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Judicial Administration and the Effectiveness of Judicial Protection in Civil Proceedings Brazilian: Contemporary Perspectives on Management, Governance, and Service Delivery Justice

Judicial Administration and the Effectiveness of Judicial Protection in Brazilian Civil Procedure: Contemporary Perspectives on Court Management and Judicial Governance

Judicial Administration and Efficacy of Judicial Protection in Civil Procedure Brasileño: Contemporary Perspectives on Management, Governance and Provision of Justice

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Summary

The increasing complexity of social and economic relations has significantly broadened the demands placed on the Brazilian Judiciary, imposing challenges that go beyond the mere strict application of procedural rules. The effectiveness of judicial protection has come to depend not only on the technical quality of judicial decisions, but also on the institutional capacity to organize people, resources, information, and workflows. This study analyzes judicial administration as an integral element in the realization of the fundamental right of access to justice and the constitutional guarantee of a reasonable duration of proceedings. The research adopts a qualitative approach, based on a literature review, analysis of procedural and constitutional legislation, documents produced by the National Council of Justice, and...

This article reviews national and international literature on judicial management. It argues that the contemporary practice of the judiciary requires complementary legal and administrative skills, capable of strengthening the governance of judicial units, improving the quality of judicial services, and increasing public trust in institutions. It concludes that judicial administration has ceased to be a merely ancillary activity and has assumed a strategic position in the realization of fundamental rights and the strengthening of the democratic rule of law.

Keywords: Judicial administration. Civil procedure. Judicial governance. Judicial effectiveness. Public management. Judiciary.

Abstract

The increasing complexity of contemporary social and economic relations has substantially expanded the demands placed upon the Brazilian Judiciary, creating challenges that extend beyond the traditional application of procedural rules. The effectiveness of judicial protection now depends not only on the legal quality of judicial decisions but also on the institutional capacity to manage people, resources, information, and organizational processes. This article examines judicial administration as an essential component of the constitutional guarantee of access to justice and the reasonable duration of judicial proceedings. The research adopts a qualitative approach based on a bibliographical review, constitutional and procedural legislation, reports issued by the National Council of Justice, and national and international scholarship on court management. It argues that modern judicial activity requires integrating legal expertise and managerial competence to strengthen judicial governance, improve court performance, and reinforce public confidence in the justice system. The study concludes that judicial administration has evolved from an ancillary function into a strategic instrument for

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safeguarding fundamental rights and consolidating the Rule of Law.
Keywords: Judicial administration. Civil procedure. Judicial governance. Judicial effectiveness. Public management. Judiciary.

1. Introduction

The 1988 Constitution of the Republic promoted a profound transformation in the understanding of access to justice by recognizing it as an indispensable guarantee for the realization of rights. fundamental. Since then, the expansion of citizenship, the strengthening of mechanisms of Judicial oversight and the expansion of social rights have contributed to growth. continuous litigation. This movement significantly expanded responsibility. institutional role of the Judiciary, which has become increasingly responsible for conflicts numerous, technically complex, and socially relevant.

The data released annually by the National Council of Justice demonstrates that the system The Brazilian judicial system is dealing with a backlog of tens of millions of cases in progress. The Justice in Numbers 2025 report shows that, despite the evolution of the indicators of Despite productivity and the incorporation of technological tools, high demand continues to... representing one of the greatest challenges for the provision of justice (NATIONAL COUNCIL) (OF JUSTICE, 2025). This reality reveals that the effectiveness of the process does not depend not only the quality of legal norms, but also the institutional capacity of To organize judicial activity in a rational and efficient manner.

Brazilian procedural law literature has long maintained that the process constitutes a an instrument designed to realize substantive law. Cândido Rangel Dinamarco states that The instrumental nature of the process represents a paradigm shift, moving away from conceptions excessively formalistic and bringing the procedure closer to its social purpose. (DINAMARCO, 2023). From this perspective, the usefulness of judicial activity cannot be measured not only by the technical correctness of the decisions, but also by their ability to offer timely and socially effective responses to conflicts brought before the State.

The 2015 Code of Civil Procedure incorporated this theoretical evolution by establishing principles. which prioritize cooperation between the parties involved in the proceedings, objective good faith, and reasoned arguments. appropriate decision-making and the pursuit of a comprehensive resolution on the merits within a reasonable timeframe. According to As Fredie Didier Jr. and Leonardo Carneiro da Cunha observe, the new procedural model has shifted shifting the focus from a mere succession of formal acts to building a process committed to constitutionally adequate results (DIDIER JR.; CUNHA, 2026).

However, practical experience demonstrates that legislative changes, by themselves, are not...

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sufficient to transform the daily functioning of judicial units. The quality of
The provision of justice depends on organizational factors involving planning.
Setting priorities, managing teams, and making intelligent use of statistical data.
Ongoing evaluation of internal workflows. In this respect, the judicial administration
It ceases to occupy a peripheral position and becomes an integral part of the very concept of the effectiveness of jurisdiction.
This understanding brings the Law closer to the contributions made by the Administration.
Contemporary public sector. Institutional governance, evidence-driven management and...
Planning culture has become part of the vocabulary of the Judiciary without
to compromise the functional independence of judges. On the contrary, they provide instruments.
aimed at strengthening judicial autonomy through better use of public resources.
and a greater capacity to respond to the demands of society.
International experience reveals a similar trend. Studies conducted by Mauro
Cappelletti and Bryant Garth demonstrated that access to justice is not limited to the mere
formal possibility of initiating legal proceedings, but it encompasses the existence of institutions capable of...
to offer effective, accessible and socially legitimate solutions (CAPPELLETTI; GARTH,
(1988). Contemporary concern has therefore shifted from simply opening the doors of
Judiciary for the quality of the response produced by the justice system.
In Brazil, this process was monitored by the National Council of Justice.
especially since Constitutional Amendment No. 45/2004. The institution consolidated
strategic planning mechanisms, statistical monitoring and formulation of
Public policies aimed at improving judicial management. Initiatives such as the Justice reports.
In Numbers: The National Goals of the Judiciary and programs related to Justice 4.0
evidence shows that administrative efficiency has become part of the institutional agenda of
Brazilian judiciary.
Judicial administration, however, cannot be understood solely from that perspective.
Quantitative. Productivity is an important performance indicator, but it does not exhaust the whole picture.
The constitutional mission of the Judiciary. As José Roberto dos Santos Bedaque observes, the
Procedural effectiveness requires a constant balance between speed and legal certainty.
Contradictory, full defense, and quality of the reasoning behind decisions (BEDAQUE, 2010). A
The pursuit of greater administrative efficiency is only legitimate when it fully preserves
these constitutional guarantees.
From this perspective, the contemporary magistrate performs functions that go beyond the activity of...
traditional decision-making. In addition to interpreting and applying the law, it participates in the organization of

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jurisdictional unit, coordinates multidisciplinary teams, manages public resources,
It monitors institutional indicators and contributes to the implementation of judicial policies.
defined by the courts and the National Council of Justice. These are responsibilities that
They require legal, administrative, and human skills developed in an integrated manner.
This article examines this institutional transformation from the perspective of the interaction between Law.
Civil Procedure, Public Administration, and Judicial Governance. It seeks to demonstrate that...
The effectiveness of judicial protection results from the combination of procedural technique and management.
organizational and constitutional commitment to providing accessible justice,
impartial and socially reliable.

2 Methodology

The research adopts a qualitative approach, developed through the deductive method,
Starting from the constitutional evolution of the right of access to justice, to examine the role of
Judicial administration in the effectiveness of the provision of justice. The investigation focuses on
Critical analysis of specialized legal literature, Brazilian legislation, and documents.
Institutional documents produced by the National Council of Justice.
The literature review brings together authors who have contributed to the contemporary construction of
civil procedural law, constitutional theory, and public administration applied to the Power
Judiciary. Among them, Cândido Rangel Dinamarco, Fredie Didier Jr., and Luiz stand out.
Guilherme Marinoni, Daniel Mitidiero, Humberto Theodoro Júnior, José Roberto dos Santos
Bedaque, Teresa Arruda Alvim, Kazuo Watanabe, Mauro Cappelletti, and Bryant Garth. Also
Studies on public governance and judicial management developed in were considered.
within the scope of the Getúlio Vargas Foundation, the National School of Training and Improvement of
Judges and the National Council of Justice itself.
The documentary research includes the 1988 Constitution of the Republic and the Code of Criminal Procedure.
Civil Code of 2015, Constitutional Amendment No. 45/2004, Resolution No. 125/2010 of the Council
National Justice Department, in addition to the statistical series presented in the Justice in Numbers report,
which constitute the main official source for evaluating the performance of the Judiciary
Brazilian.
Although primarily theoretical in nature, the study engages with the practical experience of
administration of jurisdictional units. This convergence between academic production and the
The institutional reality allows us to examine how constitutional principles and instruments of

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Management practices materialize in the daily routine of forensic work, without reducing jurisdictional activity to mere indicators.
exclusively quantitative.

The analysis developed seeks to understand judicial administration as a dimension
This is an integral part of the constitutional guarantee of effective judicial protection. It is not intended to be evaluated.
specific management models adopted by a particular court, but identifying elements
structural elements capable of contributing to a more efficient and transparent judicial performance.
and committed to protecting fundamental rights.

3. Judicial Administration and the Effectiveness of Judicial Protection

The debate on judicial administration has gained relevance as the growth of
Litigation began to challenge the operational capacity of the courts. For much of the
In the 20th century, the prevailing understanding was that the magistrate's role was limited to the application of law.
from the law to the specific case. The administrative organization of the jurisdictional unit remained
in the background, often attributed to the judge's personal experience or tradition.
administrative of each district. Contemporary reality demonstrates that this perception is no longer the case.
It does not meet the needs of the justice system.

The Federal Constitution assigned to the State the duty to ensure not only formal access to
The Judiciary, but also a judicial protection capable of producing concrete results.
in a socially useful time. The introduction of item LXXVIII to article 5, by means of the Amendment
Constitutional Amendment No. 45 reinforced this principle by recognizing the reasonable duration of proceedings.
as a fundamental right. It is a guarantee that transcends mere speed.
procedural. As Humberto Theodoro Júnior observes, the reasonable duration of the process
It presupposes a balance between speed, legal certainty, and respect for procedural guarantees.
avoiding both unjustified delays and hasty solutions incompatible with due process (THEODORO JÚNIOR, 2026).

In examining the historical evolution of fundamental rights, Bobbio observes that the great
The contemporary challenge no longer lies in philosophical foundations, but in the construction of
institutional mechanisms capable of ensuring its effective protection. For him, "the problem
The fundamental issue regarding human rights today is not so much justifying them, but rather...
"to protect them" (BOBBIO, 2004). The effectiveness of judicial protection is precisely embedded in
In this context, the constitutional recognition of the right to legal action and procedural guarantees.
It only acquires concrete meaning when the State properly organizes its structure.

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judicial system to offer timely, well-founded responses capable of implementing, in practice, the rights guaranteed by the legal system.

Contemporary procedural doctrine has progressively abandoned the formalist view of process. Cândido Rangel Dinamarco argues that instrumentality constitutes one of the pillars of modern procedural law, as it shifts the focus of analysis to the social purpose of jurisdiction (DINAMARCO, 2023). The process ceases to be understood as a succession of autonomous acts and becomes an instrument aimed at realizing rights. recognized by the legal system.

This perspective was further developed by Luiz Guilherme Marinoni, Sérgio Cruz Arenhart, and Daniel. Mitidiero, in arguing that the effectiveness of judicial protection depends on the capacity of The process of ensuring adequate protection for the substantive right being disputed in court (MARINONI; ARENHART, 2017). It is not enough for the decision to be technically correct. It is necessary that... produce concrete and timely results, while preserving the usefulness of the judicial service.

This theoretical evolution has a direct impact on the organization of the Judiciary. The quality The jurisdiction of the courts then depends on factors that go beyond the drafting of the sentence. balanced distribution of processes, organization of internal flows, rational use of the workforce, document management and the appropriate use of technology influence directly impacts the institutional capacity to provide timely responses to society.

In this context, judicial administration does not constitute an activity parallel to the exercise of Jurisdiction. It is an integral part of the very functioning of the judicial function. The distinction between judging and managing, while relevant from a conceptual point of view, proves insufficient for to explain the reality of Brazilian judicial units. The contemporary magistrate exercises Simultaneously performing decision-making functions and responsibilities related to coordination. administrative structure that enables the provision of judicial services.

This understanding is similar to Antoine Garapon's reflections on the transformation of The role of the judge in contemporary democracies. For the French author, the strengthening The institutional framework of the Judiciary has significantly expanded the responsibilities assigned to it. magistrates, who began to operate in an environment marked by high social complexity, growing demand for transparency and permanent public scrutiny (GARAPON, 2001). The The exercise of jurisdiction, in this context, presupposes capabilities that extend beyond the domain. exclusive to legal technique.

In Brazil, the consolidation of the National Council of Justice has driven this cultural shift. The institution introduced permanent instruments for strategic planning and monitoring.

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statistical and institutional evaluation, allowing judicial management to be conducted...
based on evidence. The Justice in Numbers report represents an important example.
of this transformation. Far from functioning merely as an instrument of control, it has become a
An indispensable source for understanding the different realities faced by the courts.
Brazilians, allowing the identification of structural bottlenecks, patterns of litigation, and opportunities.
administrative improvement.

Data released by the National Council of Justice reveals the large number of pending cases.
Procedural matters remain one of the country's main institutional challenges. However, the analysis of
Indicators show that productivity and congestion do not stem exclusively from...
of the volume of cases. Aspects related to the organization of jurisdictional units, to
Team specialization, the use of technology, and strategic planning influence
significantly improved the results achieved. This finding reinforces the idea that the
The effectiveness of the jurisdiction depends on multiple organizational factors and not just on performance.
individual magistrate.

It is within this context that the concept of judicial governance gains relevance. Unlike...
Beyond simple bureaucratic administration, governance presupposes permanent mechanisms of
planning, monitoring, transparency, institutional participation and evaluation of
results. The Organisation for Economic Co-operation and Development (OECD)
identifies good public governance as an indispensable element for strengthening
democratic institutions, an understanding that also began to influence the administration of
justice systems in various countries.

The incorporation of these practices into the Brazilian Judiciary does not represent an adherence.
unreflective approach to business models. The exercise of jurisdiction remains subject to principles.
of judicial independence, impartiality and due process of law and management
Administrative governance should serve the realization of these constitutional values, never replace them.
As José Roberto dos Santos Bedaque observes, administrative efficiency only finds...
Legitimacy when it contributes to expanding the effectiveness of guaranteed fundamental rights.
through the process (BEDAQUE, 2010).

This concept also requires rethinking the professional profile of the judiciary itself.
Dogmatic knowledge remains indispensable, but it no longer exhausts the required skills.
for the exercise of the judicial function. Institutional leadership, communication, administration.
Teamwork, strategic planning, and the use of data analysis tools have become essential.
to integrate into the daily routine of judicial units. It is not about transforming magistrates into

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professional administrators, but recognizing that the organization of jurisdictional activity
It directly influences the quality of decisions and society's trust in the system.
justice.
In the end, judicial administration reveals itself as a concrete expression of responsibility.
The institutional role of the Judiciary in relation to society. The legitimacy of judicial decisions.
This stems not only from its legal basis, but also from the capacity of the institutions.
to offer accessible, timely responses that are consistent with constitutional values that
They guide the Democratic Rule of Law.

4. Judicial Governance, Institutional Leadership, and Management of Jurisdictional Units

The consolidation of the democratic rule of law has significantly broadened expectations.
deposited in the Judiciary. Contemporary society expects more than just decisions.
Technically correct, but also answers capable of preserving rights and ensuring security.
legal framework and strengthen trust in public institutions. This transformation altered
deeply understands how the organization of judicial activity is structured.
bringing it closer to governance models committed to planning and transparency.
and institutional responsibility.
For many years, the prevailing perception was that the administration of judicial units
It was a secondary activity, subordinate to the exercise of jurisdiction. This understanding,
However, it has become insufficient in the face of increasing litigation and specialization of...
demands and the need to rationalize the use of public resources. The experience
This demonstrates that the quality of judicial services depends, to a large extent, on how...
Each unit organizes its internal procedures, distributes responsibilities, and manages its...
human capital.
The concept of public governance, initially developed in the field of Administration,
It also began to influence the structure of judicial systems. According to the Organization for the
Economic Cooperation and Development (OECD), governance corresponds to the set of
mechanisms by which public institutions are directed, monitored, and evaluated, with the
The objective is to ensure integrity, efficiency, transparency, and accountability. Although such
Even though the guidelines were designed for state administration in a broad sense, their
Fundamentals reveal particular relevance when applied to the functioning of Power.
Judiciary.

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In the judicial environment, governance does not mean subjecting the judge's activity to criteria of
It's not about business nature, nor reducing jurisdiction to statistical indicators. It's about organizing
The necessary means for judicial independence to produce the best results.
Decision-making autonomy remains untouched, but the administrative structure that supports it...
Judicial activity can and should be continuously improved.

Richard Susskind observes that the digital transformation of the justice system does not stem exclusively from...
from the incorporation of new technologies, but also from the revision of the models themselves.
institutional organization. In his analysis of the future of the courts, he argues that innovation
It only produces benefits when accompanied by the restructuring of workflows, of
redefining organizational competencies and the intelligent use of information.
produced by the justice system. This reflection is particularly relevant today in light of the growing
digitization of the Brazilian judicial process (SUSSKIND, 2019).

National experience confirms this trend. The implementation of the Judicial Process
Electronic technology, the expansion of the Justice 4.0 Centers, the creation of the Intelligence Centers of
The Judiciary and the development of interoperability platforms demonstrate that...
Institutional transformation does not depend solely on technological investments. Technology
It represents an instrument to support judicial activity, whose effectiveness remains.
conditional upon the existence of planning, administrative coordination and training.
permanent staffing of the professionals involved.

In this respect, the magistrate performs a function that goes beyond the mere production of decisions.
judicial. It is their responsibility to coordinate multidisciplinary teams, organize priorities, and monitor...
performance indicators, fostering a collaborative environment, and promoting distribution
appropriate coordination of activities among staff, advisors, and other collaborators of the unit.
jurisdictional. These responsibilities do not diminish the legal dimension of the judiciary; on the contrary,
They create conditions for the judge's intellectual activity to be developed with greater...
Quality and safety.

The leadership exercised by the judge has its own characteristics that differentiate it from other models.
traditional forms of administration. It does not stem exclusively from the hierarchical position held.
in the organizational structure, but also in the ability to build legitimacy in the eyes of
team, inspire institutional commitment and share objectives aimed at improving
judicial administration. According to James MacGregor Burns, transformational leadership
It develops when leaders and followers mobilize around shared purposes.
shared, mutually raising their levels of motivation and moral commitment.

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(BURNS, 1978). Although developed in another context, this concept dialogues with the
The reality of contemporary judicial units.

Brazilian literature also recognizes this evolution. Kazuo Watanabe argues that...
Improving the justice system depends on building an institutional culture.
oriented towards socially relevant results (WATANABE, 2011). This understanding shifts
the debate about the mere quantity of decisions issued versus the concrete effectiveness of legal protection.
jurisdictional, valuing solutions capable of restoring rights and contributing to the
pacification of social relations.

This understanding aligns with the concept of judicial administration advocated by
Joaquim Falcão, for whom the legitimacy of the Judiciary also stems from its capacity to respond efficiently
to the needs of society (FALCÃO, 2007). A
Public trust results not only from the technical correctness of decisions, but also from the perception that
The judicial system functions with predictability, transparency, and respect for rights.
fundamental.

Naturally, productivity remains a relevant indicator for institutional evaluation.
However, specialized literature warns that isolated numbers rarely portray the
The complexity of judicial activity. Daniel Mitidiero observes that the effectiveness of
The process cannot be reduced to the formal closure of the case, because the true objective
The role of jurisdiction is to provide adequate protection for the rights submitted for judicial review.
Judging faster does not necessarily mean judging better (MITIDIERO, 2015).

This concern is also present in Council Resolution No. 219/2016.
National Justice, which established objective criteria for the distribution of civil servants and...
workforce among jurisdictional bodies. The rule recognizes that the proper allocation
Human resources management directly influences the efficiency of judicial services and contributes
to reduce structural inequalities between judicial units with different levels of
demand.

Another frequently overlooked aspect concerns the organizational environment.
Research conducted in the field of Public Administration demonstrates that teams
When subjected to clear processes of communication, planning, and participation, they tend to
to present greater institutional stability, lower turnover, and better collective results.
In the context of the Judiciary, these factors have an impact on the quality of service provided.
jurisdictional, promoting uniformity in internal procedures and reducing rework.
resulting from administrative failures.

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Institutional leadership also requires the ability to manage change. The Judiciary
Brazil is going through a period of intense transformation, caused by the expansion of
artificial intelligence, through the complete digitization of processes and the increasing exchange
Electronic information exchange between public agencies. These changes challenge existing models.
traditional organizational structures require continuous updating of the professionals who are part of them.
justice system.
In this environment, innovation should not be confused with simply adopting new technologies.
As Susskind warns, true innovation consists of rethinking how...
Judicial services are designed and delivered to society. Computerized systems, algorithms.
Decision support and automation tools only produce results when integrated...
in coherent institutional projects, committed to protecting procedural guarantees
and with the promotion of access to justice.
Ultimately, judicial governance represents a way to strengthen legitimacy.
A democratic judicial system. Organized, transparent institutions capable of learning.
continuously respond more efficiently to social demands, without compromising the
The functional independence of magistrates. Judicial administration thus ceases to represent...
an activity that is merely instrumental in integrating the constitutional architecture itself
judicial service.

5. The Constitutionalization of Civil Procedure and Judicial Administration as a Guarantee of Fundamental Rights

The evolution of Brazilian procedural law in recent decades cannot be understood.
without considering the normative force of the 1988 Constitution. The constitutional order shifted the
civil procedure from a predominantly formal perspective to a model oriented towards
The protection of fundamental rights, giving a new dimension to judicial activity.
The process has ceased to be seen merely as a technique for resolving disputes and has taken on a broader meaning.
its role as an instrument for realizing constitutional values.
This transformation was described by Luiz Guilherme Marinoni as one of the most significant movements.
significant aspects of contemporary procedural science. According to the author, the Constitution has ceased to
to occupy a merely hierarchical position in the legal system in order to become a true
interpretative parameter of the entire procedural system (MARINONI, 2013). The rules of
The Code of Civil Procedure, therefore, cannot be applied in isolation, but must be

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permanently interpreted in light of the constitutional guarantees that legitimize the actions of State-Judge.

Ferrajoli argues that fundamental rights are not exhausted by mere normative proclamation. because they depend on the existence of legal and institutional guarantees designed to ensure their Effectiveness. Guarantees correspond to the obligations and prohibitions imposed on public authorities. as a necessary condition for the realization of constitutionally recognized rights (FERRAJOLI, 2014). Thus, the proper organization of judicial activity ceases to be a mere administrative requirement to take on the nature of a true institutional guarantee of effective judicial protection, enabling the practical realization of the rights guaranteed by Constitution.

This approach also finds support in the concept developed by Robert Alexy, according to which fundamental rights have a principle-based nature and radiate effects. Regarding the entire legal order. Constitutional principles are not recommendations. abstract, but optimization guidelines whose implementation depends on the possibilities. legal and factual circumstances existing in each situation (ALEXY, 2015). In the procedural context, this Understanding requires that the organization of judicial activity be conceived as a means of to ensure the maximum possible effectiveness of constitutional guarantees.

Similarly, Dworkin demonstrates that the legitimacy of judicial action rests on effective protection of individual rights, even in the face of administrative interests, economic or political opposition (DWORKIN, 2002). The judicial activity, therefore, It only fulfills its constitutional function when it organizes its institutional actions in such a way to ensure the maximum possible protection of fundamental rights, reaffirming the commitment of the State with the dignity of the human person.

The 2015 Code of Civil Procedure expressly incorporated this perspective. Right from its... The initial provisions establish that the process will be ordered, disciplined, and interpreted. in accordance with the fundamental values and norms set forth in the Constitution. This is not merely a matter of A symbolic legislative option. The legislator recognized the legitimacy of jurisdiction. This stems from the alignment between procedural activity and the fundamental rights guaranteed. to the person under the jurisdiction.

Among these guarantees, the right to a reasonable duration of proceedings, provided for in Article 5, stands out. Article LXXVIII of the Federal Constitution. Although frequently associated with the idea of speed, This right has a much broader scope. As José Roberto dos Santos observes. Bedaque, reasonable duration is not simply a reduction in the time it takes for a case to be processed.

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but to obtaining a timely and legally appropriate judicial response.
(BEDAQUE, 2010). An excessively lengthy process compromises the usefulness of the protection.
jurisdictional; on the other hand, a hasty decision can lead to serious violations of
contradictory, of full defense and due process of law.

This perspective prevents administrative efficiency from being treated as an absolute value. Management
The jurisdictional units should contribute to reducing undue delays and eliminating waste.
and to streamline procedures, without allowing statistical targets to dictate the content of
judicial decisions. The functional independence of the magistrate remains a structuring element.
of the Democratic Rule of Law and cannot be relativized by merely certain criteria.
quantitative.

Daniel Mitidiero emphasizes that procedural effectiveness is not limited to formal closure.
of the demand. The true objective of the process consists in the concrete protection of the right.
material discussed in court, which is why judicial activity must be organized to
to produce decisions capable of adequately resolving the conflicts submitted to the State.
(MITIDIERO, 2015). This view broadens the concept of efficiency, shifting it from
Isolated productivity for the quality of the judicial response.

Fredie Didier Jr. also argues that the principle of cooperation, enshrined in Article 6 of
The Code of Civil Procedure constitutes one of the most relevant manifestations of
Contemporary procedural constitutionalism (DIDIER, 2025). The process ceases to be
understood as a space of absolute antagonism between the parties and begins to require
collaborative action of all procedural subjects, including the magistrate, in the construction
of a fair, well-founded, and socially legitimate decision.

This cooperative dimension has a direct impact on judicial administration. The organization of
Judicial services should promote efficient communication between judges, staff,
lawyers, members of the Public Prosecutor's Office, the Public Defender's Office and other participants in
procedural activity. Excessively bureaucratic administrative procedures, lack of
Standardization or deficiencies in the flow of information produce impacts that go beyond...
the organizational sphere, compromising the exercise of constitutionally guaranteed rights.
insured.

The theory of access to justice, developed by Mauro Cappelletti and Bryant Garth, also
This remains relevant in this context. The authors have demonstrated that true access to justice is not
limited to the mere formal possibility of initiating legal proceedings. It is essential that the system...
be able to offer effective, economically viable and compatible solutions

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concrete needs of the population (CAPPELLETTI; GARTH, 1988). This understanding
It directly influences judicial administration, as it demonstrates that organizational efficiency
This constitutes a necessary condition for the realization of fundamental rights.
At the institutional level, the actions of the National Council of Justice constitute an important
A mechanism for strengthening these guarantees. National strategic planning, the
programs aimed at improving management and building statistical indicators
They aim to provide courts with tools capable of improving the delivery of justice, without
to interfere with the decisional independence of judges. The legitimacy of these policies stems from
precisely because of its constitutional purpose: to ensure better conditions for the exercise of
judicial function.
However, the constitutionalization of the process also imposes limits on the activity.
administrative. The pursuit of greater productivity cannot justify practices incompatible with
the duty to provide reasons, as stipulated in article 93, item IX, of the Federal Constitution. Nor
authorizes restrictions on the right to a fair hearing, the right to a full defense, or the right of the parties to participate.
effectively from the construction of the judicial decision. As Teresa Arruda Alvim observes, the
The quality of the reasoning is an indispensable element for the democratic legitimacy of...
judicial decisions, allowing for social control of judicial activity and ensuring the
predictability in the application of law (ALVIM, 2022).
In this sense, judicial administration and jurisdiction are not independent spheres.
Both are part of the same institutional commitment aimed at achieving order.
Constitutional. Management organizes the means by which judicial activity is carried out;
Jurisdiction, in turn, gives purpose to administrative organization. The dissociation between
These dimensions would compromise both the efficiency of services and the protection of rights.
fundamental.

Brazilian experience demonstrates that courts that invest in strategic planning,
ongoing training of employees, organizational innovation, and management based on...
Evidence tends to show better performance indicators without compromising quality.
The technique of decision-making. These results suggest that good judicial administration does not constitute...
not an autonomous objective, but rather an instrument for strengthening the jurisdiction itself.
constitutional.

Ultimately, the constitutionalization of civil procedure redefined the role of the administration.
judicial. The organization of jurisdictional units is no longer a mere bureaucratic activity.
to take on a constitutional dimension, aimed at realizing access to justice, of the duration

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Reasonableness of the process, legal certainty, and effectiveness of judicial protection. Efficiency Administrative law only finds legitimacy when guided by these values, reaffirming that the central focus of judicial activity remains the protection of the dignity of the human person and the realization of fundamental rights.

6. Judicial Administration and Public Policy for the Appropriate Treatment of Conflicts

For much of the history of Brazilian civil procedure, the judicial sentence was understood as the main expression of judicial action. The decision imposed by The state represented the expected outcome for virtually every controversy brought before it. Judiciary. The evolution of society, however, has revealed that many conflicts extend beyond the... strictly legal limits and involve ongoing relationships, economic interests, and ties. family and social aspects that are rarely fully resolved by a single decision. judicial.

This realization spurred a significant transformation in Brazilian judicial policy. Based on Resolution No. 125 of 2010, the National Council of Justice established the Policy National Judiciary for the Appropriate Treatment of Conflicts of Interest, recognizing that the Access to justice includes not only the right to obtain a judgment, but also the... possibility of reaching consensual solutions whenever compatible with the nature of controversy.

Kazuo Watanabe, one of the main formulators of this public policy, argues that the True access to justice must be understood as access to a just legal order. (WATANABE, 2011). The statement shifts the focus from the procedure to the social outcome of State intervention. In many cases, a court decision resolves the process, but does not eliminate the... The conflict that gave rise to it. The consensual construction of the solution, on the other hand, can preserve relationships, reduce costs, and generate more stable results for everyone involved.

This paradigm shift was incorporated into the 2015 Code of Civil Procedure. The legislator He attributed special importance to consensual methods of conflict resolution, encouraging judges, lawyers, members of the Public Prosecutor's Office and other legal professionals to to promote, whenever possible, self-resolution. Encouraging dialogue does not represent This is not a renunciation of the exercise of jurisdiction, but rather an expression of a compromised procedural system. with responses that are more suited to different social realities.

The judicial administration plays a decisive role in implementing this policy.

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public. The mere normative provision for conciliation or mediation hearings does not, in itself, guarantee the effectiveness of these hearings. It is essential that the courts have... organized structures, qualified conciliators and mediators, efficient screening systems and mechanisms capable of identifying, from the beginning of the demand, the cases with the greatest potential. for consensual agreement.

In this context, the Judicial Centers for Conflict Resolution and Citizenship (CEJUSCs) They represent one of the most significant institutional innovations in the Brazilian justice system. Its creation made it possible to concentrate specialized teams, standardize procedures and to develop their own mediation and conciliation techniques, significantly expanding the The Judiciary's capacity to offer responses compatible with the diversity of conflicts. contemporary.

However, it would be a mistake to understand consensual methods solely as a strategy. aimed at reducing the backlog of cases. Although agreements contribute to reducing the number of ongoing processes, that is not its primary purpose. The specialized literature warns that mediation and conciliation only retain their legitimacy when they respect the autonomy of the parties' will, equal conditions for negotiation, and the protection of inalienable rights.

Mauro Cappelletti and Bryant Garth had already observed that the evolution of access to justice would require... overcoming overly adversarial models, capable only of producing winners and defeated (CAPPELLETTI AND GARTH, 1988). The construction of shared solutions reveals- if particularly suitable in disputes involving ongoing relationships, such as family, business and condominium disputes, as well as issues arising from the provision of services. of public services. In these cases, preserving the legal relationship often represents a a more valuable outcome than simply determining in court who is right.

Contemporary judicial administration must therefore develop mechanisms capable of To direct each request to the most appropriate procedure. This logic is similar to called a multi-port system, designed by Frank Sander at Harvard University, according to which the Judiciary should function as a space for access to different methods. conflict resolution methods, chosen according to the specific characteristics of each case. (SANDER, 1976). The judicial process remains an essential instrument of the State. Democratic rule of law, but it is no longer understood as the only answer to everything. controversy.

This perspective also contributes to redefining the institutional role of the magistrate. The judge

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remains responsible for conducting the process and issuing decisions when
necessary, but it also encourages solutions through dialogue, ensuring that any eventual
The consensus must be built freely, in an informed and legally valid manner. This is not about
not to persuade the parties to compromise, but to create an institutional environment conducive to the exercise of power.
responsible for private autonomy.

From an organizational standpoint, this policy requires continuous planning. The appropriate [plan/determination]
distribution of conciliators, ongoing training of mediators, integration between
magistrates and CEJUSCs, statistical monitoring of results and qualitative evaluation
The agreements reached are activities that depend directly on the judicial administration.
In this respect, institutional governance proves to be an indispensable condition for the success of policies.
public consensual agreements.

Brazilian experience demonstrates that courts that have invested in consolidating these...
The structures have made progress not only in reducing the average processing time,
but also in increasing the satisfaction of those under its jurisdiction and in reducing the rate of
The possibility of appeals in certain types of lawsuits. These results reinforce the perception
that the quality of judicial services cannot be measured exclusively by
number of sentences handed down, also taking into account the capacity
institutional capacity to produce effective and socially legitimate solutions.

However, it is important to maintain a balanced understanding of the scope of consensual methods.
There are controversies marked by profound asymmetry between the parties, interests
unavailable or relevant public policy issues requiring a ruling
definitive jurisdictional decision. The judicial administration must be able to distinguish between these situations.
avoiding both unnecessary litigation and the inappropriate use of consensus in
hypotheses incompatible with its nature.

In summary, the public policy of appropriate conflict resolution constitutes one of the
The most relevant expressions of the institutional evolution of the Brazilian Judiciary. Its
Effectiveness depends less on the existence of legal norms and much more on the capacity
The administrative role of the courts is to structure environments conducive to dialogue, respecting the...
fundamental rights and preserving the independence of judicial activity. Under this
From this perspective, administering justice also means creating conditions for the resolution of...
The conflict should, whenever possible, correspond to the specific needs of the people who resort to it.
to the judicial system.

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7. The Training of the Judiciary and the New Challenges of Judicial Administration

The increasing complexity of judicial activity demands a review of the professional profile.
Expected of judges. A solid dogmatic foundation remains a prerequisite.
indispensable for the exercise of jurisdiction, but no longer responds, in isolation, to the multiple
Responsibilities assumed by the contemporary judge. The administration of judicial units,
the coordination of multidisciplinary teams, the interpretation of institutional indicators and the
The implementation of judicial policies has become part of the daily routine of the judiciary.
Brazilian.

This transformation does not represent a break with legal tradition, but rather an unfolding of it.
This is a natural consequence of the expansion of the Judiciary's functions after the 1988 Constitution. The judge
remains responsible for the interpretation and application of the law, but exercises its activity.
in an increasingly complex organizational environment, in which administrative decisions
They directly influence the institutional capacity to provide quality jurisdiction.
Predictability and security.

Boaventura de Sousa Santos observes that the transformations that have occurred in recent decades
They have profoundly altered the role of judicial institutions in contemporary democracies.
(SANTOS, 2007). The Judiciary has ceased to act solely as a resolver of conflicts.
individuals to assume relevant roles in the implementation of public policies, in
protection of collective rights and the realization of constitutional guarantees. This new
The context demands that judges be prepared to understand not only the legal limits of
decisions, but also their institutional and social impacts.

The initial training of the Brazilian judiciary evolved significantly with the creation of
National School for the Training and Improvement of Magistrates (ENFAM), as foreseen by
Constitutional Amendment No. 45/2004. By establishing national parameters for the training of
For judges, the institution contributed to bringing the preparation of magistrates closer to the demands of the institution.
Contemporary aspects of the justice system. Disciplines related to judicial administration.
Ethics, leadership, innovation, and governance have come to occupy an increasingly important space in
continuing education.

This evolution aligns with experiences observed in various judicial systems.
Foreigners. Studies developed by the National Center for State Courts in the United States.
They demonstrate that improving institutional performance depends on integration between the
legal knowledge, organizational planning, and continuous development of

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Leadership skills. Although management models cannot be simply
Transplanted between different countries, comparative experience shows that qualification
The managerial approach within the judiciary is a common trend in established democracies.
However, judicial administration should not be confused with the mere application of techniques.
Managerial skills imported from the private sector. The Judiciary has institutional characteristics.
Their own actions are subject to constitutional principles that limit and guide their functioning.
functional independence of judges, impartiality of the judiciary, due process
Legal principles and the motivation behind decisions are incompatible with certain models.
administrative bodies driven exclusively by quantitative goals.
In this sense, the training of the judiciary should prioritize an integrated understanding between
Law, Public Administration, and the theory of institutions. The development of
skills related to strategic planning, people management, and problem-solving
The consensual resolution of conflicts and the responsible use of technologies expands institutional capacity.
of the judicial units without compromising the judge's decision-making autonomy.
Another frequently underestimated aspect relates to the leadership exercised in the environment.
Organizational. The literature on public administration demonstrates that intensive organizations
knowledge depends less on rigid hierarchical structures and more on the construction of
collaborative environments, capable of stimulating continuous learning and the sharing of
Information and collective responsibility for institutional results.
Within the Judiciary, this reality takes on particular characteristics. Civil servants,
advisors, court officers, conciliators and other professionals perform activities
highly specialized, whose integration directly influences the quality of service.
jurisdictional. The magistrate plays a coordinating institutional role, creating conditions for
that different skills work together harmoniously towards common goals.
This type of leadership requires communication skills, active listening skills, and planning abilities.
Teams that clearly understand their responsibilities participate in defining routines.
Administrative staff who receive continuous feedback on their performance tend to develop greater...
Institutional commitment. The natural consequence is a reduction in rework, greater
Procedural uniformity and better use of available resources.
At the same time, the training of the judiciary needs to incorporate competencies in analysis of
data. The increasing availability of information produced by the courts allows
Understanding litigation patterns, identifying structural bottlenecks, and evaluating average processing times.
processing and monitoring productivity indicators. This data does not replace the

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legal discernment, but they offer important support for more administrative decisions.
consistent.

The culture of evidence-based decision-making, consolidated in various areas of Administration.
Public sector information is finding increasing space in judicial management. The responsible use of information.
Statistics allow you to direct resources to units with higher demand and reorganize workflows.
procedural aspects and assess the impact of institutional policies implemented by the courts. How
Every management tool, however, must be used within the limits imposed by...
fundamental rights and the independence of judicial activity.
From this perspective, continuing education ceases to be merely an update.
legislative. It becomes a permanent instrument for institutional improvement.
allowing judges to keep up with technological, social and legal changes.
that influence the functioning of the justice system. Continuous learning strengthens not
not only the individual performance of the judge, but also the capacity of the Judiciary to
To respond adequately to the demands of society.

8 Digital Transformation, Artificial Intelligence, and the Future of Judicial Administration

The digitalization of the Brazilian Judiciary represents one of the most profound changes.
Institutional changes that have occurred since the promulgation of the 1988 Constitution. The replacement
The gradual shift from physical files to electronic processes has altered administrative routines.
It modified the organization of jurisdictional units and significantly expanded capacity.
processing of information produced by the courts.
However, reducing this transformation to the mere computerization of processes would mean ignoring
its true dimension. Technology modifies not only the instruments used by
The judiciary, but also the way in which judicial activity is organized, planned and
Executed. Judicial administration is now dealing with new possibilities for automation.
Integration of databases, document management, and statistical monitoring, which requires
more sophisticated organizational models.
Richard Susskind argues that the future of justice does not depend exclusively on...
technological development, but also the capacity of institutions to rethink their
own operating models (SUSSKIND, 2019). Digital systems reproduce
Inefficiencies arise when they simply transfer outdated procedures to electronic platforms. A
Institutional innovation requires a critical review of administrative processes and the simplification of...

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routines and the intelligent use of available technological tools.

In Brazil, the implementation of the Electronic Judicial Process (PJe), the Justice 4.0 program, and the The expansion of digital platforms, coordinated by the National Council of Justice, represents Examples of this transformation include interoperability between courts and the automation of tasks. Repetitive tasks and the electronic sharing of information have reduced activities. bureaucratic tasks that, historically, consumed a significant portion of the time dedicated to judicial activity.

More recently, the development of systems based on artificial intelligence has taken to occupy a relevant position in the administration of Justice. Tools designed for classification. procedural, to the grouping of precedents, to the identification of repetitive demands and to support Legal research significantly expands the operational capacity of the units. judicial. However, their employment must adhere to strict ethical and legal standards.

Recommendation No. 332/2020 of the National Council of Justice establishes guidelines for the development and use of artificial intelligence in the Judiciary, reaffirming principles such as transparency, human oversight, data protection, non-discrimination and with respect for fundamental rights. These parameters demonstrate that technology must to remain subordinate to the constitutional values that legitimize judicial activity.

Artificial intelligence does not replace the exercise of jurisdiction. The interpretation of the rules. legal aspects, the assessment of evidence, the balancing of constitutional principles and the Providing the basis for decisions remains a non-delegable responsibility of the judge. Technology acts as a tool to support human activity, freeing up time for the... The judge should focus his efforts on tasks that require legal reflection and institutional sensitivity. and a commitment to achieving justice.

This distinction is becoming increasingly important in light of the rapid evolution of systems. Machine learning. International literature has emphasized that the algorithms used The actions of the Judiciary must be understandable, auditable, and permanently available. supervised. Technological opacity is incompatible with the constitutional duty of The basis for judicial decisions and the need for democratic control of activity. jurisdictional.

From this perspective, digital transformation reaffirms the importance of judicial administration. The responsible incorporation of technology depends less on the acquisition of equipment and more on the adoption of technology. strategic planning, institutional governance and continuous qualification of Professionals involved. Innovation only produces lasting results when guided.

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for the protection of fundamental rights and for the effective improvement of the delivery of justice.

Conclusion

Judicial administration has consolidated itself, in recent decades, as an inseparable dimension.
of the effectiveness of judicial protection. The increasing complexity of social relations, the increase
The increase in litigation and the expansion of powers attributed to the Judiciary have become evident.
that the achievement of justice depends as much on the technical quality of the decisions as on the
institutional capacity to adequately organize people, processes, resources and
information.

The research demonstrated that the 1988 Federal Constitution profoundly altered the
understanding the Brazilian civil process by giving centrality to fundamental rights and to
The effectiveness of the jurisdiction. Access to justice has come to represent much more than mere...
A formal possibility of triggering state action. It has become a guarantee of obtaining legal protection.
adequate, timely, well-founded jurisdiction committed to the protection of
dignity of the human person.

In this context, judicial administration has ceased to be limited to a merely ancillary position.
organization of jurisdictional units, strategic planning, management based on
evidence, the proper distribution of the workforce, and the responsible use of technology
They became part of the instruments necessary for the realization of constitutional guarantees.
Administrative efficiency is only legitimate when guided by preservation.
of the adversarial system, the right to a full defense, the requirement for reasoned decisions, and judicial independence.

An analysis of contemporary doctrine has revealed a significant convergence between
national and foreign authors regarding the need to overcome a strictly limited understanding.
Formal aspects of judicial activity. The effectiveness of civil procedure requires constant coordination.
between procedural technique, institutional management and the constitutional commitment to
realization of fundamental rights. This approach does not reduce jurisdiction to criteria.
administrative processes do not subject decision-making to the logic of productivity. On the contrary,
It strengthens the material conditions that allow the judge to perform his duties with greater quality.
Predictability and institutional responsibility.

It was also found that the public policy of appropriate conflict resolution constitutes a
An important expression of this evolution. The increased value placed on mediation, conciliation, and other [methods/methods].
Consensual methods broaden the possibilities of access to a just legal order without replacing the...

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State jurisdiction. Strengthening the Judicial Centers for Conflict Resolution and Citizenship, the implementation of the guidelines established by the National Council of Justice and the The consolidation of the multi-door system demonstrates that contemporary judicial administration seeks to offer responses compatible with the diversity of demands submitted to the government. Judiciary.

Digital transformation brings new challenges to this process. The expansion of the process electronics, the development of artificial intelligence, and the increasing use of systems Support for judicial activity significantly expands the operational capacity of courts. However, these tools only contribute to the improvement of Justice. when placed within an institutional environment committed to transparency, the Human oversight, data protection, and respect for fundamental rights. Innovation. Technology, by itself, does not produce more efficient justice; it requires planning. governance and continuous training of the professionals responsible for its implementation. The research also shows that the training of judges plays a strategic role. In this new context, the exercise of contemporary jurisdiction presupposes a solid foundation. legal, combined with the development of skills related to institutional leadership, to public administration, human resource management, data analysis, and organizational innovation. No. The intention is not to transform the magistrate into a professional administrator, but rather to recognize that... The organization of the jurisdictional unit directly influences the quality of service. jurisdictional and social trust in institutions.

Finally, it is concluded that judicial administration should be understood as an instrument. strengthening the democratic rule of law. Its purpose is not simply to streamlining procedures or raising statistical indices, but not in the creation of necessary conditions for the judiciary to effectively realize constitutional values. that justify its existence. The effectiveness of judicial protection results from the combination of legal knowledge, institutional organization, public responsibility and commitment Permanent protection of fundamental rights.

The continuous improvement of judicial administration is therefore one of the paths Most promising for strengthening the Brazilian Judiciary. Investing in qualification. of management, in the ongoing training of judges, in responsible innovation and in building Adopting evidence-based governance models means investing in one's own capacity. The State's role is to ensure justice, legal certainty, and institutional trust for society.

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