

The use of the indicator by the indicator: A critical analysis of the productivity indicator of the Court of Justice of Mato Grosso do Sul in the light of procedural complexity

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ABSTRACT

The present study aims to examine the use of quantitative indicators as a tool for evaluating performance and productivity in the Court of Justice of Mato Grosso do Sul (TJMS), focusing on the Electronic Processing Center of the Special Criminal Courts. In this descriptive and qualitative case study, the complexity of measuring productivity based only on numerical data without considering the complexity of the processes is highlighted. The article also explores the tools and systems used by TJMS to monitor the performance and productivity of servers. Its contribution also lies in the analysis of the performance indicators employed by the judiciary, fostering a critical analysis aimed at improving the form of performance evaluation with the inclusion of the complexity of the procedural act as a metric.

Keywords: Indicators, Productivity, Performance, Judiciary.

INTRODUCTION

Productivity and performance are increasingly emphasized in several areas, from economics to administration, as well as in specialized fields, for example the Judiciary (Gomes; Guimarães, 2013). In the search for results, many public and private organizations are resorting to the use of indicators that offer a quantitative approach to measure the degree of productivity (efficiency/effectiveness). It happens that

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when the search for productivity becomes an unbridled search for a simple sum of numbers, the need for a critical analysis is born.

In public management, performance indicators play a crucial role in measuring, monitoring, and improving the efficiency, effectiveness, and transparency of the services provided by government agencies. For Oliveira and Cunha (2020), the production of reliable statistical data, which allow the institution of strategic planning and the monitoring of actions aimed at improving jurisdictional provision, is part of a global trend in public administration, towards adopting instruments capable of monitoring organizational performance and guiding practices aimed at optimizing the allocation of resources and improving the services provided.

Statistical data allows managers to evaluate progress against established goals, identify areas for improvement in order to meet the public interest, through the resources used (*inputs*) and results obtained (*outputs*).

While performance measurement and evaluation mechanisms can be important, inadequate performance measurement can become a discouraging factor for civil servants. Therefore, there has been much discussion about the need to create applied productivity indicators. (Pereira, 2013).

The critical analysis provided in this article is justified by the need to investigate the metrics of the indicators in the context of the Court of Justice of the State of Mato Grosso do Sul (TJMS), specifically in the sector of the Electronic Processing Center (CPE) of the Special Criminal Courts (JECRIM). Throughout this study, possible alternatives will be analyzed for a more accurate evaluation that does not only consider the sum of numbers in a homogeneous way, but also the complexity of the processes.

The Electronic Processing Center (CPE)⁵ is a sector of the TJMS, more precisely a Secretariat linked to the Presidency of the Court, designed in order to boost the efficiency of the jurisdictional provision, assisting the Judicial Registry Offices of the State (Provision-CSM No. 300/13) and concentrating the activities of expeditions, without service to the public, with the objective of optimizing and improving procedural speed, in a quiet, isolated work environment.

In this context, the research question that is intended to be answered is the following: how to include parameters of complexity of the activities performed in the performance indicators of the CPE/JECRIM public servants?

⁵ TJMS Electronic Processing Center. Available at <https://sti.tjms.jus.br/confluence/pages/viewpage.action?pageId=248349262#:~:text=A%20Central%20de%20Processamento%20Eletr%C3%B4nico,suas%20atividades%20definidas%20nas%20legisla%C3%A7%C3%B5es>



OBJECTIVE

The objective of this article is, therefore, to develop a method to measure and evaluate the performance of the public service in the CPE/JECRIM sector based on the value to be considered per act according to its complexity. By including complexity parameters in the context evaluated, an adherence to the concept of organizational justice is observed, that is, fair evaluations perceived by the civil servant as a function of the work performed. (Gomes; Guimarães, 2013).

METHODOLOGY

This study adopts a qualitative and quantitative (mixed) approach, whose data collection involves both numerical information and information from narrative or analytical texts. The purpose of the research is applied with a systematic study that aims to solve practical, concrete and operational problems identified within the scope of the Judiciary.

The object of the research has a descriptive nature, investigating how the facts and descriptions of the real phenomena of a given environment occur with accuracy (Casagrande et. al, 2022). The origin of the collected data is from primary source, that is, data not yet collected, since the use of complexity metrics is not yet used by BI software. This is a case study resulting from an investigation of a complex and contemporary phenomenon within the real context experienced, and is also participatory. (Casagrande et. al, 2022).

As for the instrument for data collection, a semi-structured questionnaire developed and applied with the help of the online platform *Google Forms* was used. The research was of the *Likert type*, with scalar variation from 1 to 5 points (linear scale), with extremities between no complexity, with a score of 1, and very complexity, with a score of 5, aimed at the servers of the Court of Justice/MS of the sector of the Special Criminal Courts of the Electronic Processing Center. It was decided to be confidential in terms of the identification of the respondents, in order to obtain veracity and fidelity of the data collected. (Cunha, 2014).

As for the respondents, of the 32 servers assigned to the sector, 16 perform the function of procedural compliance, which means that they do not only perform isolated/specific activities, such as hearings (hearing compliance sector) and telephone subpoenas (Sitra sector - Telephone Subpoena System). All 16 civil servants with competence in the procedural function participated in the survey, totaling 100% of responses.

19 closed questions and one open question were asked in which the opinion on other sources for productivity accounting (activities that currently do not account for acts) was provided. From the result of the questionnaire, the median of the answers to the alternative questions was established by the Microsoft Excel 2019 software and a word cloud of the open question by the Word Art 2023 program.



THEORETICAL FRAMEWORK

PERFORMANCE MANAGEMENT

Good management is one that achieves results. In the public sector, this means meeting the demands, interests, and expectations of beneficiaries, whether citizens or businesses, creating public value. These results do not arise spontaneously, it is necessary to have a conscious direction on the part of governments, public organizations, policies, programs and projects. (Martins, 2010).

The main reasons for measuring performance in public organizations are: (i) planning and improvement; (ii) monitoring and control; (iii) benchmarking; (iv) communication and accountability; (v) budgeting; and (vi) individual performance management. (Pidd, 2012).

With the enactment of the Federal Constitution and the importance of *accountability*, the publicity of data is essential so that: (i) the public can know what are the activities developed by the Judiciary; (ii) the top bodies can monitor their performance and plan future projects; (iii) governments can develop and promote public policies for reform and improvement in this area; (iv) the experts can evaluate the functioning of the Justice system as a whole. (Cunha, 2010).

With Resolution No. 49, of December 18, 2007, the National Council of Justice (CNJ), the body that controls the administrative and financial performance of the courts, imposed on the bodies of the Judiciary the creation of Statistics and Strategic Management Centers, with the purpose of organizing the administrative structures for the preparation of statistics and the strategic management plan. Subsequently, faced with the challenge of creating an integrated management system, the National Meeting of the Judiciary was held on August 25, 2008, in the city of Brasilia, from which the Judiciary Charter was consolidated, the commitment of the Presidents of the Courts and National Associations of Magistrates to develop effective mechanisms for the improvement of judicial services. (Chaer; Azevedo; Bonifácio, 2009).

The CNJ has competence in monitoring compliance with the principle of publicity, establishing several resolutions to bring greater publicity to the Judiciary. This information is obtained by the power of horizontal *accountability* that allows the CNJ to require the presentation of this data. On the other hand, the publication of this information allows the people, who mandate state agents, elected or not, and civil society groups to exercise social *accountability* over the Judiciary. (Tomio; Filho, 2013). Social *accountability*, for Peruzzotti (2016), represents one of the various forms of politicization based on civil society present in the new democracies that emerges in the civil society space and encompasses a variety of forms of collective action and civic activism that share a common concern with improving the functioning of representative institutions through the strengthening of mechanisms to control the legality of public officials.



In order to comply with CNJ Resolution No. 49/2007, amended in 2022 by Resolution No. 462 and based on the system implemented by the CNJ (Chaer et. al., 2009), the TJMS adopted the *Balanced Scorecard* (BSC)⁶ as a methodology for measuring performance, commonly used in private companies, adapted for public institutions.

The BSC, developed by Kaplan and Norton in 1990, is a management tool derived from strategic planning that, combined with a vision of the future, values, strategic map, indicators, goals and objectives, helps to measure the institution's results (Oliveira; Izeli, 2018). It is based on the construction of a set of interconnected indicators in a relationship of causality and alignment with the strategy, promoting a systemic view of organizational performance. (Martins, 2018).

The BSC was designed as a balanced weighting, balanced between several performance indicators, to measure business goals, enabling better results not only in the short but also in the long term. The main objective is to achieve a balance between the institution's strategic planning and operational actions, transforming the mission and strategy into objectives and measures organized through indicators, which inform current and future performance to employees. (Oliveira; Izeli, 2018). For public agencies, as a result of Kaplan and Norton's studies, success should be evaluated by the degree of effectiveness and efficiency of these organizations. (Rodrigues, 2017).

The BSC is responsible for translating strategic objectives into performance indicators classified from the four perspectives of Kaplan and Norton (1992): financial, customer, internal processes and learning/growth. The definition and integration of strategic objectives, initiatives, goals and indicators of these perspectives constitute the pillars of the BSC, which must be connected to the organization's strategic thinking. (Oliveira; Izeli, 2018).

Although the public and private sectors focus on satisfying the "customer", they differ in the breadth of their goals and actions, the profile of their customers, as well as the way they use their financial resources. However, the satisfaction of the citizen is an obligation of the State and its interests are directed to the collectivity. (Felix et. al., 2011). In this sense, the "BSC.Gov" was developed by Rozelito Felix, Patrícia do Prado Felix and Rafael Timóteo, aimed at public organizations. This BSC maintains the perspectives of internal processes, learning and growth, but adds other perspectives more appropriate to the public sector, such as government relations, budgeting, public administration and citizen/society. (Rodrigues; Toledo, 2017).

For Oliveira and Izeli (2018), society is considered the main objective for public administration. Because of this, when customizing the BSC for the public administration, it is necessary to have a

⁶ Strategic Plan of the Court of Justice of Mato Grosso do Sul for the years 2021-2026. Available at: https://www5.tjms.jus.br/_estaticos_/planejamento/PE2021-2026.pdf?q=1697248933.6313 (accessed on 13 Oct. 2023).



perspective for society that measures compliance with the quality requirements of the products/services offered to the citizen, meeting the desires of society.

According to José Maria Pedro (2004):

Strategic indicators serve to measure and evaluate the achievement of strategic objectives over time. Goals are objective values that are intended to be obtained for the indicators in a given time, they must be ambitious and negotiated with those responsible. (Pedro, 2004, p. 21).

The main objectives of performance indicators aim to assist public managers through empirical evidence, enabling consistent comparisons and evaluations and, especially, creating conditions to clarify and provide support for short and long-term decisions. (Oliveira; Izelli, 2018).

PRODUCTIVITY

Productivity is one of the biggest concerns of every company, whether public or private. All managers are looking for a formula for the dilemma: how to produce more and spend less. (Bonelli, 2014). The concept of productivity may seem quite simple, however, given the vastness of its essence, it is necessary to state the obvious and avoid insipidity.

According to França (2004), the definition of productivity is given by the degree of use of the means used to produce goods and services, while considering the quality of life of employees.

In the Judiciary, the concept of productivity refers to efficiency and effectiveness, or in other words, productivity is considered based on quantitative metrics, such as the number of cases distributed, sentenced, archived, the average time of judgment and time of stoppage. In a study conducted by Gomes and Guimarães (2013), the variable most used to measure the productivity of courts was the number of completed cases. According to the authors:

Effectiveness is one of the most difficult performance dimensions to be analyzed in the Judiciary, mainly because it involves subjective elements, such as the perception of users. And also because it deals with indirect results, difficult to be measured exactly, usually captured only in longitudinal studies that cover long periods. The population's sense of security, the level of trust in the Judiciary, the guarantee of human rights and crime rates are some of the indicators that can be used to assess judicial effectiveness. (Gomes; Guimarães, 2013, p. 385).

For Cunha (2018), data on the activities of the Judiciary should be collected, preferably, from the procedural progress system. The size, content, and age of the data collection are also important, so that each of the courts can identify what is not being decided. In addition, the statistical systems built from this information should serve as objective mechanisms for evaluating the judicial administration, insofar as they instrumentalize: (i) judges, in the administration of their courts; (ii) legislators, in the evaluation of conflicts generated from the drafting of a law; (iii) citizens and organizations that use the Judiciary, as a way to reduce legal uncertainty. (Oliveira; Cunha, 2020).



Productivity may appear to be a simple concept and a mathematical formula: time x production. However, the simplicity is only in appearance, as it concerns a complex metric. How do you calculate the time spent on products that are not physical? How to calculate product complexity? In a court, the product is nothing more than a lawsuit and lawsuits are distributed and filed daily. However, it is common for a lawsuit filed today to have been distributed 15 years ago. Therefore, it is unfeasible to use the distribution and archiving metric to measure the productivity of a court, a metric that has been mistakenly used for many years, until the present moment. (Gomes; Guimarães, 2013).

As Ruy Barbosa (1921) pondered, "Delayed justice is not justice, but qualified and manifest injustice".⁷ For justice to be effective and a judiciary effective, productivity must be a priority and the use of indicators becomes essential and indispensable.

INDICATORS AND THEIR RELATIONSHIP WITH ORGANIZATIONAL JUSTICE

According to William Thomson, known as Lord Kelvin (1824-1907), if someone measures something he is talking about and expresses it in numbers, he will have some understanding of the subject. However, when it is not possible to quantify, their knowledge is limited and unsatisfactory. This may represent the beginning of knowledge, but it hardly indicates that you have reached the stage of science, regardless of the subject. (Trzesniak, 2014).

In the first steps in the evolution of the indicators, the exclusive quantification predominated, whether of people, resources or equipment. From 1920 onwards, and particularly after the Second World War, statistics changed completely, leaving the exclusive hands of economic scientists, starting to be produced by departments, agencies and divisions of national public offices. (Soligo, 2012).

An indicator is a measure or value that provides specific information about a process, system, or situation. Indicators are widely used in everyday life, in various fields, including business, economics, science, education, environment, government agencies, among others. The indicator plays a key role in data collection, evaluation and monitoring and, according to Kaplan and Norton (1992), what is not measured cannot be managed.

Thus, indicators consist of metrics that provide information and allow the evaluation of the organization's performance, following three relevant aspects: control, communication, and improvement (Martins, 2018). It can be represented by numbers, percentages, graphs, tables, indexes or other forms of quantitative or qualitative representation. Indicators are commonly used to measure goals or objectives, evaluate performance, which will be the subject of this study, as well as to assist in decision-making.

⁷ Young men's prayer. Speech to the bachelors of the Faculty of Law of São Paulo in 1921.



The legal criteria for the quality of an indicator are: (i) Selectivity (provides information on the main strategic variables of the process); (ii) Simplicity (indicators must be understandable and capable of bringing meaning to stakeholders); (iii) Representativeness (the data chosen should not be unnecessary. Important data must be accurate, able to meet objectives, and collected from the right data source); (iv) Investigative (easy to analyze data, whether for recording or retaining information); (v) Comparability (they must be easily comparable with internal or external references); (vi) Stability (procedures generated in a systematic and constant manner); (vii) Cost-effectiveness (designed to be economically effective). (Martins, 2018).

After assessing selectivity and feasibility, it is important to examine the weight assigned to each indicator, i.e., the relative importance of the metric to the overall outcome of the indicator. It is worth mentioning that weights are useful when there is a list of indicators for a certain objective, and there is a need to carry out weightings of importance. After establishing the indicators, it is necessary to define goals that represent the quantification of these indicators. These goals should be realistic, challenging, straightforward, tradable, and grounded in historical series, trends, and benchmarks. (Martins, 2018).

According to Lassance (2022), data does nothing, says nothing, shows nothing. Rather, data analysis is guided by questions aimed at testing assumptions based on theories. They must be confronted with expectations to see to what extent they are being confirmed or frustrated and why assumptions about indicator-driven evaluation, data-driven decision-making, results-oriented governance or results-based management are a complete reversal of the meaning of the use of indicators and data analysis. It is the equivalent of talking about exam-based medicine.

To achieve positive performance indicators, services must be provided by motivated and competent professionals, achieving more efficient and less costly results through qualification and training of public agents. (Oliveira; Izelli, 2018).

In this sense, it is necessary to highlight the importance of organizational justice in public organizations, considering the psychology of justice applied to organizational environments, focusing on the perceptions of justice existing in the relationships between workers and their organizations. (Assmar et. al, 2005).

The investigation of organizational justice unfolds into at least two major dimensions, which can be studied independently or articulated: *distributive justice*, which refers to the content of distributions to the justice of the results achieved, and *procedural justice*, which refers to the fairness of the procedures adopted to determine distributions. (Assmar et. al, 2005).

In procedural justice, theorized by Thibaut and Walker (1975), people can accept results that are unfavorable to them if they believe that the procedures to reach them were fair. (Assmar et. al, 2005). In this sense, the attribution of work goals for actions in public management is an essential activity to ensure



effectiveness and efficiency, however the way in which these goals are quantified and the criteria used to evaluate the performance of civil servants must also be effective, under penalty of generating a feeling of injustice and frustration in workers.

For Weiss (1991), work and productivity are related to rewards, not necessarily tangible, such as money, but also intangible, such as a leadership position. Demotivation, on the other hand, occurs when the employee does not know the results he must achieve or with intangible results, or when the company fails to provide the great resources necessary for the execution of tasks.

In this sense, according to Trzesniak (2014), when well used, goals can be important motivating factors for a team. But they can have the opposite effect if they are excessively hard and difficult: demotivation, stress, tension, disagreements. The indicator is always innocent: what can be perverse, if misused, are the goals.

The commitment of each individual depends on the degree of satisfaction and motivation with the work they perform. An environment without innovation and without freedom of participation of workers directly harms the well-being of all and especially the performance of work, consequently productivity and results. (Ribeiro; Santanna, 2015).

DISCUSSION AND ANALYSIS OF THE RESULTS

PERFORMANCE INDICATORS IN THE COURT OF JUSTICE OF THE MINISTRY OF JUSTICE

Judicial statistics and the adoption of a data standard so that they can be freely accessed is only possible through the use of information technology instruments and integrated systems that are capable of giving robustness and reliability to the available information. In general, it is possible to say that technology is already part of the vast majority of justice systems and has been adopted as a strategy to improve jurisdictional provision. In this sense, technology is used not only to produce information about judicial activities, but also as a mechanism for access to justice, as is the case with digital judicial proceedings, a format that has a direct impact on the processing time of cases; and greater transparency and agility in the monitoring of processes, through the digital pages of the courts. (Oliveira; Cunha, 2020).

A tool used by the MS Court of Justice in the search for efficient indicators is Microsoft's "Power BI" system,⁸ which consists of a collection of software services, applications and connectors that work together to transform their unrelated data sources into coherent information, in an interactive way. With the software, it is possible to establish connections with data sources in an uncomplicated way, visualize and identify relevant information, and then share it with anyone interested. This tool facilitates the process of preparing data for analysis, allowing you to write reports, dashboards, and data visualizations.

⁸ <https://learn.microsoft.com/pt-br/power-bi/fundamentals/power-bi-overview> (acesso em 13 out. 2023)



With the use of the BI system, it became possible to measure the productivity of civil servants by the number of acts performed and processes moved, and this indicator began to be used to stipulate work goals and, inevitably, charges and punishments. According to article 6 of provision 543/2021 of the TJMS, which establishes the rules for telework, employees who are in the distance modality (telework) are subject to return to face-to-face work in case of non-compliance with the stipulated goals.

It turns out that the use of the indicator by the indicator brings a false notion of productivity, because procedural acts are complex and lawsuits are not just numbers. It is important to note that, despite the stipulation of goals by the courts and the National Council of Justice (CNJ), they do not work only with numbers, but with lives, freedoms, property, among other goods of an immeasurable nature.

The search for high numbers cannot be greater than the search for justice, equity and quality of life of those under jurisdiction, the target audience of justice. Given this scenario, it is necessary to seek a metric that includes the complexity of the acts involved so that the final number is positive and corresponds to reality. But how to measure process productivity in an effective way and not just using total numbers?

For full understanding, it is important to clarify that the TJMS uses the Procedural Monitoring System (SAJ), an Internet platform, to proceed with the processes, which are currently all digital, and these processes are moved between queues, as if they were the old cabinets (bins) of the forums where the physical processes were kept, however because they are digital these processes can be in different queues at least time depending on the acts that need to be carried out. For example, a process that has returned from the Public Prosecutor's Office (MP) is in a queue called 'coming from the MP' and at the same time it may be in another queue waiting for the issuance of some document.

Currently, the quantification of each and every act, verified by Microsoft BI, that generates a movement in the SAJ is counted as an act. However, this act can be, for example, either a sentence or a notary certificate. However, the time used to carry out such diverse acts is also different and its count as an indicator of productivity must also be taken into account, because while a sentence can take days to be carried out, a certificate can take minutes. Likewise, identical documents, such as certificates with different contents, may also take different times to be carried out, depending on the ease of execution or the use of templates that require fewer actions to be completed.

Therefore, it can be seen that using the indicator of numbers of pure and simple acts as if they were all the same does not correspond to real productivity, since at the same time a different number of acts are spent according to the complexity of the function. That is, the one who spent more time working on a single document will have a lower productivity compared to the one who performed simple acts at the same time, but in greater quantity.



Productivity in the Judiciary is not a simple addition or subtraction of numbers. Each act has a complexity, and this complexity needs to be valued. For example, the person who issued 10 final and unappealable certificates used less time and produced more than the one who issued 02 arrest warrants, however the simple sum of acts does not reflect the complexity of each function performed.

In September 2019, the 1st degree judicial units of the Special Courts began to control their processes through a new tool made available by the planning advisory within the BI system. With this new tool, it is possible to verify, by means of numbers and graphs, the percentage and time of stoppage of the processes under the competence of the CPE, the notary offices and the magistrates, as well as the data can be viewed according to the classification of the processes (criminal action, detailed term of occurrence, police investigation, criminal complaint, etc.) and the subject (reception, contempt, injury, defamation, slander, threat, disturbance of the peace of others, among others).

It is important to clarify that the B.I system uses several tools that are made available by the planning advisory according to the degree of hierarchy. In addition to the tool above, which demonstrates an overview of the processes divided by subjects and location, there is also a tool that any and all servers can access with their personal password and monitor individual activities with regard to the number of acts performed, which express the daily, monthly and annual productivity of the server. This tool provides the total number of documents issued, processes handled, as well as records of the times when the acts were performed. Thus, the public servant self-inspects his daily production, acting responsibly and self-managed.

CRITICAL ANALYSIS AND PROPOSAL FOR IMPROVEMENT OF THE TJMS PERFORMANCE EVALUATION SYSTEM

The studies presented by Oliveira and Cunha (2020) analyze in a macro way the indicators and challenges presented by the Judiciary with the use of new technologies, aiming at an analysis of the Datajud system (National Database of the Judiciary) that also uses Microsoft Power BI, emphasizing the data of entry and filing of cases in the years 2017 and 2018 and demonstrating the absence of indicators of quality of decisions regarding the its effectiveness and final result.

In this research, in a more internalized and micro analysis of each act practiced by the public servant in the middle activity, that is, in acts of mere expediency and dispatches and procedural movements in general. It was found in general that the TJMS with the use of the Microsoft BI Software establishes the metric standards of productivity and uses the data collected from the SAJ. And to improve the way productivity is counted, it is necessary to establish which acts are considered expensive to establish the complexity metric.



An indicator is a parameter that represents the process that is intended to be quantified (Trzesniak, 2014). It is used to compare the difference between the desired situation and the achieved or actual situation, indicating if there are problems in the process. A form of complexity metric that can be applied according to acts and difficulty can be expressed by means of a simple calculation as seen in Table 1.

Chart 1 - Suggested Punctuation according to the complexity of the acts

PUNCTUATION	INTRICACY
1 point	No Complexity
2 points	Little complexity
3 points	Medium Complexity
4 points	Complex
5 points	Very complex

Source: prepared by the authors (2023)

With table 1 suggested, it is possible to point out more precisely the procedural acts that require more or less time and work in the preparation. Thus, in a simple way, through the scoring by the models used in the SAJ, it would be possible to establish a metric according to the complexity of the acts performed by each server, which would correspond to equity and improvement in the quantification of productivity indicators.

In the questionnaire, 19 questions were asked on a linear scale so that the civil servants answered from 1 to 5 as they consider the complexity of each act performed in their procedural functions, as shown in Chart 1 the overall result of the questions with the respective medians were as follows (Chart 2).

Chart 2 – Median questions and answers of the questionnaire applied

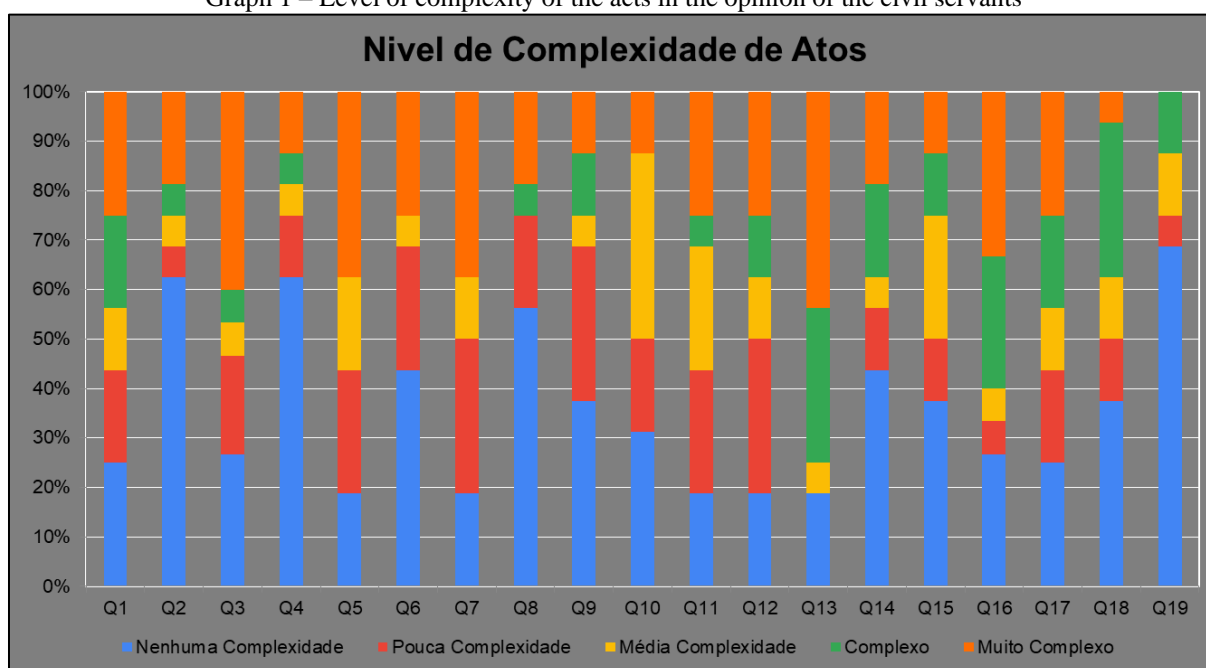
QUESTIONS	MEDIAN OF RESPONSES
1. How much do you score the act of issuing a generic notary certificate (in which all information must be written by the server)?	3
2. How much do you score the act of issuance of a notarial certificate previously completed (for example: lapse of deadline / subpoena for sitra/ non-compliance with criminal settlement)?	1
3. How much do you score the act of issuing generic warrants (in which all information must be written by the server)?	3
4. How much do you score the act of issuing the previously filled warrants (for example: summons for hearings/ summons of sentence/ offer of representation)?	1
5. How much do you score the generic official dispatch act (in which all information must be written by the server)?	3
6. How much do you score for the previously completed act of issuance of an official letter (for example: for diligences to the police station/ request of an arrested defendant/ restitution or destruction of seized assets)?	2
7. How much do you score for the act of issuing a generic Letter of Demand (in which all information must be written by the server)?	2,5
8. How much do you score for the act of issuing a previously filled Letter of Demand (for example: summons for hearing/summons of the judgment/compliance with a transaction or conditional suspension of the process)?	1

9. How much do you score for the act of filling in the history of parties related to decisions (for example: conviction, acquittal or extinguishing sentence of punishability/decision to archive)?	2
10. How much do you score for the act of filling in the history of parties regarding procedural data (for example: date of the crime/ date of the investigation/ offering and receiving of complaint)?	2,5
11. How much do you score for the act of calculating the deadline and later filling in the history of parties regarding the final and unappealable decision of the decisions?	3
12. How much do you score for the act of sending the records to the appellate panel?	2,5
13. How much do you score for the act of issuing the Collection Guide (BNNP)?	4
14. How much do you score for the act of issuing a Guide Letter?	2
15. How much do you score for the act of researching and issuing criminal records?	2,5
16. How much do you score the act of researching and including data in the SIDII and SINIC systems?	4
17. How much do you score the act of including parties or witnesses in the register of parties?	3
18. How much do you score for the act of including or changing the registration data of the parties or witnesses in the register of parties (for example: address registration)?	2,5
19. How much do you score the act of analyzing and moving/copying the records between queues?	1

Source: prepared by the authors (2023)

Percentage-wise, the analysis of the responses, evidenced in graph 1, shows that, in fact, acts are considered diverse and measured differently according to their complexity in the opinion of the civil servants.

Graph 1 – Level of complexity of the acts in the opinion of the civil servants



Source: prepared by the authors in Microsoft Excel (2023)



During the analysis of the responses, the lack of consensus among the interviewed civil servants was highlighted, resulting in a varied distribution of responses among the available options. Specifically, with regard to the level of complexity for the issuance of a "generic" notarial certificate (a blank model in which the server is fully responsible for the content), of the 16 respondents, 04 indicated little complexity, while another 04 pointed out a lot of complexity, walking between the extremes. This result draws attention, since, as it is open content, the difficulty or extreme ease may indicate some particularity of the server, such as low or higher qualification, length of service, among other factors.

It is also observed that only three questions (n. 2, 4, 8 and 19) reached a "consensus", in which more than 9 civil servants opted for the same answer, that is: no complexity. In the case of notary certificates, warrants and precatory letters, with templates previously filled in by the system, it is noticeable that the fact that the system fills in some information facilitates the issuance of these documents, making the process more agile. This indicates that the Court should invest more and more in automation to increase productivity.

Regarding the completion of the history of parties, which consists of a summary of the procedural acts carried out in the process, such as the date of the crime, the date of the investigation, the date of the complaint, the date of receipt of the complaint, settlement, conditional suspension of the process, sentence, judgment, final and unappealable, among other various entries, only 4 servers (25%) considered the process complex.

Another relevant observation concerns question number 18 about the registration of parties and representatives. The answers were distributed among the five available options, however, only 1 (6.3%) of the participants classified the act as very complex, 5 civil servants (31.3%) considered it complex, while 8 classified it as low complexity (50%), with 2 civil servants (12.5%) in the medium category. It is noteworthy that, among the 16 respondents, only 1 perceived the registration as very complex, which again refers to the possibility of influence of personal issues in the evaluation of each civil servant.

Additionally, with regard to the registration of parties and representatives, it was a complaint present in the answers to question number 20 (of an open and optional nature) the fact that it was an expensive procedure and not accounted for in the productivity evaluation.

Another finding in the answers refers to questions numbers 5, 6, 7, 8, 10, 13 and 19. It is noted that these questions presented one of the five answer options completely zero, that is, it was not chosen by any of the civil servants. It is noteworthy, in particular, that question number 19 not only did not receive any answer indicating high complexity, but also obtained 12 respondents (75.1%) indicating absence of complexity.

Regarding the open question number 20, which requested the opinion of the civil servants on the acts produced and not quantified, the referral to queue 214 (analysis of the secretary/notary) stands out.



servant (strategic management of people), adding a stimulus factor for dedication to the search for the quality of acts and rigor in the recording of information.

In the case of acts considered less complex and that are quantified as the same value as complex acts, it can devalue the servers, because a server who spent the day working on complex acts, at least for the system, will have a significantly lower productivity than a server who only performed acts without complexity, again generating the feeling of devaluation. Sometimes a server can spend more than an hour in just one process and not have a fair accounting of its productivity. For example, on average, it takes 20 minutes to break down a case, and this procedure can result in more than 100 acts in that time interval. Meanwhile, in the same 20-minute period, a payment slip is issued that will result in only 1 act.

There is an urgent need to develop real indicators that measure the productivity of civil servants due to the complexity of the acts performed. A case with 10 plaintiffs cannot be scored with the same weight as a lawsuit with only 1 plaintiff, nor can the various "steps" of the acts performed be disregarded. Despite having a modern and advanced system, such as Microsoft BI, its use is being conducted inadequately, with the use of improper parameters and indicators.

Based on the answers to the questionnaires, the need to invest in automation for all models already developed by the institution was evidenced, as well as the creation of new models. The less time servers dedicate to manually filling in information in documents that could be automatically filled in by automation or artificial intelligence, the greater the productivity.

In the context of the judiciary, greater productivity translates into a more effective administration of justice. Therefore, optimizing processes through automation is crucial to ensure efficient judicial administration and, therefore, more effective justice. However, the assessment of these aspects is currently deficient in terms of numerical precision.

Time is an important variable to quantify productivity, because as evidenced, complex acts require more time to be performed and this variable is not yet considered by the Microsoft B.I system to evaluate the performance of the acts of the servers. TJMS has an Information Technology (IT) team that prepares the metrics requested by those responsible for the sectors. Therefore, it is feasible to include a metric that takes into account the time spent in the execution of an act, using the median time between the servers. With this metric, the accounting of acts will become more reliable and fair.

In addition, IT can easily change the way in which the accounting of acts is quantified in productivity, either by adapting the acts that are currently not accounted for or also by giving the due score to models considered complex. Each act, regardless of its complexity, must be recorded; However, it is essential to establish a complexity metric that, as already mentioned, takes into account both the time and complexity of the processes. There should be no act performed that is not properly accounted for.



Each public servant represents a cost to the public coffers and it is society that bears this burden. Therefore, society has the right to know the real productivity of each civil servant, which becomes a form of vertical social *accountability*, since the citizen is the one who will supervise public acts, in addition to institutional judicial *accountability*, which aims at accountability internally in the organization.

Furthermore, knowing the true productivity of each civil servant reveals the effective productivity of the sector and, in a general context, the productivity of the Court itself. This makes it possible to identify deficient areas, thus allowing the implementation of improvements, such as targeted training and necessary improvements. Also, the public servant will be able to enjoy organizational justice and feel part of the organization, having his work recognized and valued.

FINAL CONSIDERATIONS

The research carried out in the Special Criminal Court of the TJMS provided *significant insights* into the perceptions of civil servants in relation to the complexity and accounting of their activities. The analysis of the questionnaires revealed divergences among the participants, highlighting the need to reassess the way productivity is measured, including the complexity of the act in the performance evaluation.

The finding that some acts are not considered in the productivity evaluation indicates the urgency of developing more realistic and fair indicators. The proposal to consider not only the quantity, but also the complexity of the acts and the time spent to carry them out, can contribute to a more equitable evaluation.

In addition, the research highlights the importance of automation to optimize processes and increase efficiency in the judicial environment. The underutilization of Microsoft BI highlights the need to review current practices and effectively implement advanced tools.

In view of these conclusions, it is imperative that the institution review its productivity evaluation practices and explore ways to improve the use of advanced technologies to ensure efficient judicial administration. This approach will not only meet the expectations of civil servants, but will also contribute to a more agile justice system that is aligned with the demands of society. Finally, the studies suggest the expansion of the survey to other sectors of the TJMS, such as advisory offices and notary offices, as the accounting of acts is done by the same system.



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