

# Key indicators for justice: evidence-based research for policy-making

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## ABSTRACT

Government policy-making is a complex and challenging activity. Academic knowledge can help inform, design and improve policy-making. However, policy-makers and academics interact rarely. They are part of two disconnected cultures and realities. The purpose of this study is to show how a close relationship between policy-makers and researchers, clear objectives, and transparent research methods are fundamental conditions to successful and impactful formation of policy. This work contributes to an ongoing reflection on policy-driven research through the presentation of a specific case study in the field of Justice. This case consisted on investigating the most relevant indicators to understand the importance of the Justice sector for economic development and growth using a multi-method investigation that combined quantitative and qualitative analysis, conducted by a multi-disciplinary research team.

## CCS CONCEPTS

• **Applied computing** → **Computers in other domains** → Computing in government → *E-government*

## KEYWORDS

Evidence-based Research, Policy-making, Indicators, Justice

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## 1. INTRODUCTION

The relationship between Governments and Academic research is traditionally poorly bounded. They are seen as separate and distant entities with different cultures, interests and realities. They rarely interact, while a closer collaboration could be relevant at different levels. For example, one of the overarching challenges in institutions is related to external requests. There is substantial pressure on governments for data provision, coming from different sources and for different purposes. In this regard, Governments and Ministries are constantly facing the need to provide data that feeds all types of international and national studies, reports, rankings and indexes without feedback about their relevance and impact. Once confronted with this situation, the immediate action from Governments and Ministries is to gather necessary information and correspondent provision. Notwithstanding, a sound and profound reflection about these incoming requests may be required and useful for solid and sustained action. The collaboration between research and public practice finds here a reasonable room for further cooperation.

Furthermore, the Academic/Government relationship requires specific attention and to be consolidated at the policy formation level. The objective of this paper is to show how a closer relationship between policy-makers and researchers, clear

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objectives, and transparent research methods are fundamental conditions for successful and impactful policy-making. More specifically, it aims at showing how policy-making and public practice can be anchored in scientific research by describing the multi-method approach designed to answer to the following question: “Which indicators are to be valued in the Justice system of a certain country?”. It relies on a specific project conducted in Portugal focusing on the presentation of the scientific approach to the topic, the major findings as well as on the recommendations arising from the research conducted.

After this introduction, the first section aims at contextualizing the project and the challenge addressed to the team. It clarifies the three phases of the research starting by explaining the rationale of the conceptual model used. Section 3 is devoted to the process of selection of databases for the quantitative and qualitative analysis and provides some insights of the research findings. In the fourth and last section of the paper, the lack of dialogue between academics and policy-makers is stressed along with the major contributions of this project for the ongoing debate of reflection around the usefulness of policy-driven research.

## 2. CONTEXT AND METHODS

This project departs from the diagnosis that studies, rankings and indexes are mushrooming in the international context for different sectors of activity. Many different formulas are being used by international and national organizations to form composite indicators which are crucial for a country’s image. The final products, usually ranking system, are determinant for the countries’ visibility and can have distinct reactions, serving as ‘walls of shame’, tools for improvement or discouraging instruments.

The producers of indicators (such as the World Bank, United Nations, European Commission or other) rely on public national institutions to feed their studies while, at the same time, the latter are challenged to disclose performance indicators in an unforeseen manner. Indeed, motivated by principles of good governance and open government and transparency hypes, governments tend to massively increase their online presence with the disclosure of statistical data, not always with adequate and customizable means for public use. The data can thus become meaningless for users and even lose a pedagogical purpose for common citizens who could find here an easily accessible way of getting informed.

Under these circumstances, practitioners often question the usefulness of these multiplying studies, rankings and indexes and the priority that should, or not, be given to certain indicators. The reasons for this are various but can be summarized into three: 1) because provision and management of data directly affect their daily work; 2) because symbolic power and authority vary across producers of indicators; 3) because a deeper understanding of the uses of indicators allows optimization of resources.

With this in mind, the objective of this study is to demonstrate the value of scientific research and expertise for policy-making trying to tackle with the three abovementioned propositions. For this purpose, we will focus on the particular case of the Justice

system in Portugal. To analyze this case we developed a three-phase methodological approach.

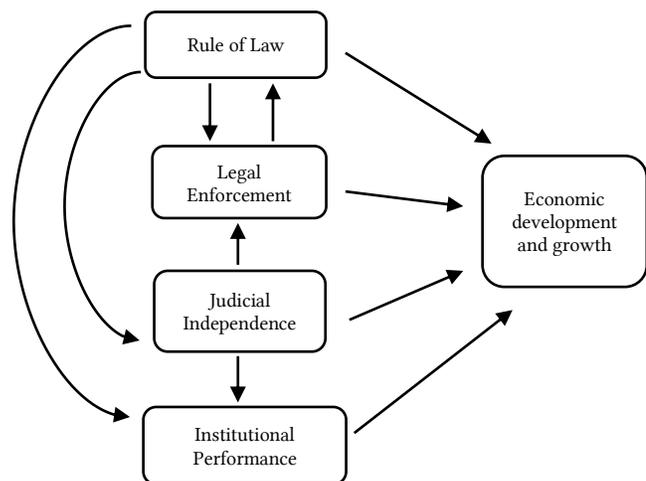
The first phase consisted of the contextualization of the Portuguese Justice system in the paraphernalia of international studies, rankings and indexes and selection of a sample of databases within the framework of a previously defined conceptual model. This model was developed following a literature review and a continuous and close interaction with the Ministry of Justice, which allowed to shed some light on understanding the centrality of the bilateral relationship between Justice and economic development and growth. It constituted an important frame to provide a specific angle for the analysis and therefore for the selection of relevant databases and indicators under this umbrella.

The model displayed in Figure 1 resumes four factors that serve as pillars when operationalizing the bilateral relationship between Justice and economic development and growth.

Rule of law, according to the systematic literature review conducted by Hasan ([6]), induces economic growth. It is, in short, the application of rules of society.

Legal enforcement is a factor that emphasizes the quality of processes, particularly regarding time and costs, and focuses on the evaluation of whether each economy has adopted a series of good practices that promote quality and efficiency in the court system.

The third factor is the most cited. Judicial independence from the other powers is presented as a sine qua non condition for the effectiveness of the Justice system ([7]). Although with different measures (e.g. [8]; [9]), there is evidence that countries with independent justice systems are more likely to have strong protection of property rights, political and human rights that encourage growth and development ([10]).



**Figure 1: Model of four factors sustaining the bilateral relationship between Justice and economic development and growth.**

The fourth and last factor is institutional performance. For several authors, the quality of institutions is intimately related

with economic performance ([1]; [2]; [3]; [4]; [5]). While broad and complex, this concept captures law, individual rights and high quality government regulation and services.

In the second phase of the study, the goal was to position the country in the selected studies and databases in order to identify strengths and weaknesses. At this stage, research methods combined qualitative and quantitative approaches (namely econometric analysis and structural equation modelling) and results were presented.

The third and last phase was devoted to the analysis and discussion of the results obtained and consequent presentation of recommendations for Portugal.

### 3. FINDING KEY INDICATORS FOR JUSTICE

As mentioned in Section 2, this study was conducted considering the importance of Justice for economic development and growth and therefore the selection of databases for the analysis was framed by this understanding.

After the identification, collection and organization of international studies, rankings and indexes related with the Justice sector, and listing of all indicators, a selection took place according to the following criteria:

- 1) The presence of Portugal;
- 2) Time span (10 or more years);
- 3) Having primary production of data;
- 4) Having a connection with economic development and growth;
- 5) Considering recommendations from a specialist in Economy;
- 6) Being consistent with the expectations and requirements of the commissioner of the study.

The selected databases are from the Council of Europe (European Commission for the Efficiency of Justice – CEPEJ), the European Commission (Justice Scoreboard), the World Economic Forum (Global Competitiveness – GCI) and from the World Bank (Doing Business and Worldwide Governance Indicators – WGI). A quantitative analysis was made when quantitative data was available for that purpose.

Both qualitative and quantitative analysis allowed the characterization of the situation of Portugal. The results from the structural equation modelling (SEM) presented a prioritization of indicators in Doing Business, Global Competitiveness and Worldwide Governance Indicators (WGI).

The correlation coefficients of indicators presented in Figure 2 are a sample of all the indicators used in the SEM. The results show that the indicators with most significant weight are from WGI, which means this is a relevant producer of indicators for Portugal.

This analysis was complemented by matching the most relevant indicators identified in the SEM with the concrete situation of the country. Thus, it led to a categorization of the Portuguese situation according to a labelling system. Using the labels Fragile, Moderate and Strong, it was possible to identify

areas in which public officials could invest to better communicate the country externally as well as areas in which additional efforts would possibly be translated into internal improvements.

Table 1 presents how this was done for one of the analysed databases, Doing Business.

According to the results gathered in Table 1, Portugal is likely to improve its external image if using the indicators from the Doing Business project, developed by World Bank, marked with yellow stars. The better the country performs, the more stars are added. The scale used to label the performance of the country in each indicator was based on data from the 2018 Report.

The same rationale is valid when the country is performing less, meaning that it is an opportunity to focus on a certain indicator internally in order to improve its position in the project.

These recommendations were designed for short-term implementation (balancing time, performance and costs) and were integrated into three categories. On the one hand, communication strategies were revealed fundamental, not only externally but also internally. Performance and assessment is another important category, not only in terms of interaction with citizens (through the provision of information and promotion of participatory mechanisms) but also between workers of the Justice sector (considering reengineering and process revision to better use digital technologies). A closer eye to European standards and cross-check with other countries were also stressed in the recommendations. The third and last category relates to the capacity building and training of officials, which is crucial for effectiveness and efficiency and revealed to be a fragility in the Portuguese context.

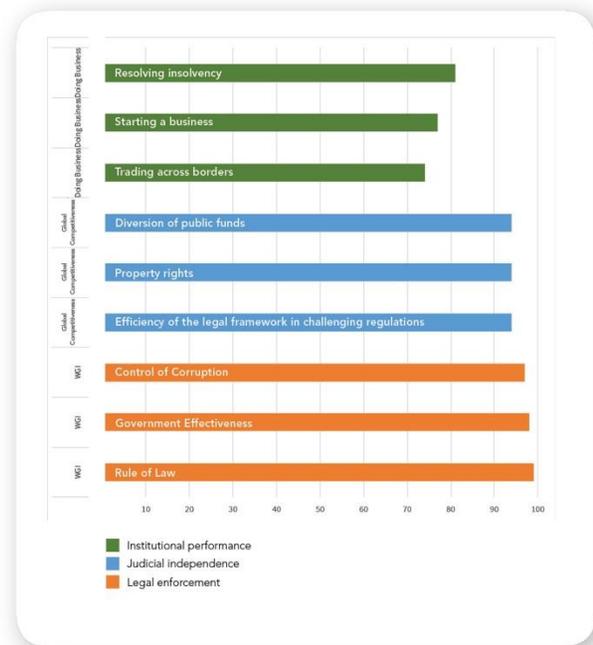


Figure 2: Correlation coefficients of indicators.

**Table 1: Conjugation of the situation of Portugal with the priority for investment in external communication and internal improvement (Doing Business).**

Doing Business	Situation of Portugal	External communication	Internal improvement
Enforcing contracts	Moderate		
Resolving insolvency	Strong (*maximum priority)	★★★★★	
Getting credit	Very fragile		★★★★★
Paying taxes	Moderate		
Getting electricity	Strong	★★	
Registering property	Strong	★★★	
Dealing with construction permit	Moderate		
Protecting minority investors	Strong	★	
Trading across borders	Strong	★★★★	
Starting a business	Strong	★★★★★	

Combining all data gathered and analysed and articulating results from the quantitative and qualitative analysis, some recommendations were provided.

#### 4. RESEARCH FOR POLICY-MAKERS: A MULTI-METHOD APPROACH

As already argued, scientific research and policy-making are usually apart. They are often perceived as different areas of activity. While international examples and practices can be good sources of inspiration for policy-makers and are frequently used and mentioned in public policy spheres, it is not very common to witness the same interest for scientific research. In this regard, successful examples of how research can help to tackle with concrete problems that governments face are the best way of promoting the dialogue between these two traditionally apart spheres.

First, researchers must be clear in the principles guiding them, as well as with the research methods and tools used. On the one hand, as different ‘languages’ are used in these two domains, researchers may need particular caution to convey the messages. On the other hand, it is important to have a permanent dialogue between the intervenients, so that objectives are clearly defined at an early stage and research results are translated into useful tools for policy-makers.

At the end of this study, a policy brief was delivered with a summary of the objectives, findings and recommendations. This is a crucial instrument for policy-makers with limited time and resources as well as a suitable way of leveraging scientific and

academic research for policy-modelling. Additionally, it aims at presenting evidence-based hints for further public action with a simple and targeted semantics.

This project is a successful example of how policy-driven research can be conducted by researchers from different disciplines, such as Economics, Information Systems, Computer Science and Communication Sciences, with complementary approaches to a complex topic and with specific outputs that can be used by policy-makers. It was developed for the Justice sector and with very concrete framing and objectives. Notwithstanding, it can be adapted to other fields and countries and to address similar issues in order to contribute for more transparent and accountable policy-modelling and policy-making. In short, this paper demonstrates the practicality of policy-driven research while simultaneously shows the added value of evidence-based research for policy-making.

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