

Translating Recent Cases of Justice System Reforms into Theoretical Pillars: The Portuguese Case Study

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Abstract

The theoretical models of public administration do not always accurately represent the reality that shapes the basis of public decisions. The approaches, techniques and instruments chosen often have opposite effects. Public management reforms have become their own policy, which encompasses a group of reform menus based on several theoretical approaches (Pollitt, 2018). The objective of this work is to create a bridge between theoretical foundations and cases of recent reforms in Portuguese justice. For this, we opt for a qualitative methodological approach, using documentary analysis and content analysis as the data analysis technique. Three sets of reforms in the judicial area are presented, summarizing their objectives and their respective frameworks and results. Through the content analysis, it was possible to successfully relate the New Public Management and Governance to the reforms studied in the justice sector.

Keywords: Models of Public Administration, Justice Administration, Public Policies.

Traduzir Casos Recentes de Reformas do Sistema de Justiça em Pilares Teóricos: O Estudo de Caso Português

Resumo

Os modelos teóricos da Administração Pública nem sempre representam, de forma precisa, a realidade que molda os alicerces das decisões públicas. As abordagens, técnicas e instrumentos pelos quais se optam, frequentemente apresentam efeitos contrários aos esperados. As reformas na gestão pública cresceram, tornando-se numa própria política em si, englobando um aglomerado de menus de reformas baseados nas várias abordagens teóricas (Pollitt, 2018). O objetivo do presente trabalho pauta-se pela criação de uma ponte entre os fundamentos teóricos e casos de reformas recentes na Justiça Portuguesa. Para tal, optou-se por uma abordagem metodológica qualitativa, utilizando como técnica de análise de dados a análise documental e a análise de conteúdo. São apresentados três conjuntos de reformas na área judicial, enunciando os seus objetivos e respetivo enquadramento e resultados, sucintamente. Com recurso a análise de conteúdo, foi possível relacionar com sucesso a Nova Gestão Pública e a Governança com as reformas estudadas na área judicial.

Palavras-chave: Modelos de Administração Pública; Administração da Justiça; Políticas Públicas.

Traduire des cas récents de réformes du système de justice en piliers théoriques : l'étude de cas Portugaise

Résumé

Les modèles théoriques de l'administration publique ne représentent pas toujours fidèlement la réalité qui façonne les fondements des décisions publiques. Les approches, techniques et instruments choisis ont souvent des effets opposés à ceux attendus. Les réformes de la gestion publique se sont développées, devenant une politique en soi, englobant un ensemble de menus de réforme basés sur les différentes approches théoriques (Pollitt, 2018). L'objectif du présent travail est de créer un pont entre les fondements théoriques et les cas de réformes récentes de la justice portugaise. Pour cela, nous avons opté pour une approche méthodologique qualitative, utilisant l'analyse de documents et l'analyse de contenu comme technique d'analyse des données. Trois séries de réformes sont présentées dans le domaine judiciaire, énonçant brièvement leurs objectifs et leur cadre et leurs résultats respectifs. Grâce à l'analyse de contenu, il a été possible de lier avec succès la nouvelle gestion publique et la gouvernance aux réformes étudiées.

Mots clés: Modèles d'administration publique; L'administration de la justice; Politique publique.

Traducir casos recientes de reformas del sistema de justicia en pilares teóricos: el estudio de caso portugués

Resumen

Los modelos teóricos de la administración pública ni siempre representan con precisión la realidad que configura la base de las decisiones públicas. Los enfoques, técnicas e instrumentos elegidos a menudo tienen efectos opuestos. Las reformas de la gestión pública se han convertido en una política propia, que engloba un conjunto de menús de reforma basados en distintos enfoques teóricos (Pollitt, 2018). El objetivo del presente trabajo es crear un puente entre los fundamentos teóricos y los casos de reformas recientes en la justicia portuguesa. Para ello, optamos por un enfoque metodológico cualitativo, utilizando el análisis documental y el análisis de contenido como técnica de análisis de datos. Se presentan tres conjuntos de reformas en el ámbito judicial, resumiendo sus objetivos y sus respectivos marcos y resultados. A través del análisis de contenido, fue posible relacionar con éxito la Nueva Gestión Pública y Gobernanza con las reformas estudiadas en el ámbito judicial.

Palabras clave: Modelos de Administración Pública, Administración de Justicia, Políticas Públicas.

Introduction

This research was prompted primarily by the importance of establishing concepts of efficiency, effectiveness, and quality in Justice (Correia e Moreira, 2016; Pereira, 2020), based on the theoretical foundations of public administration models (Pollitt, 2018). Society's growing expectations of the justice system make this a relevant issue, that opens up a vast sphere of study (Correia, 2012; Correia e Bilhim, 2019). Our aim is accordingly to build a bridge between theoretical foundations and recent cases of reforms in Portuguese justice.

In order to achieve this, the present article is structured as follows: the first chapter explores the theoretical framework for the public administration models dominant in management

reforms, stressing the perspective of the respected academic, Christopher Pollitt. As a form of organizational framework, we present the Ministry of Justice, in accordance with the respective Organic Law. The chapter on methodology is followed by the findings, from documentary analysis and content analysis, and interpretation of those findings, drawing connections between the observations obtained from theory and practice.

1. Theoretical Framework

1.1. Reform in Public Administration: The New Public Management and Christopher Pollitt's Interpretation

The reform of Public Administration during the 1980s and 1990s became a policy in its own right, constantly evolving in the academic sphere. New Public Management lent vigor to management reform, also known by others as the Reinventing Government. Pollitt presents his own interpretation of this evolution in progress, stating that “academic thinking has become more discretionary, more nuanced and tolerant, with the understanding of the need for diversity” (2018:18).

The New Public Management model is a two-tier phenomenon: at a higher level, there is a theory/doctrine that defends improving the public service by adopting concepts, techniques, and values from the private sector. Below this we find concepts and actual practices more specifically related to performance, disaggregation and specialization, introduction of market mechanisms and a "client" orientation, applying improvements in service quality (Pollitt, 2018).

Osborne and Gaebler, authors of a book entitled “Reinventing Government” pointed to an unavoidable global trend: reinvention. Basing their work on fundamental principles for the birth of an enterprise administration: catalyzer administration, community-owned administration, competitive administration, mission-oriented administration, results oriented administration, client-oriented administration, enterprise-type administration, proactive administration, decentralized administration and market-oriented administration (Bilhim, 2013).

However, the idea of a global tendency, as the best model to be followed by all countries, was removed from the scenario. Several arguments are advanced: New Public Management is not a wholly coherent set of ideas, but rather a model that presents ambiguities; experience shows that reforms do not always work out as intended; the model is best suited to certain departments, and complex services, such as health or education, have not enjoyed success; comparisons between countries show that New Public Management is not a global tendency, because whilst

some countries had adopted only certain measures, others have been reluctant to implement any type of reform based on this theoretical framework (Pollitt, 2018).

Reforms implemented on the basis of New Public Management or Reinventing Government sought to get round six problematic issues in the workings of the public sector: productivity/efficiency, i.e. "how to do more with less"; strengthening the market as a cure for the bureaucratic legacy; bringing government closer to citizens, in order to improve the public service provided, so as to satisfy society's needs; decentralized decision-making; greater competence for management of public policy by government; and accountability of politicians. However, the paths set out in the reforms of the 1980s and 1990s led to fragmentation and what was called the "hollow state" (Bilhim, 2013; Correia, Jesus and Bilhim, 2016; Bilhim, 2017). The state's unique and majestic place gave way to a myriad of operations, so that it is often no longer the most important actor in a web of institutional relations distributing public services to citizens (Bilhim, 2017:10).

The traditional bureaucratic model was left behind in the quest for efficiency, decentralization, practices designed to offer transparency and attempts to respond to the problems mentioned above. In this context, where the dynamic between state and citizen was reinvented, after the failings of New Public Management, we now speak of Governance (Bilhim, 2017).

1.2 Reform in Public Administration: Governance

Governance recognizes the nuances of the nature of public management and its uncertainties and fragmentations. It lays stress on inter-organizational relations, transparency, equity, and quality of government processes (Bilhim, 2017). Governance theory points to styles of government which are more open and participative, with greater cooperation between the State and economic and civic partners, thereby establishing when and how responsibilities are shared, negotiations conducted between parties and decisions taken. The related principles are those of openness, participation, accountability, effectiveness, and coherence (European Commission, 2011).

We can see here the emergence of a new way of governing, through self-organized networks, with new forms of engagement between citizens and democratic institutions, clearly marking out a call for a historical transition (Hartley, 2005; Colebatch, 2014).

Table 1: Public Administration Paradigms

Characteristics	New Public Management	Governance
Context	Competitive	Continuous change
Population	Atomized	Diverse
Needs/Problems	Needs expressed in the market	Complex, volatile, and carrying risk
Strategy	Market and client-centered	Shaped by civil society
Actors	Markets; clients and suppliers	Networks and partnerships; civic leadership
Key Concepts	Public choice	Public value

Source: Hartley (2005)

According to Frederickson *et al.* (2012), Governance relates to the horizontal dynamics and the dynamics between institutions in public administration, set in a conjectured framework of declining sovereignty, shrinking importance of jurisdictional limits and institutional fragmentation. This author proposes grouping the concept under three distinct conceptions:

Table 2: Governance Conceptions

Synonymous with Public Administration and policy implementation	Synonymous with New Public Management	Theoretical body
Aims to unify the varied thinking in different areas in order to create a whole structure encompassing government activity.	New form of connection between citizen and state, with the aim of social welfare. Principles of this new thinking: productivity, market mechanisms, service-oriented, decentralization, transparency, accountability, and control of corruption.	Comprising horizontal and inter-institutional relations accompanied by reduced importance of jurisdictional barriers and organizational fragmentation.

Source: authors elaborations adapted from Frederickson *et al.* (2012)

However, Rhodes who explored this term further, argues that this fashionable concept is still imprecise. In the words of this academic: “Governance refers to self-organized inter-organizational networks, and those networks complement the markets and hierarchies such as government structures for allocation of resources and exercise of control and coordination” (1996: 652). Rhodes (1996) accordingly considers six ways of interpreting the term.

Table 3: Interpretations of Governance

Governance as the minimal State	Redefinition of public intervention, through use of markets and quasi-markets to provide public services
Corporate Governance	The system whereby organizations govern themselves, exert control and take decisions.
Governance as New Public Management	Change in the public sector means "less government" and "more governance".
Good Governance	Form of government, combined with concepts of accountability, transparency, rule of law, active citizen participation, accountability, and consensus.
Governance as a Socio-Cybernetic System.	A structure in a socio-political system as a result of intervention efforts by all the actors involved. In this way policies derive from actors and not only from central government.
Governance as Self-organised Networks	Manage networks, understood as a form of social coordination and inter-organizational connections, which presents itself as self-organised, autonomous and self-governed. These integrated networks are able to transcend direction from government, create their own policies and shape their own environments.

Source: authors elaboration adapted from Rhodes (1996)

The definition that will be adopted in this article will be that presented by Frederickson *et al.* (2012), in which Governance is synonymous with New Public Management, but with adjustments and improvements, as a new form of connection between citizens and state, with a view of social welfare. The principles of this new thinking are taken to be productivity, market mechanisms, service-oriented, decentralization, transparency, accountability and control of corruption.

2. The Organizational Structure of the Justice System in Portugal

The Administration of Justice is an emerging research area, with several challenges to embrace in its organizational system. Examples of studies range from monitoring specific measures in the judiciary management (Correia and Videira, 2015, 2016; Correia, Pereira & Costa, 2020), gender differences (Pereira and Correia, 2021), judicial reforms in terms of the quality management of the courts (Romão and Correia, 2021), and to the satisfaction and loyalty of citizens and employees to the services provided by the courts (Correia and Bilhim, 2019; Pereira and Correia, 2020).

The organizational structure of the Portuguese justice system is established in the Organic Law for the Ministry of Justice (Decree-Law 123/2011 of 29 December). This document is a landmark in the reform of the Portuguese public administrative authorities, drawn up in keeping with a commitment to efficiency alongside the Plan for Reduction and Improvement of the Central Administrative Authorities (PREMAC).

The Ministry of Justice's (MJ) mission is to design, conduct, execute and assess the justice policy defined by the Assembly of the Republic and the Government, handling the relations between the latter and the courts and the Public Prosecution Service, the Higher Council of the Judiciary and the Higher Council of Administrative and Fiscal Courts (Article 1). This government department comprises services belonging to the direct administrative authorities of the State, bodies that belong to the indirect administrative authorities of the State, advisory bodies, and other structures. The central services that belong to the direct administrative authorities of the State are the following: General Secretariat¹, Inspectorate-General of Justice Services², Directorate-General for Justice Policy³, Directorate-General for the Administration of Justice⁴, Directorate General for Reintegration and Prison Services⁵, and the Criminal Police⁶.

The central services that belong to the indirect administrative authorities of the State are the following: Institute for Financial Management and Justice System Facilities⁷, the Institute of Registries and Notarial Services⁸, the National Institute of Forensic Medicine and Sciences⁹, and the National Industrial Property Institute¹⁰ (Article 14).

¹ The mission of the General Secretariat is to provide technical and administrative support to the offices of the members of Government belonging to the MJ and to the bodies and services without an administrative support structure, and also to provide support to other MJ services and organizations in the fields of management and administration of human resources, public procurement of goods and services, technical and legal support and assistance with litigation, and documentation and archival, public relations and protocol functions (Article 8).

² The mission of the Inspectorate-General of Justice Services is to exercise audit, inspection and oversight functions in relation to all dependent entities, services and bodies, or those whose activities are supervised or regulated by the MJ (Article 9).

³ The mission of the Directorate-General for Justice Policy is to provide technical support, follow through and monitor policies, organize and encourage recourse to arbitral tribunals, to small claims tribunals and other extrajudicial means of dispute resolution, to undertake the strategic planning and coordination of external relations and cooperation, and to be responsible for statistical data in the field of justice (Article 10).

⁴ The mission of the Directorate-General for the Administration of Justice is to provide support for the workings of the courts (Article 11).

⁵ The mission of the Directorate-General for Reintegration and Prison Services is to develop policies on crime prevention, enforcement of sentences and social reintegration measures, and coordinated and complementary management of the system of young offender institutions and prisons (Article 12).

⁶ The Criminal Police is, briefly, a senior police corps whose mission it is to assist the judicial authorities in the investigation, development and promotion of prevention measures and investigations in their area of competence or entrusted to them by the competent judicial authorities (Article 13).

⁷ The mission of the Institute for Financial Management and Justice System Facilities (Instituto de Gestão Financeira e Equipamentos da Justiça, I. P.) is to manage the assets and funds allocated to justice, infrastructures and technological resources, and to propose the design, execute and assess computerization plans, in coordination with other MJ services and bodies (Article 15).

⁸ The mission of the Institute of Registries and Notarial Services (Instituto dos Registos e do Notariado, I. P.) is to execute and follow through policies on registry services, with a view to providing services to citizens and businesses, and to regulate, oversee and monitor notarial activities (Article 16),

⁹ The mission of the National Institute for Forensic Medicine and Sciences (Instituto Nacional de Medicina Legal e Ciências Forenses, I. P.) is to assure the provisions of forensic medicine services, scientific coordination of forensic medicine, and other forensic sciences, as well as promoting training and research in this field, overseeing and guiding the activities of forensic medical services and of the professionals contracted to provide expert forensic services (Article 17).

¹⁰ The mission of the National Industrial Property Institute (Instituto Nacional da Propriedade Industrial, I. P.) is to protect and promote industrial property, at national and international level, in accordance with the policy of modernizing and strengthening the country's business fabric (Article 18).

3. Methodology

Assessing the outcomes of reforms is an arduous task. This is due to the difficulties of analyzing and assessing a long-term, complex, multi-instrumental program of reforms involving various stakeholders, making it difficult to confirm efficiency gains (Pollitt, 2018).

The methodology used in this research is qualitative. In order to carry out this research and to achieve the aims set out above, documentary analysis was conducted of recent cases of reforms in the Portuguese justice system, more specifically, reform of the map of judicial regions, the concepts and reforms brought about by the Closer Justice Program (*Programa Justiça + Próxima*) and extrajudicial means of dispute resolution. In order to build the connection between New Public Management and Governance, on the one hand, and the justice system in Portugal, on the other, a content analysis was conducted of the Activities Plans of Ministry of Justice bodies and departments (excepting the Criminal Police), insofar as these strategy documents set out the vision of the organizations in question.

4. Findings

4.1. Reforms of the Justice System in Portugal: Recent Case Studies

Pollitt (2018) writes that translating theory into empirical reality, in implementing reform in the public sector, involves the following phases: (1) discussion and introduction of ideas on the political agenda, such as new approaches and techniques, discussed at conferences and workshops; (2) decision by government; (3) practicing the new techniques or new approach to be adopted; and (4) outcomes achieved with the reform.

Working through these phases may involve translations of the model/technique/approach adopted, and the original concept can be lost at each phase, partially or even totally. Analyzing translations of New Public Management, it is understood in academia that the ideas that address the doctrine, either nationally, or for a particular sector, are usually translated into the local vision in question. This means not only textual editions, but rather the real addition of a vision. Differentiation of emphasis helps in the selection and prioritization of different types of practices existing on reform menus. It is therefore also possible to improve management of expectations with regard to the outcome of the reform in view (Pollitt, 2018).

4.2. Reform of the Portuguese Judicial Map

For CEPEJ, the question of court territories is crucial and should be reviewed by member States. As a result, reforms of the organization and management of justice are one of the topics most spoken about on the reform menus of European countries (Martins, 2012).

Like other countries, Portugal has implemented reform. Law 62/2013, of 26 August (Law on the Organization of the Judicial System), regulated by Decree-Law 49/2014, of 27 March, overhauled the judicial organization of the territory, by creating larger judicial districts and introducing greater specialization, in combination with a new management model for *comarcas* (districts). The new judicial map has induced gains in the effectiveness of judicial services, by instituting a more specialized court system in Portugal.

The reorganization of the judicial system incorporated strategic objectives, based on three fundamental pillars: larger judicial districts which now, as a rule, coincide with the social centers reflected in administrative districts; new specialist jurisdictions at national level; and implementation of a new management model for judicial districts (Martins, 2012).

The fundamental aim of this reform is to establish management of targets for improved effectiveness and quality, to redraw the judicial map, to increase specialization in court services, to bring justice closer to citizens and, lastly, to increase the number of judges (Governo de Portugal, 2020).

4.3. Closer Justice Program: a public policy agenda

Justice as a pillar of the economy means that reform in this area is urgent. The Government's aim is to transform and modernize this fundamental pillar, so that we have a justice system that is more flexible, transparent, human, and close to the citizens. This is the context in which the Closer Justice Program was conceived (Pereira and Correia, 2020).

The Closer Justice Program has grown out of the policy for modernizing the State, a commitment made in the Major Planning Options 2016-2019 and also in the National Reforms Program and sets out to simplify and cut red tape in the State's dealings with citizens and businesses, geared to innovation and provision of efficient, effective and high-quality services. The program is planned to be executed over the four years of the legislature, although its scope is not stagnant, even in terms of the measures in view, meaning that it is a dynamic, flexible and interactive plan. In essence, the aims to be pursued are more flexible and simplified justice system that uses new technologies to be more efficient and optimize management, that is transparent in providing information and data; a humane justice, in its continuous response to the real needs of the target group; and, lastly, a justice that is closer to citizens, who are placed at the center of its

activities. This requires trust in judicial systems and guaranteed protection of individual rights and so, in order to materialize the image of a modernized justice system, it is focused on a strategy of change through the digital world, working at all times towards a collaborative culture (Ministério da Justiça, 2019).

Transformation is therefore pursued through four fundamental pillars. The first of these is efficiency, with the simplification and computerization of proceedings, designed to optimize the management of Justice with the use of open and interoperable technologies, employing models and methodologies associated with governance of Information and Communication Technologies governance. Promoting change in justice through innovation, modernizing and developing new technological solutions, in order to work towards open justice. The third pillar, humanization, sets out to lend dignity to the judicial system, in its facilities and also in its agents and actors. The last pillar, proximity, relates to creating services closer to citizens and companies, simplifying relations. This entails eliminating formalities and procedures, making information clearer, more transparent, and accountable, and also listening to citizens and responding to their needs (Ministério da Justiça, 2019).

Centered on the program’s strategic pillars are 118 measures for efficiency, 27 focused on innovation, 37 designed to increase proximity and 15 concerned with humanization. As of December 2019, of the 197 measures, 125 had been concluded, resulting in an implementation rate of 63%. Only 19% of the measures were at the execution stage, 8% were in preparation and 1% at the final installation stage (Ministério da Justiça, 2019).

4.4. Alternative Disputes Resolution: Small Claims Tribunals

Alternative Disputes Resolution or Extrajudicial Means of Disputes Resolution fall into three forms: Small Claims Tribunals, Arbitration Centers, and Mediation.

Small claims tribunals (*Julgados de Paz*) were instituted by Law 78/2001, of 13 July. These are courts organized and functioning along specific lines (Martins, 2012). Procedures in the small claim’s tribunals are designed in accordance with principles of simplicity, appropriateness, informality, oral proceedings and absolute procedural economy. The small claims tribunals are intended to permit civic participation by interested parties and to encourage the fair settlement of disputes through agreement between the parties (Law 78/2001, of 13 July, Article 2).

Demand for these "courts" has grown, evidence of which can be seen in the expansion of the network of small claims tribunals, from 12 in 2005 to 25 in 2018. The concept is based on simplicity and closeness to citizens, facilitating relations between citizens and the justice system.

4.5. Theory and practice: Translation in Portuguese Justice

Generally speaking, to look at a single model may be a great mistake on the part of governments. A better understanding can be reached through observation of the individual elements of each theoretical and conceptual model, and in understanding individually each component of reform, both conceptually, and in practices applied nationally or in a local context. After this exercise it will be healthy to analyze a series of reforms, to verify their coherence, logic and how they fit a given context. Large differences within a country and between public sectors is not a problem, and merely shows that there are different stories, different options and priorities within the public administrative system (Pollitt, 2018).

Analysis of recent reforms to the Portuguese justice system points very clearly to traits characteristic of Governance as synonymous with New Public Management. We may find a compromise between application of the two models, and significant efforts have been made to adapt them to individual bodies and services, in keeping with their respective missions.

Table 4, below, presents a content analysis of the Activities Plans of the organizational structure of the Portuguese Justice System, encompassing both the direct and indirect administrative bodies of the Ministry of Justice (except for the Criminal Police and the Institute of Registries and Notarial Services, due to the unavailability of documentation).

An in-depth analysis was conducted in documents, searching for concepts/expressions that pointed to theoretical translations of Governance as synonymous with New Public Management.

A second content analysis was conducted to consolidate the grounds for this study. Using the Modernization and Technology Plan of the Closer Justice Program, all the measures were classified by areas of action, respective theoretical pillar associated with the measure and the addressees of the measure (Annex).

Table 4: Theoretical Translations in the Organizational Structure of the Portuguese Justice System

Organizational Structure of Portuguese Justice			Theoretical translations
			Governance as Synonym of NGP (Frederickson, 2019)
Ministry of Justice	Direct State Administration	SG	Quality; Professionalism; Best Practices; Success; Accountability; Continuous Improvement; Communication; People Oriented; Cooperation; Greater Closeness; Effectiveness (SGMJ, 2019).
		IGSJ	Audit; Inspection; Oversight; Improvement; Accountability; Rigor; Agility; Cutting Red Tape; Multidisciplinary; Rationalization; Effectiveness; Efficiency (IGSJ, 2019).
		DGPJ	Citizen; Greater Closeness; Monitoring; Innovation; Statistics; Quality; Satisfaction; Continuity; Planning; Technological Developments; Performance; Sustainability; Transparency; Continuous Improvement; Stakeholders (DGPJ, 2019).
		DGAJ	Engagement; Continuous Improvement; Optimization of Resources; Satisfaction; Clients; Effectiveness; Efficiency; Quality; Stakeholders; Simplify; Greater Closeness (DGAJ, 2019)
		DGRSP	Sustainability; Security; Qualification; Education; Humanization (DGRSP, 2019).
		PJ	n/a
	Indirect State Administration	IGFEJ	Excellence; Optimization of Resources; Quality; Commitment; Innovation; Accountability; Trust (IGFEJ, 2019).
		IRN	n/a
		INMLCF	Public Interest; Ethics; Impartiality; Rigor; Quality; Methodologies; Collaboration; Clients; Effectiveness; Management; Satisfaction; Training (INMLCF, 2019).
		INPI	Creating Value; Products; Improvement; Public Agency; Skills; Quality; Promotion; Training; Cooperation; Business; Mechanisms; Partnerships; Innovation; Stakeholders; Entrepreneurship (INPI, 2019)

Source: authors elaboration on the basis of the following Activities Plans: (SGMJ, 2019), (IGSJ, 2019), (DGPJ, 2019), (DGAJ, 2019), (DGRSP, 2019), (IGFEJ, 2019), (INMLCF, 2019) and (INPI, 2019).

The two content analyses point to Governance as synonymous with New Public Management, both in the services and bodies of the Ministry of Justice, and in the reforms brought about by the Closer Justice Program. It is important to stress the individuality of the theoretical concepts applied to each case. In keeping with the individual features and missions of each department and body, the concepts identified also differ (Table 4). Depending on the area where the measures apply, repetition of the associated pillars diverges (annex). This refers to the materialization of individual approaches, presenting a delicate balance, but which is necessary for a better response to society's needs.

5. Discussion and Final Considerations

Reforms in public management are now considered a vital element by each political party. Proof of this can be seen in the growing community of consultants, academics, and former public servants in the “reforms industry” (Pollitt, 2018).

It is currently impossible to look at a reform program and detect only one theoretical expression of a model. Generic analysis is not a feasible solution, the way ahead requires individual approaches, grouped together by the dominant rationales: improved quality of public services; legitimacy and trust through public participation; continuity and specialty with implementation of new statuses, training, anti-corruption measures and internal audits, by strengthening Weber's traditional bureaucracy; decentralization of political authorities and administrative functions (Pollitt, 2018). These rationales are found in the course of research in Portugal, applied distinctly and individually.

This is a delicate balance. One government objective may conflict with another. One reform may detract from the principles of another. Increased citizen participation may weaken political control, anti-corruption measures may often hinder decentralization. An improvement in service quality may entail increased spending at a time of cuts in funding. Performance indicators may encourage debate and participation, provided the foundations for a decentralized State, but they can also be the basis for centralization of the public apparatus through control of organizational performance (Pollitt, 2018). Governments must manage this balance in a rational, rigorous, and humane way.

Planning, monitoring, oversight of activities and a focus on outcomes embody the dynamic of change in Justice Administration in Portugal, thereby establishing the idea of quality management models and management by objectives (Guimarães, Correia, Akutsu & Bilhim, 2015). Sound use of the instruments of justice serves to bring citizens and the justice system closer together, improving communication, and the efficiency and effectiveness of the judicial system. Accessible, transparent and simplified justice responds to the needs of society and promotes democratization and citizenship, helping to strengthen the economy (Ministério da Justiça, 2019).

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Annex

Area 1: Judicial System and Means of Disputes Resolution		
Measures	Associated Pillars	Addressees
My Court	Efficiency	Justice Services, District Management Bodies, Courts
Tribunal +	Closeness	Citizens, Attorneys, District Management Bodies, Courts
System of management indicators for courts	Efficiency	Higher Councils, Courts
System of management indicators for administrative and fiscal courts	Efficiency	Higher Councils, Courts
Support for setting quantified targets for clearing backlogs	Efficiency	Higher Councils, District Management Bodies, Courts
Automatic transcription proof of concept	Efficiency	Courts
Increased infrastructure for Justice network	Efficiency	Attorneys, District Management Bodies, Courts
Renewal and increased IT equipment and court management and productivity tools	Efficiency	Courts
Court room management system	Efficiency	District Management Bodies, Courts
Lower courts management information system	Efficiency	District Management Bodies
CITIUS - Remote access by judges	Efficiency	Courts
CITIUS - Interface with SISAAE	Efficiency	Enforcement Agents, Attorneys, Courts
CITIUS – Information on identification of judgment debtor and assets	Efficiency	Courts
CITIUS – Implementation of mechanism provided for in Article 551.5 of Code of Civil Procedure	Efficiency	Enforcement Agents, Courts
CITIUS - Faster preparation of final proceedings account	Efficiency	Enforcement Agents, Attorneys, Courts
CITIUS - Integration with inventory platform	Efficiency	Courts
CITIUS – Access by insolvency administrators	Efficiency	Judicial Administrators, Justice Services, Courts
CITIUS and SITAF - In higher courts	Efficiency	Attorneys, Courts
CITIUS – Direct access to Individual Driver Registry database	Efficiency	Courts
CITIUS - Inventory and review of forms available in system	Efficiency	Justice Services, Courts
CITIUS - Automatic procedures in judgment enforcement	Efficiency	Courts
CITIUS - Alerts system	Closeness	Attorneys
Online judicial certificate (CJE)	Efficiency	Citizens, Attorneys, Courts
Free Wi-Fi in courts and extension to other public offices in Justice system	Humanisation	Citizens, Attorneys
Justice Indicators Dashboard	Innovation	Citizens, Businesses
Improve communication between Justice System and Citizens	Closeness	Citizens, Businesses
Disclosure of expected duration of judicial proceedings	Innovation	Citizens, Businesses
Consultation of enforcement proceedings	Closeness	Citizens, Businesses

Increase in upper limit for size of procedural submissions	Closeness	Attorneys
Inclusion in PEPEX of debtors on public list of debtors	Efficiency	Enforcement Agents
Access by enforcement agents to proceedings attached to enforcement proceedings	Efficiency	Enforcement Agents, Courts
Reassessment of approval in inspection procedures	Efficiency	Courts
Possibility of videoconferencing between courts of the same district	Efficiency	Citizens, Courts
Pilot project for Express Mail Enveloping/Finishing in Justice	Efficiency	Justice Services, Courts
Automatic character recognition in digitalized submissions	Efficiency	Courts
One-stop point in Administrative and Fiscal Courts	Closeness	Citizens, Businesses, Attorneys, Courts
Platform for protection and promotion of children's rights	Humanization	Courts
CITIUS - Connection with GNR (police)	Efficiency	Justice Services
Forms for enforcement applications to Public Prosecution Service	Efficiency	Courts
Development of online area to connect Citizens to Public Prosecution Service	Efficiency	Citizens, Courts
Online applications for apostilles	Efficiency	Citizens
Tribunal Resolve	Efficiency	Citizens, Businesses, Justice Services, Courts
Reorganization and promotion of network of small claims tribunals	Efficiency	Alternative Means of Disputes Resolution
Online information on alternative means of dispute resolution	Efficiency	Citizens, Alternative Means of Disputes Resolution
"Protecting Crime Victims" website	Humanisation	Citizens
Document Management at DGAJ	Efficiency	Higher Councils, Justice Services, District Management Bodies, Courts
Online auctions for sale of goods recovered for State	Efficiency	Enforcement Agents, Citizens, Companies
Reassessment of small claims tribunals business model	Efficiency	Citizens
Pilot scheme for reorganization of small claims tribunals	Efficiency	Citizens, Businesses
CPTA/SITAF – Mandatory online filing of procedural acts	Efficiency	Attorneys
SITAF - Creation of online SITAF interface for attorneys	Efficiency	Attorneys
SITAF – Automatic issue of notifications	Efficiency	Justice Services, Courts
Promotion of network of arbitration centers for consumer disputes	Closeness	Citizens, Businesses Alternative Means of Disputes Resolution
Updating of supporting information system for CEJ's activities	Innovation	Justice Services
Modernization of online training contents	Innovation	Judicial Administrators, Attorneys, Justice Services
Rollout - My Court	Efficiency	Justice Services, District Management Bodies, Courts

IT system for Insolvency Administrators	Efficiency	Enforcement Agents
Rollout: Tribunal +	Efficiency	Courts
Alteration of rules on summonses	Efficiency	Citizen
Automatic registration and management of access by attorneys and judicial administrators to attorneys' portal	Efficiency	Judicial Administrators, Attorneys
Improve communication between Justice System and Citizens in injunctions	Closeness	Citizens, Businesses
Online criminal record certificate	Closeness	Citizens, Businesses
Online court services area	Closeness	Citizens, Businesses
Automatic translation pilot scheme	Efficiency	Courts
Rollout Automatic Transcription	Efficiency	Courts
Connection to IGCP for purposes of attachment of savings certificates and others	Efficiency	Courts
Consultation of all legal proceedings	Closeness	Citizens
Publication of insolvent estate	Efficiency	Judicial Administrators, Citizens, Businesses, Courts
Modernization of information systems and equipment provided to judges	Efficiency	Courts
Modernization of information systems and equipment provided to Public Prosecutors	Efficiency	Courts
Court Activities Management	Efficiency	Courts
Temporary online authentication in courts	Closeness	Citizens, Businesses
Submission of multimedia procedural documents by judicial attorneys	Innovation	Attorneys
Application for and granting of online access to judicial proceedings by non-party citizens/attorneys	Innovation	Businesses, Attorneys
Online notifications between judicial administrators and attorneys	Efficiency	Judicial Administrators, Attorneys
Single portal for judicial attorneys	Efficiency	Attorneys
OECD Roundtable - International Conference organised by Ministry of Justice in Portugal	Efficiency	Justice Services
Modernization of IT System for Criminal Records	Innovation	Citizens, Businesses, Justice Services and Courts
Expansion of interoperability of Criminal Record with ECRIS	Innovation	Citizens, Businesses, Justice Services and Courts
Increase in means of payment on Online Criminal Registry	Humanization	Citizens and Businesses
Automation of courts' access to criminal records	Efficiency	Courts
Online insolvency notifications from courts to Banco de Portugal	Efficiency	Courts
Online fingerprinting in courts	Innovation	Justice Services and Courts
Increased supporting tools for oversight of judicial administrators	Efficiency	Justice Services and Courts
Automatic generation and registration of collection documents used by Enforcement Agents	Efficiency	Justice Services and Courts
Online notification of judicial decisions to ECLI	Efficiency	Citizens, Higher Councils, Businesses, Attorneys and Justice Services
Integration of Citius with online auctions	Efficiency	Justice Services and Courts

Establishment of "online by definition" concept in procedural legislation	Efficiency	Citizens, Justice Services and Courts
Provision to attorneys of forms for class actions	Innovation	Citizens and Justice Services
CITIUS - Connection with Criminal Police	Efficiency	Justice Services
Consolidation of funding of arbitration centers in national consumer arbitration network	Efficiency	Citizens, Businesses and Alternative Means of Disputes Resolution
Santa Cruz small claims court	Closeness	Citizens and Businesses
International assessment of Justice modernization measures	Efficiency	Citizens and Justice Services
Personalized reception at registries	Innovation	Citizens
Collection of valuables at Registries	Humanization	Justice Services
Inter-administrative contracts with municipalities	Efficiency	Citizens and Justice Services
Online renewal of citizen's card	Efficiency	Citizens and Justice Services
Implementation of BRIS	Closeness	Citizens and Justice Services
Area 2: Criminal Investigation and Forensic Resources		
Complaint report with citizen's card	Closeness	Citizens, Justice Services
Increased capacity for IT Forensic Investigation	Efficiency	Justice Services
Forensic laboratory management system	Efficiency	Justice Services
International Police Cooperation: Passenger Information nit (UIP)	Efficiency	Justice Services
Creation of CSRIT Justice (Computer Security Response Incident Team)	Efficiency	Justice Services
Dematerialization of connection to telecommunications operators	Efficiency	Justice Services
Updating of analytical capability at Police Science Laboratory	Efficiency	Justice Services
Development of statistical methodology for interpreting results and presenting conclusions of forensic examinations	Efficiency	Justice Services
Acquisition of Wi-Fi technological solution - Man in the Middle (MITM)	Efficiency	Justice Services
Creation of malware incubators for analysis and research purposes	Efficiency	Justice Services
Training under Law Enforcement Training Scheme (LETS)	Efficiency	Justice Services, Courts
Cyber intelligence	Innovation	Justice Services, Courts
Increase Criminal Police's capacity for collecting and analyzing online evidence	Efficiency	Justice Services
Setting up Internet Referral Unit in Criminal Police	Efficiency	Justice Services
Increase operational capacity in disaster situations at INMLCF	Efficiency	Justice Services
Improvement to Management and Customer Service System at INMLCF	Efficiency	Justice Services
Control of proceedings at INMLCF using barcodes	Efficiency	Justice Services
Public Prosecution Service in Action	Efficiency	Justice Services
Central Registry of Beneficial Owners	Efficiency	Businesses

Area 3: Social Reintegration and Prison Services		
E-learning training for prisoners	Closeness	Justice Services, Prisoners
Justice for @ll	Humanization	Citizens, Prisoners, Courts
Communication between prisoners and families by videoconference	Humanization	Justice Services, Prisoners
Doctor's appointments by videoconference at prisons	Humanization	Justice Services, Prisoners
Possibility of prisoners appearing as witnesses in trials from prisons	Humanization	Justice Services, Prisoners, Courts
Activity Management Information System at prisons	Innovation	Justice Services
Increased IT equipment and productivity tools at prisons	Efficiency	Justice Services
Modernization of Information and Communication Systems at Directorate-General for Reintegration and Prison Services	Efficiency	Justice Services
Area 4: Registries and Industrial Property		
Online communication in accordance with parental responsibilities regulation	Efficiency	Justice Services, Courts
Online witness certificate, Provide citizens with possibility	Humanization	Citizens
Death Services	Closeness	Citizens
Online Criminal registry	Closeness	Citizens, Businesses
Integration of SICRIM in European system	Efficiency	Justice Services
Online birth registrations	Closeness	Citizens
Online Civil Registry Certificate	Closeness	Citizens
SMS registered company	Closeness	Citizens, Businesses
Expansion of on-the-spot services with pre-booked slots	Efficiency	Companies
Automatic checks of attributes of statutory bodies of a company	Closeness	Citizens, Businesses
Simultaneous updating of address at Vehicle Registry	Closeness	Citizens
Increased IT equipment and productivity tools at registries	Efficiency	Justice Services
Modernization of Platforms and introduction of new services at Notarial Offices and Registries	Efficiency	Justice Services
Reactivation of text message alerts for registration of trademarks, designs, and patents	Closeness	Citizens, Businesses
Sending of notifications and decisions by email for trademarks, designs, and patents	Closeness	Citizens, Businesses
Access to opinions on INPI portal	Closeness	Citizens, Businesses
Creation of text message reminders for time limits relating to trademarks, designs, and patents	Closeness	Citizens, Businesses
National Inventor of the Year Award	Innovation	Citizens, Businesses
INPI online	Efficiency	Justice Services
BUPi, single property counter	Efficiency	Citizens, Businesses
Regeneration of built environment in registries	Efficiency	Justice Services
INPI - Digital by default (Phase II)	Closeness	Citizens, Businesses
BUPi - Implementation Phase	Closeness	Citizens, Businesses

Death Services Rollout	Humanization	Citizens
Automation of courts' access to criminal records	Efficiency	Courts
Online Company in Europe	Efficiency	Companies
Online consultation of status of nationality procedure	Efficiency	Citizens, Attorneys
Pilot scheme for online submission of nationality applications (Sephardi Jews)	Efficiency	Attorneys
GAC Portal	Innovation	Citizens, Businesses
2019 WIPO Worldwide Symposium on Gis	Innovation	Citizens, Businesses
Area 5: Participation and Innovation		
Innovation in Justice Space	Innovation	Higher Councils, District Management Bodies, Courts
Provision of catalogue of public open data	Innovation	Citizens, Businesses
Online Justice Library	Closeness	Citizens, Higher Councils, Businesses, Attorneys, Management Bodies, Justice Services, Public Administration Services, District Courts
Shared Justice	Innovation	Higher Councils, Ministry of Justice, District Management Bodies, Courts
Challenges in Justice	Innovation	Citizens, Businesses
Justice 360° - Citizen satisfaction assessment	Closeness	Judicial Administrators, Enforcement Agents, Citizens, Higher Councils, Businesses, Attorneys, Alternative Means of Dispute Resolution, Justice Services, District Management Bodies, Prisoners, Courts
Justice Line	Closeness	Citizens, Businesses
Justice in my case	Closeness	Citizens, Businesses
Online Justice Platform	Closeness	Citizens, Businesses
Justice Area	Closeness	Citizens
"Open Gov" Strategic Plan on Justice	Closeness	Citizens
Partnership in use of Justice Hub	Innovation	Citizens and Justice Services
Area 6: Justice Services		
Paperless General Secretariat, Ministry of Justice	Efficiency	Justice Services
Management Structure of European Funds for Justice	Efficiency	Justice Services
Platform for recovery of goods and assets in favor of the State	Efficiency	Justice Services
Ministry of Justice Joint Services	Innovation	Justice Services
Citizen's Card @ Ministry of Justice	Efficiency	Justice Services
MJ Digital Conservation Plan	Efficiency	Justice Services
Sustainability and energy efficiency plan	Efficiency	Justice Services
Technological updating of Justice Statistics Information System (SIEJ)	Innovation	Justice Services
Online document store	Efficiency	Higher Councils, Alternative Means of Dispute Resolution, Justice Services, Courts
Inventory of collection and organization of Justice museum centers	Closeness	Justice Services

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Installation of a disaster & recovery center	Efficiency	Alternative Means of Dispute Resolution, Justice Services, Courts
Business continuity plan	Efficiency	Alternative Means of Dispute Resolution, Justice Services, Courts
Ministry of Justice Historical Archives	Innovation	Citizens, Justice Services, Public Administration Services
Integrated Asset Recovery System	Efficiency	Justice Services
Express Mail Enveloping/Finishing in Justice	Efficiency	Justice Services
Study of online working environments	Efficiency	Justice Services
Advertising of assets of insolvent companies	Closeness	Justice Services
Increased security for software data in Justice information systems	Efficiency	Judicial Administrators, Enforcement Agents, Attorneys, Justice Services, District Management Bodies, Courts
Structuring of information in criminal reports archive	Efficiency	Justice Services
Justice HUB	Innovation	Justice Services
Modernization of interoperability of Criminal Record with SEF	Efficiency	Citizens and Justice Services
Immediate issue of Criminal Record Certificates for Foreign Citizens in Courts and RIAC	Humanization	Citizens and Justice Services
Integration of Criminal Record Certificates in the Document App	Humanization	Citizens and Justice Services
Child and young victims area	Humanization	Citizens
Witness area	Humanization	Citizens
Training in fight against online crime	Efficiency	Justice Services
+ European Funds	Efficiency	Justice Services
+ Environment	Efficiency	Justice Services
My institute	Efficiency	Justice Services
Ballistic identification	Efficiency	Justice Services

Source: authors elaboration, based on Closer Justice Plan (version 1.28)