

# Dimensions of innovation in justice organizations: proposition of a theoretical methodological framework

MARILÚ PEREIRA CASTRO <sup>1</sup>  
TOMAS AQUINO GUIMARÃES <sup>1</sup>

<sup>1</sup> UNIVERSIDADE DE BRASÍLIA (UNB) / PROGRAMA DE PÓS-GRADUAÇÃO EM ADMINISTRAÇÃO, BRASÍLIA – DF, BRAZIL

## Abstract

Delays in judicial decisions and unequal access to legal services expose the fragility of the Brazilian Justice system. Innovation is considered as an alternative to improve this scenario, believing that once the innovation is adopted, it can push the performance of organization in the justice system. This article proposes a theoretical-methodological framework that indicates the dimensions influencing the innovation process in these organizations. It assumes that actors, facts and policy variables, of a social and economic nature, linked to different levels of analysis – institutional, inter-organizational, organizational and individual – influence innovation in justice. The feeling of identity and common goals can stimulate or restrict interaction and cooperation between actors inserted in the culture of norms and values specific to the justice system. The framework was based on the theory of innovation and organizational institutionalism, identifying five dimensions that can affect innovation in organizations of justice: institutional environment; organizational resources; cooperative relationship; leadership; and innovative behavior. Ways to test the propositions by empirical research are suggested.

**Keywords:** Innovation. Justice Organizations. Institutions.

## *Dimensões da inovação em organizações da justiça: proposição de um modelo teórico-metodológico*

### Resumo

A morosidade das decisões judiciais e a desigualdade de acesso aos serviços prestados pelas organizações da Justiça expõem fragilidades do sistema de Justiça brasileiro. A inovação é colocada como forma de enfrentar a crise, acreditando que, uma vez adotada, pode influenciar o desempenho das organizações da Justiça. Assim, o objetivo deste artigo é propor um modelo teórico-metodológico que aponte dimensões que influenciam o processo de inovação em organizações da Justiça. A premissa é de que atores, fatos e variáveis de natureza política, social e econômica, vinculados a distintos níveis de análise – institucional, interorganizacional, organizacional e individual – influenciam a inovação na Justiça. O sentimento de identidade e os objetivos comuns podem estimular ou restringir a interação e a cooperação entre atores que estão inseridos em uma cultura de normas e valores específicos do sistema de justiça. O modelo foi construído com base na teoria da inovação e no institucionalismo organizacional, identificando-se 5 dimensões que podem afetar a inovação em organizações da Justiça: ambiente institucional; recursos organizacionais; relações de cooperação; liderança; e comportamento inovador. Ao final, são formuladas proposições a testar em pesquisas.

**Palavras-chave:** Inovação. Organizações da Justiça. Instituições.

## *Dimensiones de la innovación en las organizaciones de la Justicia: propuesta de un modelo teórico-metodológico*

### Resumen

La morosidad de las decisiones judiciales y el desigual acceso a los servicios prestados por las organizaciones de la Justicia exponen la fragilidad del sistema brasileño de Justicia. La innovación se toma como una manera de enfrentar la crisis creyendo que, una vez adoptada, puede influir en el desempeño de las organizaciones judiciales. Este artículo propone un modelo teórico-metodológico que indique dimensiones que influyen el proceso de innovación en las organizaciones de Justicia. La premisa asumida es que actores, hechos y variables de naturaleza política, social y económica, vinculados a los diferentes niveles de análisis – institucional, interorganizacional, organizacional e individual – influyen en la Innovación del sistema de Justicia. El sentimiento de identidad y los objetivos comunes pueden estimular o restringir la interacción y cooperación entre actores inmersos en una cultura de normas y valores específicos. El modelo se construyó con base en la teoría de la innovación y en el institucionalismo organizacional, y se identificaron cinco dimensiones que pueden afectar la innovación en las organizaciones de Justicia: ambiente institucional, recursos organizacionales, redes de cooperación, liderazgo, y comportamiento innovador. Al final de la discusión se formulan proposiciones que todavía necesitan probarse por medio de la investigación empírica.

**Palabras clave:** Innovación. Organizaciones de la Justicia. Instituciones.

Article submitted on April 23, 2017 and accepted for publication on August 31, 2017.

[Translated version] Note: All quotes in English translated by this article's translator.

DOI: <http://dx.doi.org/10.1590/1679-395167960>

## INTRODUCTION

---

Transforming an idea into something real and available to society, that is, an innovation, requires the participation of several actors, performing the most varied roles and actions, to achieve their objectives. This cycle is complex, since innovation is only achieved when new ideas are transformed, adopted and diffused as new or improved products, processes and/or services (ROGERS, 2005).

In the public sector the capacity for innovation is related to the environment in which public organizations work (LEWIS, RICARD, KLIJN et al., 2013). In this sector, innovations occur in a highly institutionalized environment in which different actors can be identified. Those actors collaborate and share relevant resources to develop and implement new ideas, new ways of organizing or carrying out the work. The social and political complexity of the environment in which public organizations operate, the characteristics of culture, governance and tradition, allocation of resources, and the quality of relationships between leaders can affect innovation in these organizations (BEKKERS, TUMBERS and VOORBERG, 2013). Since the late 1990s, governments have been promoting the development and adoption of innovations as a means of increasing the efficiency of public sector organizations (DUMOULIN and LICOPPE, 2016).

However, the apparent importance of innovation in the public sector has not been reflected in the volume of academic research on the subject, and there have been few scientific studies (SALGE and VERA, 2012). As suggested by Sousa and Guimaraes (2014), innovation in justice organizations is a field that needs to be explored, given the lack of such studies when compared to innovation studies in general public administration. The justice system is usually more considered in terms of its stock of moral resources and legal knowledge rather than its ability to respond quickly to society's demands. Justice organizations have unique characteristics but face the same pressures for change as other organizations (MOTTA, 2010).

Although radical changes are rare, there is a daily and incremental process of change that affects goals and targets in justice organizations. Innovation in justice involves modifying administrative practices commonly associated with the image of those institutions, which means, giving up some traditional beliefs and practices (MOTTA, 2010), in favor of innovations. Changes resulting from the adoption of innovations in organizations of justice can be seen as a way to improve the performance of the system.

Lastres and Cassiolato (2009) observe that innovation is an activity dependent on interactions, which is socially determined and strongly influenced by institutional and organizational formats. This can stimulate or restrict innovation, since innovation is not a deterministic process but a socially constructed activity involving several actors.

This article proposes a theoretical-methodological framework of research that addresses the following question: "Which dimensions influence the process of innovation in organizations of justice?". The assumption is that favorable or inhibiting factors for innovation can be found at the institutional, interorganizational, organizational and individual levels. Regulatory, normative and cultural-cognitive forces are key elements for understanding the process of innovation (VERMEULEN, VAN DEN BOSCH and VOLBERDA, 2007). These forces are particularly relevant in the justice system, because of the highly institutionalized character of organizations that make up the system.

The proposed framework is based on the theory of innovation and organizational institutionalism. In studies involving innovation theory, innovation is seen as a phenomenon linked to local culture and established relationships with other actors and institutions. Research in the field of innovation can combine the concepts of organizational institutionalism and a systemic approach, since these theoretical lenses are not mutually exclusive. The institutional and organizational contexts are dynamic socio-cultural arrangements, where actors, individually or collectively, can reinforce and perpetuate dominant patterns and interests or elicit changes that favor the development and the adoption of innovations.

## INNOVATION: DEFINITION AND ATTRIBUTES

---

Innovation is the result of the learning, searching and exploring processes, and produces new products, new techniques, new organizational forms, institutional changes, as well as market or service changes that may be technological or social (LUNDVALL, 1992; SUNDBO 1996; GALLOUJ, 1997; HALVORSEN, 2005). An organization's ability to innovate can be understood as the potential to generate new or improved products and services, and depends on the synergistic interrelationships between culture, internal processes and the external environment of the organization (NEELY and HII, 1998). For many years the process of innovation was understood in terms of a linear vision. A paradigm shift occurred after World War II and led to a more integrated approach to innovation (OECD, 2005), because the linear vision could not explain the problems of structural and social adjustment around innovations (FREEMAN and SOETE, 2008).

Interorganizational relationships and the various types of institutional networks, whose activities and interactions initiate, import, modify and diffuse new technologies (FREEMAN and SOETE, 2008), are gaining importance in innovation studies. On the one hand the institutional environment has come to be seen as the driving force or limitation of innovation and, on the other hand, innovative performance depends not only on the performance of organizations but also on how they interact with each other and with the various actors and institutions (LASTRES, CASSIOLATO and ARROIO, 2005). By introducing institutions in the theoretical field of innovation, innovation can be understood in institutional terms (EDQUIST and JOHNSON, 1997; NELSON, 2002) and guided by an interactive, holistic and interdisciplinary perspective (EDQUIST, 2001, MYTELKA and FARINELLI, 2005).

The integrative approach of innovation presupposes: 1) innovation as a specific activity that depends on the interaction of the various actors in the institutional environment; 2) the decision-making context is subjective, reflecting the decision-maker's perceptions of the activity, of the available resources and the expected benefits from the innovation; 3) the actor responsible for the innovation design and implementation process has autonomy and mastery of the decision-making process; and finally; 4) the agent's behavior is subjectively conditioned by the institutional and functional domain (HARTLEY, 2005; TEECE, 1996; EDQUIST, 1997). However, these behaviors are not strictly determined and changes in institutional and organizational contexts can occur.

The innovation process comprises a set of activities that may be innovative themselves, while others are not new but necessary to implement innovation (OECD, 2005). Thus, innovation may be new in the local context, but not necessarily new to the whole society (ERNST, GANIATSOS and MYTELKA, 2003). If an individual deliberately develops a new way of fulfilling his professional activities, in order to provide a better service, this is an innovation, even if someone may have done something similar elsewhere (HARTLEY, 2005). Innovation needs to be perceived as new by a number of stakeholders. The innovation is only complete if applied in the organizational and social context (HARTLEY, 2005; SCHUMPETER, 1982).

Innovations can be radical, incremental, needs-based, efficiency-driven, top-down or bottom-up (KOCH and HAUKNES, 2005). Radical innovations are distinguished from incremental ones by introducing a new product, service, process or organizational forms that can push disruption or structural rupture of existing standards, since they introduce something that creates new values. Incremental innovations are improvements in what already exist in organizations (SCHUMPETER, 1982).

Needs-based innovations are innovation processes initiated to address a specific problem. Efficiency-driven innovation is intended to make existing services or procedures more efficient. Top-down and bottom-up innovations refer to the organizational level of those who initiated the innovation process and led to behavior change. Bottom-up innovations come from middle management and front-line employees, and are more frequent in the public sector. This kind of innovation requires and develops leadership and can conflict with the traditional values of the organization (KOCH and HAUKNES, 2005). To be widely accepted and widespread, a change must alter the existing institutional logic.

### Innovation and Organizational institutionalism

From a subsidiary position, institutions have attained prominence in the analysis of innovation and are now seen as a mechanism that shapes the innovative process (EDQUIST and JOHNSON, 1997; NELSON, 2002; CORIAT and WEINSTEIN 2002; CIMOLI, DOSI, NELSON et al., 2009). Institutions are understood as "sets of common habits, routines, established practices, rules or laws that regulate the relations and interactions between individuals, groups and other organizations" (EDQUIST and JOHNSON 1997, p. 46), whose "social structures are multifaceted, durable, made of symbolic elements, social activities and material resources"

(SCOTT, 2008, p. 48). An institution encompasses “elements of a regulatory, normative and cultural-cognitive nature which, together with associated activities and resources, provide stability and meaning to social life” (SCOTT, 2008, p. 48).

Regulatory elements define the limits of legitimacy and private interests related to ends and means, as institutions shape, regulate and influence behavior by establishing rules, surveillance mechanisms and sanctions. The normative elements involve the creation of expectations that prescribe social life. These elements are governed by values and norms that define what is expected from a person in a certain position in the organization. Cognitive-cultural elements reflect behaviors related to cultural values, converting private acceptance into institutionalized duty. They involve the creation of values, beliefs, shared symbols and a symbolic framework that supports the construction of a social sense (SCOTT, 2008).

Most institutions are composed of these three elements (regulative, normative and cultural-cognitive), although which element is dominant varies according to institution evolution (CAMPBELL, 2004; ZUCKER, 1999; DIMAGGIO and POWELL, 2005). The institutional environment determines how social behavior is regulated, the norms recognized by the group, and the bases legitimating social roles, activities, laws and sanctions (SCOTT, 2008).

Formal structures do not arise only from relational networks in the organization. Policies, programs, procedures and organizations are reinforced by public opinion, by the vision of its constituents, by knowledge legitimized through the educational system, by social prestige, and by laws etc. The elements of the formal structure are manifestations of beliefs and institutional rules that function as highly rationalized myths linked to organizations. This system of beliefs and norms allows an organization to develop its structures and activities (MEYER and ROWAN, 1977; SCOTT, 2008) in a broader social context, which is not only a source of resources, but also as a deposit of innovation outcomes.

Organizations act according to institutional logic to obtain the support of important groups, and the logic provides a means of understanding the social world (GREENWOOD, RAYNARD, KODEIH et al., 2011). Organizational structure depends on the institutional context, so that organizations tend to become more modern and dynamic (SCOTT and MEYER, 1994).

A systemic approach to innovation understands organizations as interactive and collective learning units, immersed in a broad social context that permits the creation, import and diffusion of knowledge and innovations. Institutions tend to restrict behavior by imposing and defining cultural, moral, and legal boundaries. Institutions provide guidelines and resources for action, such as prohibitions or restrictions on a given action, to provide stability and order. However, institutions are not static and undergo changes. Individuals’ choices and actions may deliberately modify or even eliminate institutions (SCOTT, 2008; BARLEY and TOLBERT, 1997; OLIVER, 1992). Some authors have questioned the institutional approach as a theory of conformity and stability, supported by durable socio-cultural structures, and suggests that it would be more important to understand how institutional contexts are created, transformed and die (MICELOTTA, LOUNSBURY and GREENWOOD, 2017).

Most organizations operate under the influence of multiple logics (SCHILDT and PERKMANN, 2017). An organization’s structure, property, governance and identity may make it more sensitive to certain logics and less sensitive to others. Organizations that have a high status in the environment in which they act may be driven by stakeholders, promoting particular logics. Paradoxically, the same organizations, depending on their size and resources, may be isolated from institutional pressures, unlike smaller organizations. Organizations can experience different degrees of complex pressures and thus respond differently. These responses may have implications for an organization’s social legitimacy, access to critical resources, and survival (GREENWOOD, RAYNARD, KODEIH et al., 2011).

Organizations are institutionally complex and face uncertainty about the rules applicable to specific situations, which inhibits coordinated action and legitimacy. Organizations can accommodate institutional logic by developing mechanisms to manage such complexity, for example by balancing the imperative to innovate with the requirements of their core business (BATTILANA and LEE, 2014, SCHILDT and PERKMANN, 2017).

As organizations evolve, prevailing ideas and values lose legitimacy and become discredited, and are replaced by an alternative interpretative scheme (GREENWOOD and HININGS, 1996). The new ideas must be legitimized in the organization and institutionalized. Legitimacy is important in the process of change and institutionalization, defined as the “general perception or assumption that organization actions are desirable, appropriate, or convenient within a socially constructed system of norms, values, beliefs, and definitions” (SUCHMAN, 1995, p. 574). Legitimacy is socially constructed and reflects congruence between legitimate organization behavior and the beliefs shared by social groups (SCOTT, 2008).

The process of institutionalization in the organization occurs over time and reflects its history, as well as the different interest groups that have created it. The standardized relationships and actions that emerge from this process acquire the moral and ontological status of facts, which in turn shape future organizational interactions and negotiations (TOLBERT and ZUCKER, 1999; BARLEY and TOLBERT, 1997). Institutionalization is a social process in which institutions are produced and reproduced (PHILLIPS, LAWRENCE and HARDY, 2004). Organizational institutionalism is a useful lens for understanding the process of innovation in the justice system. Pressures from the institutional environment on the organizational structure and the various actors can provide an explanation of the factors that influence the development and adoption of innovations in justice organizations.

## Innovation in the public sector

Public sector organizations perform social functions, are immersed in political subsystems and are generally stable over long periods, and become resistant to change due to routines and institutional standards of these subsystems. Change is challenging for these organizations (GIESKE, VAN BUUREN and BEKKERS, 2016). Innovation in the public sector can be understood as the successful creation and implementation of new processes, products, services and working methods that result in significant improvements in results, efficiency, effectiveness and quality of services provided to the population (ALBURY, 2005). There has been little research into the performance of the public sector, which is usually understood as the regulatory agent or input provider for private sector innovation. The public sector is also seen as the recipient and user of innovative products generated by the private sector. Public sector innovation is seen as a virtual oxymoron. However, the absence of innovation in the public sector is a myth and this sector is rich in innovations (BORINS, 2002; HØNVSEN, 2005; RØSTE, 2005; KOCH and HAUKNES, 2005; DJELLAL, GALLOUJ and MILES, 2013; KLUMB and HOFFMANN, 2016).

In recent years, innovation in the public sector has grown, although its diffusion in this sector is slower or more difficult than in the private sector. Innovation in the public sector is essential for the improvement of government services to citizens. Following this way of thinking, it should be institutionalized as a relevant value that cannot be considered only as a synonym of change or new idea (BORINS, 2002; ALBURY, 2005).

Change is a feature in most organizations as an important path for innovation, but change that generates innovation needs to have an impact on the relationships between service providers and users (HARTLEY, 2005; GREEN, HOWELLS and MILES, 2002; GREENHALGH, ROBERT, BATE et al., 2004). In the public sector, innovation can improve services provided to the citizen and the performance of the organization (POTTS and KASTELLE, 2010), as well as “developing greater openness and interaction with the environment” (GUIMARAES, ODELIUS, MEDEIROS et al., 2011, p. 300). Public sector managers are challenged to transform bureaucratic and hierarchical structures into flexible and entrepreneurial organizations, in order to deliver excellent public services (GUIMARAES, 2000).

Public sector organizations do not usually reward public officials for successful innovation, and may even punish individuals for unsuccessful attempts at innovation. This can lead to situations where potentially innovative individuals are discouraged. Senior managers can stimulate organizational climates that support or restrict bottom up innovations. The motivation to innovate in the public sector, at the individual level, can be related to prestige, self-realization, professional recognition, idealism, career, power or monetary gain. Organizational motivations improve the attainment of goals as improving dissemination of administrative policy (HARTLEY, 2005).

The leadership and entrepreneurial behavior of public officials have been recognized to be crucial for policy change and for the innovation process. Leadership characteristics can drive change in perceptions and values, allowing relationships, creating a supportive environment for change (BEKKERS, EDELENBOS and STEIJN, 2011). Leadership can also play a connecting role between the political sphere and the innovation process. This can increase the legitimacy of innovative projects and mobilize resources for their implementation (BEKKERS, TUMBERS and VORORBERG, 2013). Authoritarian leadership has a negative impact in organizational governance (LEWIS, RICARD, KLIJN et al., 2013). Organizational characteristics foster and support entrepreneurship, a prerequisite for innovation. Increasingly, public organizations operate in organizational networks that can increase the possibility of developing and applying innovations (GIESKE, VAN BUUREN and BEKKERS, 2016).

Innovation in the public sector may be affected by lack of incentives, insufficient funding, pressures associated with institutional policies, and the need for public support (DAMANPOUR and SCHNEIDER, 2009). Borins (2002) points out that innovation awards in the public sector have stimulated the development and dissemination of innovations and best management practices. The path to development, adoption and use of innovation in the public sector involves a transformation that progresses over time.

## Innovation in organizations of justice

Change and innovation are relevant for continuous evolution of judicial processes and the justice system (SOURDIN, 2015). "Systems created to protect traditional knowledge, people, rules and patterns of conduct are not easily modifiable." These traditional arrangements tend to contaminate the whole system, "reinforcing institutional immobility". Much judicial innovation is a variation of maintaining the status quo, often retaining features that hinder the introduction of innovations (MOTTA, 2010, p. 27-28). In the justice system innovation is a complex and multifaceted phenomenon, related mainly to the adoption and improvement of techniques of planning, monitoring and control of the management, legal innovations of a political and legal nature and of judgment procedures, as well as technological innovations (SOUSA and GUIMARAES, 2014). Innovation in justice refers to organizational changes, management techniques and powers aimed at improving the overall quality, efficiency and performance of the organizations that make up the justice system (GLICK, 1981).

Innovations are intended to transform justice, change legal routines and generate benefits for the system and for society. These changes involve cost reductions and resource savings (ROTTA, VIEIRA, ROVER et al., 2013; SOUSA and GUIMARAES, 2014). Despite the importance of innovation, the justice system has a long history of institutional conservatism, which stifles change and avoids risk (BAXTER, SCHOEMAN and GOFFIN, 2015). In Brazil, the Federal Constitution of 1988 changed not only in the profile of the organizations of justice and of their members, but also in their opportunities to act in the political arena and be involved in public matters. For Sadek (2002, 2004), the Brazilian justice system gained vitality in the democratic order, allowing it to break free from the aversion to change which had characterized it from its origins. In spite of the changes coming from the Federal Constitution of 1988, the Brazilian population still does not trust the services of the justice system, whose performance is frequently criticized because of its failures, out datedness and the inaccessibility of its services.

In an attempt to change these perceptions, innovation officially became the focus of debates about justice organizations in 2004, with the signature of the First Republican Pact by the heads of the Executive, Legislative and Judicial Branches. The Pact proposes actions to make the judicial system faster, more accessible, agile and effective. The State acknowledged that the justice system was poor and its decisions ineffective, delaying national development, discouraging investment, encouraging default with impunity, and undermining citizens' belief in the democratic regime (BRASIL, 2004). Another Republican Pact was signed in 2009 and, like the first one, proclaimed the need to reform and update legal procedures (BRASIL, 2009).

The justice system has created a regulatory framework that aims to foster the implementation of innovations that improve judicial services for citizens. The adoption of new technologies and organizational processes can help achieve the objectives indicated in the Republican Covenants. However, it is uncertain whether these steps create a culture of innovation in the organizations of justice.

Motta (2010) suggests that magistrates, prosecutors and public defenders respond to social demand through individual analyses, generating a tendency to work in isolation, increasing the distance between peers, and strengthening belief in the independence of their tasks. Often, such actors tend to have little awareness of work directives, since they think it is their duty to control their own work, determining the quality of service to be rendered. This high degree of autonomy in the work processes creates an excessive separation between the judicial and administrative staff and can develop conflicts, preventing the practice of more participatory and effective management. These idiosyncrasies, which are characteristic of justice organizations, create fragile ties of coordination and control and can inhibit innovation.

According to Willis, Mastrofski and Weisburd (2007), innovation is essential to meet the challenges of the justice system and needs to be consistently promoted. This requires the creation of mechanisms that stimulate and implement innovative ideas, as well as the involvement of different actors and organizations at different hierarchical levels. The administration of justice needs to take risks and find ways to mitigate risk, as well as creating opportunities for people to develop their skills, with an emphasis on stimulating innovation. The characteristics of the organization and the institutional environment mutually affect the success of innovations in justice.

In a study undertaken at the Brazilian Superior Court of Justice (STJ), Guimaraes, Odelius, Medeiros et al. (2011) point out the need to overcome obstacles to the institutionalization of innovation in justice. The study shows that innovation has not yet been fully accepted by many judges and it is therefore essential that court managers consider innovation a strategic activity for the organization in order to overcome resistance to innovation. Another important contribution of the research was the identification of different cultures, which end up creating, in the same environment, judges who do not support innovation

and others who support it apparently, especially when judges take up positions in high court management. Thus, it is clear that individual beliefs and values also influence and affect the process of innovation in justice.

Breaking down cultural barriers and rigid hierarchy seem to be a challenge for the innovation process. Lima, Fraga and Oliveira (2016), in a study carried out at the Court of Justice of Bahia (TJBA), point out that judges are seen by most support staff as almost untouchable. Sometimes judges are authoritarian, which leaves support staff unprotected and discouraged. In this environment, innovation does not find fertile ground to develop. Those who venture to innovate may be punished with overwork for their own efficiency. Lack of recognition and encouragement creates an environment that is unfavorable to innovation.

The creation of the National Council of Justice (CNJ), based on Constitutional Amendment No. 45/2004, set standards and targets for new patterns of management and governance (BALHENEK and DALAZOANA, 2013), likewise investment in information technology (MADALENA, 2008) and learning (FREIRE and ROVER, 2013), among other actions to deal with the slowness and inefficiency of the Brazilian courts. These guidelines do not impact uniformly on courts in Brazil. Courts resist working with indicators, besides being optional for judges to adopt a management model that favors the implementation of innovations (GUIMARAES, ODELIUS, MEDEIROS et al., 2011).

Such context points out to the different institutionalization levels of innovation in justice organizations. Some organizations move forward faster than others, may depending on the local environment and culture. Baxter, Schoeman, and Goffin (2015) argue that the central organs and policymakers of justice should reward innovation that overcomes local challenges, develop and evaluate non-prescriptive national goals. The role of these central bodies is not to apply specific practices but to develop and promote best management practices for courts and other organizations that make up the justice system. In Brazil, the most important central body responsible for structuring and implementing these best practices in judiciary is the CNJ.

Baxter, Schoeman and Goffin (2015) found, in research undertaken in the United Kingdom, the Netherlands and the Czech Republic that, in order to develop a systemic culture of innovation in justice, policy-makers and leaders must focus on articulating a clear strategy for innovation, and stimulating the generation of new ideas, in order to improve services. Another issue regarding identifying appropriate criteria for selecting the best ideas and supporting the rapid and effective implementation of these ideas, as well as creating a culture of innovation throughout the organization. The authors point to the examples of Warwickshire Justice Centers (UK), which has made cooperation between courts more effective, and Rotterdam (Netherlands) where there is a scheme to stimulate new ideas for innovation. The wealth of experience and expertise in these courts has created many opportunities for innovation at a time when budgets have been reduced and the courts need to work together more efficiently.

In this same research, Baxter, Schoeman, and Goffin (2015) suggested that the rapid and successful implementation of innovation in justice requires leadership, effective teams, and the ability to manage change. Change and innovation in justice are politically sensitive, which can also stifle innovation. According to the authors, budget cuts, for example, can promote or discourage innovation. The institutional environment, organizational structure, the several actors that compose it and the interorganizational relationships explain the development and adoption of innovations. This is particularly important in organizations of justice, which is why the theoretical-methodological framework described below is important.

## **THEORETICAL-METHODOLOGICAL FRAMEWORK**

---

The theoretical-methodological framework described here is supported by the theoretical lens of organizational institutionalism and the theory of innovation. The main contributions of these approaches relate to external influences on organizations and the social structure, which may restrict or contribute to innovation. Culture, beliefs and values influence innovation. It is assumed that the institutional context of justice organizations influences innovation and that individual are influenced to interpret and deal with issues reflecting the current institutional logic. However, the influences of the institutional environment are not considered here as deterministic, and changes can occur due to the values of the social structure that pushes and influences the reference contexts.

The literature on innovation in public administration, in general, and in justice in particular, confirms the importance of social structure in the innovation process, as well as in the organizational dimension, mainly leadership and organizational resources, in addition to interorganizational relationships. The proposed framework has five dimensions that can affect the innovation process in organizations of justice: institutional environment; organizational resources; cooperation relationships; leadership; and innovative behavior (Figure 1).

Figure 1

Proposed theoretical-methodological framework



Source: Elaborated by the authors.

Several authors discuss factors needed for innovation take place in the public sector, recognizing the multilevel nature of innovation processes. However, many theoretical contributions focus only on one or two levels: the individual, the organization, and/or interorganizational relationships (GIESKE, VAN BUUREN and BEKKERS, 2016). These authors reconcile the individual, organizational and interorganizational levels. In the framework proposed here (Figure 1), an integrative and non-linear vision is favored for the innovation process, considering different levels of analysis. In addition to the individual, organizational and interorganizational levels, the framework includes the institutional level, as a dimension that affects the process of innovation in justice organizations. Innovation at the center of the diagram expresses the interdependence of this phenomenon with the multiple dimensions. The institutional environment, through its regulatory, normative and cultural-cognitive systems, can pressure and influence the values of individuals, leadership, organizational resources and cooperative relationships around innovation. Individuals may have different values from the institutional environment and may also press contextual forces in their own interests, affecting the institutional environment, leadership, resources and cooperative relationships. The forces of the institutional and organizational environment can exert pressure on the process of innovation, promoting or limiting innovation in organizations of justice.

The proposed framework in Figure 1 suggests four propositions about innovation in justice organizations that can be tested: 1) the greater the institutional pressure to innovate, the greater is predisposition of justice organizations to innovate; 2) if the institutional environment is restrictive to innovation, organizations will be less disposed to innovate; 3) the greater the organization innovative behavior that lead to innovation, the greater the pressure to establish an organizational, institutional and interorganizational context more conducive to innovation; 4) if the values of the actors oppose innovation, organizations will be less disposed to innovate and more resistant to the pressures to innovate. The dimensions of the framework and the

propositions describe a process of innovation in justice that is not linear and is influenced by interdependent relationships between institutional, organizational and individual factors that can stimulate or restrict innovation.

There are several ways to test these propositions. One way is to use two-step research. The first step involves collecting data to understand the process of innovation in justice. Semi-structured interviews would be carried out with actors of innovative practices included in the Innovare Prize, which rewards innovative practices developed in the scope of justice. The interview script would be based on the theoretical-methodological framework proposed in this essay, aiming to test, add or suppress the proposed dimensions. The results will support the consecutive research stage. The dimensions emerging from the interviews would support the elaboration of items to be included in a survey to be applied to a probabilistic sample in order to find out the validity of these dimensions. This instrument would be applied to identify the perception of judges, prosecutors, lawyers and justice support staff regarding innovation in organizations of justice.

## CONCLUSIONS

---

This paper proposes a theoretical and methodological framework, associating different levels of analysis – institutional, interorganizational, organizational and individual – to identify which dimensions influence the process of innovation in organizations of justice in Brazil. The framework introduces four levels of analysis, using the theoretical foundation of organizational institutionalism and the theory of innovation. The discussion held demonstrates the importance on explain and understand how the institutional environment, the innovative behavior of individuals, leadership, organizational resources and cooperative relationships influence the process of innovation in a highly institutionalized environment such as Justice. It is noted that institutional and organizational contexts undergo changes due to various pressures in order to modify or maintain usual norms and values around innovation.

It also arises from this discussion that the institutional approach contributes to the theory of innovation in the sense that innovation is determined by the social context where individuals and organizations are immersed. Such a contribution would break with the simplistic view of innovation, unable to respond to the multiplicity of connections between different elements involved in its process. This context provides a more inclusive view of innovation, aiming to understand the complexity of the social structure that conditions how information, knowledge and interests are coordinated in organizations, in face of innovation activities.

Therefore, innovation theory has incorporated concepts of organizational institutionalism into its theoretical framework. However, very few studies of innovation mix the two approaches, as well as different levels of the innovation phenomenon, and how they can contribute to the advancement of the theoretical field of innovation in organizations of justice. For instance, it is still unclear why organizations subject to the same set of institutional rules and values have such different innovation paths, some of which are more innovative than others, since the rules of the game can be defined by the same institutional structure. One possible answer is that, depending on the culture of the organizational and institutional environment, different rationalities permeate the forms and practices adopted by the organizations. Therefore, one of the limitations of the present study relates to the creation of standards and generalizations, because of the cultural aspects in which the organizations and institutions are immersed.

Finally, the proposed framework must be empirically tested. Once find evidence of validity, it could be an important tool to understand the factors that affect innovation in justice and be useful in supporting the development of strategies and policies that foster innovation and contribute to a reduction in the inherent bottlenecks in the performance of justice.

## REFERENCES

- ALBURY, D. Fostering innovation in public services. **Public Money and Management**, v. 25, n. 1, p. 51-56, 2005.
- BARLEY, S. R.; TOLBERT, P. S. Institutionalization and structuration: studying the links between action and institution. **Organization Studies**, v. 18, n. 1, p. 93-117, 1997.
- BATTILANA, J.; LEE, M. Advancing research on hybrid organizing: insights from the study of social enterprises. **The Academy of Management Annals**, v. 8, n. 1, p. 397-441, 2014.
- BAXTER, D.; SCHOEMAN, M.; GOFFIN, K. **Innovation in Justice**. New delivery models and better outcomes. London: Cranfield School of Management, 2011.
- BEKKERS, V.; EDELENBOS, J.; STEIJN, B. Linking innovation to the public sector: contexts, concepts and challenges. In: BEKKERS, V.; EDELENBOS, J.; STEIJN, B. (Eds.). **Innovation in the public sector**. London: Palgrave Macmillan, 2011. p. 3-32.
- BEKKERS, V. J. J. M.; TUMMERS, L. G.; VOORBERG, W. H. **From public innovation to social innovation in the public sector: a literature review of relevant drivers and barriers**. Rotterdam: Erasmus University Rotterdam, 2013.
- BOCHENEK, A. C.; DALAZOANA, V. Supremo Tribunal Federal: aprimoramento das funções da Justiça e *good governance*. **Revista de Direito Brasileira**, v. 5, n. 3, p. 115-142, 2013.
- BORINS, S. Leadership and innovation in the public sector. **Leadership & Organization Development Journal**, v. 23, n. 8, p. 467-476, 2002.
- BRASIL. Pacto de Estado em Favor de um Judiciário mais Rápido e Republicano. **Diário Oficial da União**, Brasília, DF, 16 dez. 2004, Seção 1.
- BRASIL. II Pacto Republicano de Estado por um Sistema de Justiça mais Acessível, Ágil e Efetivo. **Diário Oficial da União**, Brasília, DF, 26 maio 2009, Seção 1.
- CAMPBELL, J. L. **Institutional change and globalization**. Princeton: Princeton University Press, 2004.
- CIMOLI, M. et al. Instituições e políticas moldando o desenvolvimento industrial: uma nota introdutória. **Revista Brasileira de Inovação**, v. 6, n. 1, p. 55-85, 2009.
- CORIAT, B.; WEINSTEIN, O. Organizations, firms and institutions in the generation of innovation. **Research Policy**, v. 31, n. 2, p. 273-290, 2002.
- DAMANPOUR, F.; SCHNEIDER, M. Characteristics of innovation and innovation adoption in public organizations: assessing the role of managers. **Journal of Public Administration Research and Theory**, v. 19, n. 3, p. 495-522, 2009.
- DIMAGGIO, P. J.; POWELL, W. W. A gaiola de ferro revisitada: isomorfismo institucional e racionalidade coletiva nos campos organizacionais. **Revista de Administração de Empresas**, v. 45, n. 2, p. 74-89, 2005.
- DJELLAL, F.; GALLOUJ, F.; MILES, I. Two decades of research on innovation in services: which place for public services?. **Structural Change and Economic Dynamics**, v. 27, p. 98-117, 2013.
- DUMOULIN, L.; LICOPPE, C. Videoconferencing, new public management, and organizational reform in the Judiciary. **Policy & Internet**, v. 8, n. 3, p. 313-333, 2016.
- EDQUIST, C. Systems of innovation approaches: their emergence and characteristics. In: EDQUIST, C. **Systems of innovation: technologies, institutions, and organizations**. London: Psychology Press, 1997. p. 1-35.
- EDQUIST, C. The systems of innovation approach and innovation policy: an account of the state of the art. In: DRUID CONFERENCE, 2001, Aalborg. **Proceedings...** Aalborg: [s.n.], 2001. p. 12-15.
- EDQUIST, C.; JOHNSON, B. Institutions and organizations in systems of innovation. In: EDQUIST, C. **Systems of innovation: technologies, institutions, and organizations**. London: Psychology Press, 1997. p. 41-63.
- ERNST, D.; GANIATSOS, T.; MYTELKA, L. (Ed.). **Technological capabilities and export success in Asia**. New York: Routledge, 2003.
- FREEMAN, C.; SOETE, L. **A economia da inovação industrial**. Campinas: Unicamp, 2008.
- FREIRE, G. M. C. A.; ROVER, A. J. A reforma do Judiciário: uma análise sistêmica da nova estrutura e organização. **Pensar: Revista de Ciências Jurídicas**, v. 17, n. 2, p. 476-498, 2013.
- GALLOUJ, F. Towards a neo-Schumpeterian theory of innovation in services? **Peace Economics, Peace Science and Public Policy**, v. 24, n. 6, p. 405-420, 1997.
- GIESKE, H.; VAN BUUREN, A.; BEKKERS, V. Conceptualizing public innovative capacity: a framework for assessment. **The Innovation Journal**, v. 21, n. 1, p. 1, 2016.
- GLICK, H. R. Innovation in State judicial administration: effects on court management and organization. **American Politics Quarterly**, v. 9, n. 1, p. 49-69, 1981.
- GREEN, L.; HOWELLS, J.; MILES, I. **Services and innovation: dynamics of service innovation in the European Union**. Manchester: University of Manchester, 2002.
- GREENHALGH, T. et al. **How to spread good ideas: a systematic review of the literature on diffusion, spread and sustainability of innovations in health service delivery and organisation**. London: NCCSDO, 2004.
- GREENWOOD, R.; HININGS, C. R. Understanding radical organizational change: bringing together the old and the new institutionalism. **Academy of Management Review**, v. 21, n. 4, p. 1022-1054, 1996.
- GREENWOOD, R. et al. Institutional complexity and organizational responses. **Academy of Management Annals**, v. 5, n. 1, p. 317-371, 2011.
- GUIMARÃES, T. A. A nova administração pública e a abordagem da competência. **Revista de Administração Pública**, Rio de Janeiro, v. 34, n. 3, p.125-140, 2000.
- GUIMARÃES, T. A. et al. Management innovation at the Brazilian Superior Tribunal of Justice. **The American Review of Public Administration**, v. 41, n. 3, p. 297-312, 2011.
- HALVORSEN, T. On innovation in the public sector. In: HALVORSEN, T.; HAUKNES, J.; MILES, I. **On the differences between public and private sector innovation**. Oslo: NIFU STEP, 2005. p. 2-21.

- HARTLEY, J. Innovation in governance and public services: past and present. **Public Money and Management**, v. 25, n. 1, p. 27-34, 2005.
- KLUMB, R.; HOFFMANN, M. G. Inovação no setor público e evolução dos modelos de administração pública: o caso do TRE-SC. **Cadernos Gestão Pública e Cidadania**, v. 21, n. 69, p. 86-102, 2016.
- KOCH, P.; HAUKNES, J. **On innovation in the public sector**. Oslo: NIFU STEP, 2005.
- LASTRES, H. M. M.; CASSIOLATO, J. E. **Sistemas de inovação: políticas e perspectivas**. **Parcerias estratégicas**, v. 5, n. 8, p. 237-256, 2009.
- LASTRES, H. M. M.; CASSIOLATO, J. E.; ARROIO, A. Sistemas de inovação e desenvolvimento: mitos e realidade da economia do conhecimento global. In: LASTRES, H. M. M.; CASSIOLATO, J. E.; ARROIO, A. **Conhecimento, sistemas de inovação e desenvolvimento**. Rio de Janeiro: Contraponto, 2005. p. 17-50.
- LEWIS, J. M. et al. **Innovation environments and innovation capacity in the public sector**. 2013. Available at: <[http://www.lipse.org/userfiles/uploads/LIPSE%20WP1%20Research%20Report\\_11.2014\\_final.pdf](http://www.lipse.org/userfiles/uploads/LIPSE%20WP1%20Research%20Report_11.2014_final.pdf)>. Accessed on: September 20, 2017.
- LIMA, D. M. C.; FRAGA, V. F.; OLIVEIRA, F. B. O paradoxo da reforma do Judiciário: embates entre a nova gestão pública e a cultura organizacional do jeitinho. **Revista de Administração Pública**, Rio de Janeiro, v. 50, n. 6, p. 893-912, 2016.
- LUNDVALL, B. **National systems of innovation: an analytical framework**. London: Pinter, 1992.
- MADALENA, P. Magistratura: produtividade controlada em processo virtual. **Revista Jus Navigandi**, Teresina, ano 13, n. 1807, jun. 2008. Available at: <<https://jus.com.br/artigos/11376>>. Accessed on: April 10, 2017.
- MEYER, J. W.; ROWAN, B. Institutionalized organizations: formal structure as myth and ceremony. **American Journal of Sociology**, v. 83, n. 2, p. 340-363, 1977.
- MICELLOTTA, E.; LOUNSBURY, M.; GREENWOOD, R. Pathways of institutional change: an integrative review and research agenda. **Journal of Management**, v. 43, n. 6, p. 1-16, 2017.
- MOTTA, P. R. M. Revendo estrategicamente as organizações do Poder Judiciário: uma perspectiva gerencial. **Cadernos FGV Projetos**, v. 5, n. 12, p. 24-31, 2010.
- MYTELKA, L.; FARINELLI, F. De aglomerados locais a sistemas de inovação. In: LASTRES, H. M. M.; CASSIOLATO, J. E.; ARROIO, A. **Conhecimento, sistemas de inovação e desenvolvimento**. Rio de Janeiro: UFRJ, 2005. p. 347-378.
- NEELY, A.; HII, J. **Innovation and business performance: a literature review**. 1998. Available at: <[http://ecsocman.hse.ru/data/696/521/1221/litreview\\_innov1.pdf](http://ecsocman.hse.ru/data/696/521/1221/litreview_innov1.pdf)>. Accessed on: September 20, 2017.
- NELSON, R. Bringing institutions into evolutionary growth theory. **Journal of Evolutionary Economics**, v. 12, n. 1, p. 17-28, 2002.
- OLIVER, C. The antecedents of deinstitutionalization. **Organization Studies**, v. 13, n. 4, p. 563-588, 1992.
- ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT – OECD. **Oslo manual: proposed guidelines for collecting and interpreting technological innovation data**. 2005. Available at: <<http://www.oecd.org/science/inno/2367580.pdf>>. Accessed on: September 20, 2017.
- PHILLIPS, N.; LAWRENCE, T. B.; HARDY, C. Discourse and institutions. **Academy of Management Review**, v. 29, n. 4, p. 635-652, 2004.
- POTTS, J.; KASTELLE, T. Public sector innovation research: what's next? **Innovation**, v. 12, n. 2, p. 122-137, 2010.
- ROGERS, E. M. **Diffusion of innovations**. 5. ed. New York: Free Press, 2005.
- RØSTE, R. Studies of innovation in the public sector, a theoretical framework. **Publin Report**, D16, 1-39, 2005.
- ROTTA, M. J. R. et al. Aceleração processual e o processo judicial digital. **Revista Democracia Digital e Governo Eletrônico**, n. 8, p. 125-154, 2013.
- SADEK, M. T. Estudos sobre o sistema de Justiça. **O Que Ler na Ciência Social Brasileira**, v. 4, p. 233-265, 2002.
- SADEK, M. T. A. Poder Judiciário: perspectivas de reforma. **Opinião Pública**, v. 10, n. 1, p. 1-62, 2004.
- SALGE, T. O.; VERA, A. Benefiting from public sector innovation: the moderating role of customer and learning orientation. **Public Administration Review**, v. 72, n. 4, p. 550-559, 2012.
- SCHILDT, H.; PERKMANN, M. Organizational settlements: theorizing how organizations respond to institutional complexity. **Journal of Management Inquiry**, p. 139-145, 2017.
- SCHUMPETER, J. A. **Teoria do desenvolvimento econômico: uma investigação sobre lucros, capital, crédito, juro e o ciclo econômico**. São Paulo: Abril Cultural, 1982.
- SCOTT, W. R. Institutional carriers: reviewing modes of transporting ideas over time and space and considering their consequences. **Industrial and Corporate Change**, v. 12, n. 4, p. 879-894, 2003.
- SCOTT, W. R. **Institutions and organizations: ideas, interests, and identities**. London: Sage, 2008.
- SCOTT, W. R.; MEYER, J. W. **Institutional environments and organizations: structural complexity and individualism**. London: Sage, 1994.
- SOURDIN, T. Justice and technological innovation. **Journal of Judicial Administration**, v. 25, n. 2, p. 1-12, 2015.
- SOUSA, M. M.; GUIMARÃES, T. A. Inovação e desempenho na administração judicial: desvendando lacunas conceituais e metodológicas. **Revista de Administração e Inovação**, v. 11, n. 2, p. 321-344, 2014.
- SUCHMAN, M. C. Managing legitimacy: strategic and institutional approaches. **Academy of Management Review**, v. 20, n. 3, p. 571-610, 1995.
- SUNDBO, J. The balancing of empowerment. A strategic resource based model of organizing innovation activities in service and low-tech firms. **Technovation**, v. 16, n. 8, p. 397445-409446, 1996.
- TEECE, D. J. Firm organization, industrial structure, and technological innovation. **Journal of Economic Behavior & Organization**, v. 31, n. 2, p. 193-224, 1996.

TOLBERT, P. S.; ZUCKER, L. G. A institucionalização da teoria institucional. In: CLEGG, S. R.; HARDY, C.; NORD, W. R. **Handbook de estudos organizacionais**: modelo de análises e novas questões em estudos organizacionais. São Paulo: Atlas, 1999. p. 196-219. v. 1.

VERMEULEN, P. A. M.; VAN DEN BOSCH, F. A. J.; VOLBERDA, H. W. Complex incremental product innovation in established service firms:

a micro institutional perspective. **Organization Studies**, v. 28, n. 10, p. 1523-1546, 2007.

WILLIS, J. J.; MASTROFSKI, S. D.; WEISBURD, D. Making sense of COMPSTAT: a theory-based analysis of organizational change in three police departments. **Law & Society Review**, v. 41, n. 1, p. 147-188, 2007.

Marilú Pereira Castro

ORCID: <https://orcid.org/0000-0002-5879-5323>

PhD student in Management from University of Brasília (UnB); Master in Culture and Society and Bachelor in Executive Secretariat from Federal University of Bahia (UFBA), Brasília – DF, Brazil. E-mail: marilucastros@gmail.com

Tomas Aquino Guimarães

ORCID: <https://orcid.org/0000-0001-9261-2407>

PhD in Sociology from University of São Paulo (USP); Full professor at the University of Brasília (UnB), where teaches in undergraduate and postgraduate courses at the School of Management, Economics and Accounting, Brasília – DF, Brazil. E-mail: tomas.aquino.guimaraes@gmail.com