the Attorney General [. . .] gave us carte blanche, supported us [. . .], because of this support from top management we were able [to develop the practice] to have all this recognition and feedback (E21).

This confirms the importance of leadership for the innovation process in Justice, as also noted by E23:

Support from top management [was key]. The recognition that [innovative practice] was a good thing [. . .] Because if top management does not want, has no interest, nothing goes forward [. . .], but since top management [supports innovation] is critical for the thing to gain momentum and become effectively accomplished.

When strategic-level leaders support new ideas and practices, they create an organizational environment that is conducive to innovation. These can be either top down or bottom up. In this scenario, innovation becomes a routine action, as E18 suggests: “innovation is something necessary, we have to move beyond what is always put [. . .] Here at the Court there is this support, so [innovation] is something that is routinely sought”.

Although there are leaders more open to new ideas, there is also resistance to the introduction of innovative practices in Justice. [Khalili \(2016\)](#) noted that employees are more likely to implement innovation when they will not be penalized for doing so. Although the process of innovation in justice takes place slowly, the role played by leadership is important in facilitating and accelerating the process. This support also implies the contribution of organizational resources for the development of innovations in the organization, as E1 suggests:

The way to see these demands [innovative ideas] depends very much on the manager [...] When you try to make moves [for innovation] you can do it. But it is slower. You create this contamination [of adopting new ideas] but it is an action that occurs slowly in court (E1).

A leadership profile that focuses on innovation in the terms proposed by Cuban (1988), Yuki, Gordon, and Taber (2002) and Borins (2001) must be adopted by the leaders of the justice system to create a more innovation-friendly environment.

4.3 Organizational resources

Top management support for innovations can often be just ceremonial, and resources needed to implement new practices may not be available. The lack of resources is a barrier to the innovation process: "Today, the biggest difficulty is human resources [...], as well as material resources [...] There were times when the lab didn't work [...] because a no-break was missing. Another day was because I didn't have air conditioning". E21 reports a lack of human resources that hinders the introduction of innovation. "What makes it more difficult [...] is [the lack of] human resources [...] We are three people and [...] we end up not reaching a larger number of prosecutors because of the scarcity of human resources".

According to some interviews, the lack of investment by the organization can push an innovator to use his own resources to start the project, as reported by E6 and E2. "In the beginning I did it with my own resources, I rode, I believed" (E6). "This project had no support within the institution [...] With a kitty of three colleagues, we bought a notebook. Through this work, with a notebook [...] we generated savings of [...] millions of *reais* [Brazilian currency]" (E2). There may be little benefit to the innovator who uses his own resources and such action can only generate personal satisfaction.

It was possible to also identify a relationship between leadership support and resources for innovation projects. Innovations that had an effective support of top management since project phase also had organizational resources in the implementation phase, as reported by E20.

We used the physical structure and human resources we already had [...] the things we didn't have available, we made the acquisition. Because without that [support], no goodwill would be enough. So, we had enough resources for the project.

Barriers to innovation may result in individuals being reluctant to try out new ideas. On the other hand, risk-averse organizations can make resources available only if new technologies have effectively proven their worth (Meijer, 2015). According to this author, overcoming barriers to innovation includes a diverse set of activities such as finding financial resources, mitigating constraints, training people and coordinating actions, among others. These activities require a pragmatic perspective on innovation to translate the idea into something that can be accomplished.

In general, it was found that some respondents have characteristics similar to institutional entrepreneurs, as they incorporate into their behaviors the desire for change and transformation of social reality. In this sense, they play a role that resembles that of a social activist, as proposed by Gomes *et al.* (2016). These authors conclude that there are judges, prosecutors, civil servants and other public agents working in the justice system who are motivated to innovate by the desire to mitigate social problems through their work.

4.4 Cooperative relations

Cooperative relationships are important as they strengthen the capacity for innovation and build the foundation for success (Weber & Heidenreich, 2018). These relationships are essential to organizational strategies and can make up for the lack of resources, by

increasing the volume of innovation activities and the learning curve and shortening the time to introduce innovation (Duysters & Hagedoorn, 2000).

Not unlike other social contexts, in justice, cooperative relationships play a strategic role in the innovation process, as stated by E1, E6, E17 and E7: “We depend on many partners” E1. “When you have no resources you need to build a partnership [. . .] [In this project] no money came in, just partnerships, I would go to each organ and say: let’s structure it and roast it” E6. “I had no resource for the first phase [of the project]. I went to the Federal Revenue Agency, I explained to the director, who donated some used computers. Then he donated us a material for a bazaar. Finally, we grew very quickly [with the support of partnerships]” E17. “Every public policy you need to create a [cooperation] network for the work to be fruitful” E7.

The external cooperative relations of justice organizations for innovation are mainly related to:

- acquisition of material resources;
- integration of human resources with multidisciplinary expertise;
- increased internal knowledge in areas not related to law; and
- diffusion of innovation.

Cooperative relations in justice are established mainly with other public organizations. There are also partnerships with non-governmental and private organizations, but these are less frequent, because of the ease of establishing intra-government agreements. In addition, internal resistance tends to decrease as innovation attracts key partners, which may help resignify its importance.

4.5 Innovative behavior

To overcome environmental uncertainties, organizations need professionals who go beyond standard work behavior and develop innovative behavior (Janssen, 2001). According to West and Farr (1989), an individual’s innovative behavior can be defined as the generation, promotion and intentional realization of new ideas within a work function, group or organization, to benefit group or organization performance. Van der Vegt and Janssen (2003) consider innovative workplace behavior as a complex behavior consisting of a set of three different behavioral tasks: generating, promoting and realizing ideas. Thus, an individual’s innovative behavior is the complex product of his relationships with other team members.

Kim (2005) notes that the beliefs, norms and values of society, i.e. institutions, have significant impacts on the formation of work ethics, which influences the mentality and behavior of people in organizations. Thus, individual motivation to innovate is also related to individual and group values that influence innovative behavior in the organization. Such values may be expressed by an ongoing effort to develop innovative actions in the organization or may be more directed towards conduct that seeks to maintain the status quo, manifested by indifferent, or even resistant behavior, to development and adoption of innovations.

Fourteen of the 23 respondents reported resistance in the organizational environment during the innovation implementation process, but innovation activities are still developed because of individual motivation. As positive innovation results emerge, resistance tends to decrease, as reported by E21:

It is a change in culture that we are doing. So, resistance always has, resistance to the new, to believe that these techniques [innovation] will make a difference. But then, in the medium and long term, we have a very positive return.

Another important factor related to individual beliefs and values involves the individual's own trajectory, which may have more or less innovative behavior. As E6 notes: "You need to associate the work that has been done [innovation] with the person. Because it's not a job that you take out of your hat and say, I'll do it. It depends on a whole trajectory of the person".

Some interviewees report an altruistic feeling about their work. Thus, innovative behavior of these individuals can also be explained by the desire to contribute to the collective. This feeling can be considered one of the main drivers for the development of innovative projects with significant impact on society. Even though these actors face barriers to implementing innovation in the organization.

Interviewee reports point to a strong desire for change to increase efficiency. As noted by Sadek (2004), the justice system is seen by the population as slow and inefficient and tends to negatively impact the country's social and economic development. The desire to contribute to a change in the justice system that impacts on society goes beyond the very attributions of the position, as indicated by E5: "It was necessary to change this culture [...] think outside the box [...] an alternative [...] to free the judges, the servers to do things that are really more relevant.

5. Conclusion

The findings of this research constitute an important step in building knowledge about innovation process in justice organizations, an environment characterized by stability. The study sets out to investigate dimensions that influence innovation in justice. Five dimensions were defined a priori: institutional environment, leadership, organizational resources, cooperative relations and innovative behavior. The first dimension concerns the institutional pressure on justice organizations to innovate. There is evidence that the CNJ induces innovation, especially in the courts. Even if the institutional environment restricts innovation, some actors interested in developing and implementing innovations put pressure on both the organizational and institutional environments in the expectation of reducing resistance to innovations.

Although leadership does not support innovation, there are individuals who seek alternatives, such as the development of external partnerships, which enable the implementation of innovative practices. In this context, innovation will occur more slowly, but will not stop, according to the sample surveyed. The results also show that as innovations impact on organizational performance, organizational support increases. Regarding the organizational resources dimension, the support of senior management for innovation may have a ceremonial character. In addition, the lack of infrastructure and human resources can present a barrier to the innovation process. Even without organizational resources, there are individuals and groups looking for alternatives to enable innovative activity in the organization.

Data also show that individuals and groups seek to establish formal or informal interorganizational cooperative relationships, enabling them to increase their capacity for innovation. This support is mainly related to acquisition of material resources, collaboration between work teams, increase of new knowledge and dissemination of innovation to other bodies. The establishment of partnerships reduces internal resistance to innovation activities. Regarding the innovative behavior dimension, although there is resistance in the organizational environment, there are individuals motivated to innovate. These people have been moving forward supported by their individual beliefs and values that involve personal trajectories. The innovative behavior of individuals can be explained by the desire to contribute to the collectivity. In addition, it was observed that, among the interviewees, there are individuals who have characteristics similar to those of institutional entrepreneurs.

Although innovation is a recent phenomenon in justice organizations, it was possible to observe efforts at the institutional, organizational and individual levels to introduce innovative practices aimed at improving performance of Justice. Although the innovative process is slow, because of the characteristics of the justice system, there is evidence that innovations are occurring, with impacts on the organizational culture, which is still resistant to the new. In fact, the justice system comprises a set of highly institutionalized organizations whose nature presupposes stability rather than change. To this extent, innovation in this system assumes distinct characteristics from what occurs in other public and private organizations.

Therefore, this research contributes to knowledge by describing an integrated five-dimensional model that influences innovation in justice organizations. The results of the study indicate that the institutional environment, leadership, organizational resources, cooperative relationships and innovative behavior can influence innovation in justice and that this process occurs through a recursive relationship between these dimensions. These empirical findings provide an important understanding that innovation in justice is a dynamic and nonlinear phenomenon, which should be analyzed considering the interdependence between these five dimensions, given the complexity of relationships involved in innovation process.

The research data also contribute to improvements in administration of justice. Conclusions generated from analysis performed here may be useful for the process of formulating, implementing, and evaluating public policies of justice. Similarly, administrators of justice organizations could use these results to implement strategies and administrative actions aimed at stimulating the innovation process and thus contributing to a more efficient and effective justice. It is important to note that these results are not automatically generalizable. First, the study used a small sample of respondents, and second, the sample was limited to individuals who participated in innovative projects. This limitation was partially mitigated by interviews with different justice organizations and federation units.

Regarding the research agenda, it is suggested to develop studies with individuals who have not participated in innovative projects to test their perception of innovation. It is also suggested that a scale with variables that can measure perception about the innovation process in Justice be developed and applied to larger samples of individuals. This scale would make it possible to identify favorable points and bottlenecks to the process, contributing to the development of strategies to leverage innovation in justice. The leadership perceptions of the strategic level of innovation also need further study. It is important to undertake research that creates indicators that make it possible to evaluate of innovation projects in court. Finally, another aspect that deserves the attention of new studies is related to the perception of users of justice services regarding innovations implemented in this segment of public administration.

References

- Anderson, N., Potočnik, K., & Zhou, J. (2014). Innovation and creativity in organizations: A state-of-the-science review, prospective commentary, and guiding framework. *Journal of Management*, 40, 1297–1333. doi: <https://doi.org/10.1177/0149206314527128>.
- Bardin, L. (2011). *Análise de conteúdo*, (Vol. 70), São Paulo, Brazil: Edições.
- Borins, S. (2001). *The challenge of innovating in government*, Arlington, VA: PricewaterhouseCoopers Endowment for the Business of Government.
- Borins, S. (2002). Leadership and innovation in the public sector. *Leadership & Organization Development Journal*, 23, 467–476. doi: <https://doi.org/10.1108/01437730210449357>.

- Castro, M. P., & Guimaraes, T. A. (2019). Dimensions of innovation in justice organizations: proposition of a theoretical methodological framework. *Cadernos EBAPE. BR*, 17, 173–184. doi: <https://doi.org/http://dx.doi.org/10.1590/1679-395167960>.
- CNJ. (2017). *Justiça em números 2017*. Retrieved from www.cnj.jus.br/files/conteudo/arquivo/2017/09/e5b5789fe59c137d43506b2e4ec4ed67.pdf (accessed 5 may 2019).
- Cuban, L. (1988). *The managerial imperative and the practice of leadership in schools*, New York, NY: Suny Press.
- De Vries, H., Bekkers, V., & Tummers, L. (2016). Innovation in the public sector: A systematic review and future research agenda. *Public Administration*, 94, 146–166. doi: <https://doi.org/10.1111/padm.12209>.
- Duysters, G., & Hagedoorn, J. (2000). International technological collaboration: Implications for NIEs'. in Kim, L., & Nelson, R.R. (Eds), *Technology, Learning and Economic Development: The Experiences of the Assian Newly Industrialized Countries*, Cambridge: Cambridge University Press, 93–215.
- Fontanella, B. J. B., Luchesi, B. M., Saidel, M. G. B., Ricas, J., Turato, E. R., & Melo, D. G. (2011). Sampling in qualitative research: a proposal for procedures to detect theoretical saturation (Amostragem em pesquisas qualitativas: Proposta de procedimentos Para constatar saturação teórica). *Cadernos de Saúde Pública*, 27, 388–394. doi: <https://doi.org/10.1590/S0102-311X2011000200020>.
- Gieske, H., Van Buuren, A., & Bekkers, V. (2016). Conceptualizing public innovative capacity: a framework for assessment. *The Innovation Journal*, 21, 1. Retrieved from www.innovation.cc/scholarly-style/2016_21_1_1_gieske-buuren-bekkers_public-innovate.pdf
- Gomes, A. O., Guimaraes, T. A., & Souza, E. C. L. (2016). Judicial work and judge's motivation: the perceptions of Brazilian state judges. *Law and Policy*, 38, 162–176. doi: <https://doi.org/10.1111/lapo.12050>.
- Greenwood, R., Raynard, M., Kodeih, F., Micelotta, E. R., & Lounsbury, M. (2011). Institutional complexity and organizational responses. *The Academy of Management Annals*, 5, 317–371. doi: <https://doi.org/10.1080/19416520.2011.590299>.
- Guimaraes, T. A., Gomes, A. O., & Guarido Filho, E. R. (2018). Administration of justice: an emerging research field. *RAUSP Management Journal*, 53, 476–482. doi: <https://doi.org/10.1108/RAUSP-04-2018-010>.
- Gupta, A. K., Tesluk, P. E., & Taylor, M. S. (2007). Innovation at and across multiple levels of analysis. *Organization Science*, 18, 885–897. doi: <https://doi.org/10.1287/orsc.1070.0337>.
- Hargrave, T. J., & Van de Ven, A. H. (2006). A collective action model of institutional innovation. *Academy of Management Review*, 31, 864–888. doi: <https://doi.org/10.5465/amr.2006.22527458>.
- Heidenreich, S., Landsperger, J., & Spieth, P. (2016). Are innovation networks in need of a conductor? Examining the contribution of network managers in low and high complexity settings. *Long Range Planning*, 49, 55–71, <https://doi.org/10.1016/j.lrp.2014.03.003>.
- Hess, H. C. (2010). O princípio da eficiência e o poder judiciário. *Revista da Faculdade de Direito, Universidade de São Paulo*, 105, 211–239. doi: <https://doi.org/10.11606/issn.2318-8235.v105i0p211-239>.
- Janssen, O. (2001). Fairness perceptions as a moderator in the curvilinear relationships between job demands, and job performance and job satisfaction. *Academy of Management Journal*, 44, 1039–1050.
- Jung, D. D., Wu, A., & Chow, C. W. (2008). Towards understanding the direct and indirect effects of CEOs' transformational leadership on firm innovation. *The Leadership Quarterly*, 19, 582–594. doi: <https://doi.org/10.1016/j.leaqua.2008.07.007>.
- Khalili, A. (2016). Linking transformational leadership, creativity, innovation, and innovation-supportive climate. *Management Decision*, 54, 2277–2293. doi: <https://doi.org/10.1108/MD-03-2016-0196>.
- Kim, L. (2005). *Da imitação à inovação: a dinâmica do aprendizado tecnológico da coreia*, São Paulo, Brazil: Editora Unicamp.

- Kim, Y., & Lui, S. S. (2015). The impacts of external network and business group on innovation: Do the types of innovation matter?, *Journal of Business Research*, 68, 1964–1973. doi: <https://doi.org/10.1016/j.jbusres.2015.01.006>.
- Lam, A. (2004). *Organizational innovation* (no. 11539), Germany: University Library of Munich.
- Li, V., Mitchell, R., & Boyle, B. (2016). The divergent effects of transformational leadership on individual and team innovation. *Group and Organization Management*, 41, 66–97.
- Meijer, A. (2015). E-governance innovation: Barriers and strategies. *Government Information Quarterly*, 32, 198–206. doi: <https://doi.org/10.1016/j.giq.2015.01.001>.
- Mendes, G. (2009). *A reforma do sistema judiciário no brasil: elemento fundamental Para garantir segurança jurídica ao investimento estrangeiro no país*. Retrieved from www.stf.jus.br/repositorio/cms/portalStfInternacional/portalStfAgenda_pt_br/anexo/discParisport1.pdf
- Sadek, M. T. (2004). Judiciário: mudanças e reformas. *Estudos Avançados*, 18, 79–101. doi: <https://doi.org/10.1590/S0103-40142004000200005>.
- Schumpeter, J. A. (1984). *Capitalismo, socialismo, democracia*. São Paulo, Brazil: Zahar Editores S.A.
- Scott, W. R. (2008). *Institutions and organizations: Ideas, interests, and identities*. Thousand Oaks, CA: Sage Publications.
- Scott, S. G., & Bruce, R. A. (1994). Determinants of innovative behavior: a path model of individual innovation in the workplace. *Academy of Management Journal*, 37, 580–607.
- Shalley, C. E., Gilson, L. L., & Blum, T. C. (2009). Interactive effects of growth need strength, work context, and job complexity on self-reported creative performance. *Academy of Management Journal*, 52, 489–505. doi: <https://doi.org/10.5465/amj.2009.41330806>.
- Sousa, M. D M., & Guimaraes, T. A. (2014). Innovation and performance in judicial management: uncovering conceptual and methodological gaps (Inovação e desempenho na administração judicial: desvendando lacunas conceituais e metodológicas). *Review of Administration and Innovation – RAI*, 11, 321–344. doi: <https://doi.org/10.5773/rai.v11i2.1373>.
- Van der Vegt, G. S., & Janssen, O. (2003). Joint impact of interdependence and group diversity on innovation. *Journal of Management*, 29, 729–751. doi: https://doi.org/10.1016/S0149-2063_03_00033-3.
- Vermeulen, P. A., Van Den Bosch, F. A., & Volberda, H. W. (2007). Complex incremental product innovation in established service firms: a micro institutional perspective. *Organization Studies*, 28, 1523–1546. doi: <https://doi.org/10.1177/0170840607068082>.
- Weber, B., & Heidenreich, S. (2018). When and with whom to cooperate? Investigating effects of cooperation stage and type on innovation capabilities and success. *Long Range Planning*, 51, 334–350. doi: <https://doi.org/10.1016/j.lrp.2017.07.003>.
- West, M. A., & Farr, J. L. (1989). Innovation at work: Psychological perspectives. *Social Behaviour*, 4, 15–30. Retrieved from <https://psycnet.apa.org/record/1989-31447-001>
- Yukl, G., Gordon, A., & Taber, T. (2002). A hierarchical taxonomy of leadership behavior: Integrating a half century of behavior research. *Journal of Leadership and Organizational Studies*, 9, 15–32. doi: <https://doi.org/10.1177/107179190200900102>.
- Zucker, L. G. (1987). Institutional theories of organization. *Annual Review of Sociology*, 13, 443–464. doi: <https://doi.org/10.1146/annurev.so.13.080187.002303>.

Corresponding author

Marilú Pereira Castro can be contacted at: marilucastras@gmail.com

For instructions on how to order reprints of this article, please visit our website:

www.emeraldgroupublishing.com/licensing/reprints.htm

Or contact us for further details: permissions@emeraldinsight.com