



Public management

The adoption of innovations in Brazilian labour courts from the perspective of judges and court managers

Adoção de inovações em tribunais trabalhistas brasileiros na perspectiva de juízes e administradores judiciais

La adopción de innovaciones en los tribunales laborales en Brasil desde la perspectiva de jueces y administradores judiciales

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Abstract

There is a lack of studies upon the innovation process in the judiciary. To contribute to filling this gap, this study aims to describe the perceptions of the Brazilian labour courts' judges and managers related to resources and capabilities associated with the development and adoption of innovation, represented by the electronic lawsuit, and the impact on Court's performance and factors that facilitate or hinder the adoption of innovations. A document analysis and 35 interviews were conducted – nine with judges and 26 with court managers – and the data were analyzed using a content analysis with *a priori* categorization. The results show the following: (i) the process of development and adoption of innovation occurs in three ways – centralized in higher bodies, through partnerships with other courts or through internal development; (ii) there are important resources and capabilities internal to courts and inter-organizational routines associated with the innovation process; and (iii) innovation contributes to the development and integration of other innovations and changes in working routines. Additionally, barriers to and facilitators of the innovation adoption process are discussed and a research agenda is stated.

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Keywords: Innovation; Innovation adoption; Judicial management; Public management

Resumo

Há uma lacuna de estudos relacionados ao processo de inovação no Judiciário. Para contribuir para preencher esta lacuna, este estudo tem como objetivo descrever percepções de juízes e gestores de tribunais trabalhistas brasileiros relacionados a recursos e capacidades associadas com o desenvolvimento e a adoção de inovação, representada pelo processo judicial eletrônico, o impacto no desempenho do tribunal e fatores que facilitam ou dificultam a adoção de inovações. Análise documental e 35 entrevistas foram realizadas - nove com juízes e 26 com gestores - e os dados foram analisados por meio de análise de conteúdo com categorização *a priori*. Os resultados evidenciam que: (i) o processo de desenvolvimento e adoção de inovação ocorre de três formas - centralizada em órgãos de cúpula, por meio de parcerias com outros tribunais ou por meio de desenvolvimento interno; (ii) existem importantes recursos e capacidades internas aos tribunais e rotinas inter-organizacionais associadas ao processo de

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inovação; e (iii) a inovação contribui para o desenvolvimento e integração de outras inovações e mudanças nas rotinas de trabalho. Adicionalmente, barreiras e facilitadores do processo de adoção da inovação são discutidos e uma agenda de pesquisa é apresentada.

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Palavras-chave: Inovação; Adoção de inovação; Administração judicial; Administração pública

Resumen

Hay una falta de estudios acerca del proceso de innovación en el poder judicial. Para contribuir a rellenar esa laguna, en el presente estudio se busca describir las percepciones de jueces y administradores de tribunales laborales brasileños referentes a recursos y capacidades relativas al desarrollo y la adopción de innovación –representada por el proceso judicial electrónico–; el impacto en el desempeño del tribunal y factores que facilitan o dificultan la adopción de innovaciones. Se llevaron a cabo un análisis de documentos y 35 entrevistas – nueve con jueces y 26 con gestores – y se analizaron los datos mediante un estudio de contenido de categorización *a priori*. Los resultados muestran que: (i) el proceso de desarrollo y la adopción de la innovación ocurre de tres formas – centralizada en organismos superiores, por medio de asociaciones con otros tribunales, o mediante el desarrollo interno; (ii) existen importantes recursos y capacidades internas a los tribunales y rutinas interorganizacionales relacionadas con el proceso de innovación; (iii) la innovación contribuye al desarrollo y la integración de otras innovaciones y cambios en las rutinas de trabajo. Asimismo, se discuten las barreras y facilitadores de este proceso y se propone una agenda de estudios.

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Palabras clave: Innovación; Adopción de innovación; Administración judicial; Administración pública

Introduction

Organizational resources and capabilities are analytical categories used in studies on organizational performance and competitiveness (Barney, 2001a, 2001b), and their application has been demonstrated to be important in the public sector (Johanson, 2009; Lee & Whitford, 2013; Llewellyn & Tappin, 2003), although they require greater systematization (Klein, Mahoney, McGahan, & Pitelis, 2011). Innovation, understood by Rogers (2003, p. 475) as “an idea, practice, or object that is perceived as new by an individual or other unit of adoption,” has become a core aspect of public sector reform programmes (Boyne, Gould-Williams, Law, & Walker, 2005). In particular, judicial reforms follow the most usual innovation adoption standards used in public administration reforms overall (Scheb & Matheny, 1988).

The adoption of innovations through the use of information and communication technologies (ICTs) in public organizations in general (Kanungo & Jain, 2011; Lee & Whitford, 2013; Zheng, Chen, Huang, & Zhang, 2013) and in courts in particular (Bhatt, 2005) has sparked academic interest and “represent a key area, as both an object and tool of law making” (Falkner, Lange, & Lawless, 2012, p. 18). However, we lack studies that associate resources and capabilities to the judiciary’s adoption of innovations. Therefore, this study aims to: (1) describe the innovation adoption process in Brazilian labour courts, focusing on the electronic lawsuit; (2) identify resources and capabilities associated with the development and adoption of innovation represented by the electronic lawsuit and the impact on Court’s performance, and; (3) discuss factors that either facilitate or hinder the adoption of innovations in those courts.

The development of the electronic lawsuit in Brazilian labour courts can be classified into three periods: (a) prior to 2006, herein referred to as the *embryonic period*, with the consolidated use of computers and specific initiatives for the development of systems to support such lawsuits and other administrative

systems; (b) the 2006–2011 *incentive period*, which began with Act n° 11.419 of 2006, formalizing Brazil’s use of the electronic lawsuit; and (c) the *standardization effort period* represented by Resolution n° 94 of the Brazilian Higher Council of Labour Justice (*Conselho Superior da Justiça do Trabalho* – CSJT) of 2012, which makes the adoption of a unified system of electronic lawsuits mandatory and defines implementation targets to be followed by all labour courts of that country.

This study is relevant because it has the potential both to create knowledge in an area that lacks studies and to generate subsidies for the improvement of judicial management. Labour courts were chosen because of the lower average length of judicial proceedings compared to other jurisdictions (Dias Júnior, 2004) and because of the emphasis, in terms of the introduction of innovations, on information technology (IT), electronic lawsuits and other services (Costa, 2008).

Innovation in the judiciary and the role of resources and capabilities

The process of diffusion and adoption of innovations is one of the most important instruments of technical and social change (Katz, Levin, & Hamilton, 1963). Studies upon this subject are used in different knowledge areas, such as economics, sociology, anthropology and business administration. The process of diffusion is defined as the “acceptance, over time, of some specific item – an idea or practice, by individuals, groups or other adopting units, linked to specific channels of communication, to a social structure, and to a given system of values, or culture” (Katz et al., 1963, p. 237). Along these same lines, Rogers (2003, p. 11) defines diffusion as “the process by which an innovation is communicated through certain channels over time among the members of a social system.” In fact, diffusion and adoption of innovations are stages on the same continuum, given the strong interdependence between them.

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