

OTIMIZAÇÃO DO FINANCIAMENTO DO TRIBUNAL: PRINCÍPIOS LEGAIS E SOLUÇÕES PRÁTICAS

OPTIMIZING COURT FINANCING: LEGAL PRINCIPLES AND PRACTICAL SOLUTIONS

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ABSTRACT

The increasing workload on courts and judges over the past decade, alongside concerns about the fairness of its distribution in Russia and internationally, underscores the pressing need to improve financing mechanisms for judicial activities across different jurisdictions. Addressing this challenge requires resolving key issues related to providing courts with adequate and appropriate financial support. This must be approached from both a financial and a systemic perspective, ensuring adherence to the principle of judicial independence at both institutional and individual levels. This study examines the legal frameworks and practices associated with court financing and identifies ways to optimize established budgeting models for judicial bodies. The authors argue that while funding appears to increase annually in absolute terms, a detailed analysis reveals significant flaws, including the absence of a legislatively established mechanism linking financial allocations to the actual workload of judicial units or the performance of individual judges. The paper proposes restructuring approaches to financing judicial activities, emphasizing results-oriented frameworks tailored to the work performed at the local level. The study aims to develop theoretical principles for the financial support of judicial activities. This includes analyzing criteria for adequate funding and examining allocation mechanisms, incorporating insights from select foreign jurisdictions, and proposing improvements to the legislative framework. The article reviews various performance-based budgeting models implemented in different countries, distinguishing them by the extent to which legislative authorities account for judicial workloads when formulating budgets. The research employs comparative legal analysis, synchronous and diachronic methods, and formal legal methodologies. The study highlights that accurate workload data is pivotal in preparing future judicial budgets. Workload assessments must consider the complexity of conflicts resolved in court. The authors conclude that classical economic productivity concepts are only partially applicable to the justice sector. Additionally, productivity cannot solely be evaluated by the number of resolved disputes, given the need to balance high productivity with acceptable workload standards for judges. This balance is critical for mitigating excessive strain on judicial bodies and ensuring the effective allocation of resources for delivering justice.

Keywords: Legal regulation; Court financing; Judicial system budget; Productivity; Judicial workload standards.



RESUMO

A crescente carga de trabalho dos tribunais e juízes na última década, juntamente com as preocupações sobre a justiça de sua distribuição na Rússia e internacionalmente, ressalta a necessidade urgente de melhorar os mecanismos de financiamento das atividades judiciais em diferentes jurisdições. Para enfrentar esse desafio, é necessário resolver as principais questões relacionadas ao fornecimento de apoio financeiro adequado e apropriado aos tribunais. Isso deve ser abordado de uma perspectiva financeira e sistêmica, garantindo a adesão ao princípio da independência judicial nos níveis institucional e individual. Este estudo examina as estruturas e práticas legais associadas ao financiamento dos tribunais e identifica maneiras de otimizar os modelos orçamentários estabelecidos para os órgãos judiciais. Os autores argumentam que, embora o financiamento pareça aumentar anualmente em termos absolutos, uma análise detalhada revela falhas significativas, incluindo a ausência de um mecanismo estabelecido pela legislação que vincule as alocações financeiras à carga de trabalho real das unidades judiciais ou ao desempenho de juízes individuais. O documento propõe abordagens de reestruturação para o financiamento de atividades judiciais, enfatizando estruturas orientadas para resultados, adaptadas ao trabalho realizado em nível local. O estudo tem como objetivo desenvolver princípios teóricos para o apoio financeiro às atividades judiciais. Isso inclui a análise de critérios para financiamento adequado e o exame de mecanismos de alocação, incorporando percepções de jurisdições estrangeiras selecionadas e propondo melhorias na estrutura legislativa. O artigo analisa vários modelos de orçamento baseado em desempenho implementados em diferentes países, distinguindo-os pela extensão em que as autoridades legislativas levam em conta as cargas de trabalho do Judiciário ao formular orçamentos. A pesquisa emprega análise jurídica comparativa, métodos sincrônicos e diacrônicos e metodologias jurídicas formais. O estudo destaca que dados precisos sobre a carga de trabalho são fundamentais para a preparação de futuros orçamentos judiciais. As avaliações da carga de trabalho devem considerar a complexidade dos conflitos resolvidos no tribunal. Os autores concluem que os conceitos clássicos de produtividade econômica são apenas parcialmente aplicáveis ao setor judiciário. Além disso, a produtividade não pode ser avaliada apenas pelo número de disputas resolvidas, dada a necessidade de equilibrar a alta produtividade com padrões aceitáveis de carga de trabalho para os juízes. Esse equilíbrio é fundamental para mitigar a pressão excessiva sobre os órgãos judiciais e garantir a alocação eficaz de recursos para a prestação da justiça.

Palavras-chave: Regulamentação legal; Financiamento de tribunais; Orçamento do sistema judicial; Produtividade; Padrões de carga de trabalho judicial.

1 INTRODUCTION

Theoretical insights into the financial challenges faced by judicial systems are of value both at the doctrinal and applied levels, particularly in the processes of budget formulation and subsequent oversight of allocated resources. The 10th All-Russian Congress of Judges, in its Resolution No. 1 of December 1, 2022, underscored the importance of "ensuring constitutional guarantees for financing the judicial system to facilitate the full and independent administration of justice in accordance with federal law" (All-Russian Congress of Judges, 2022).

Despite a consistent annual increase in funding, questions remain regarding the



allocation and utilization of these resources. This raises critical debates about the effectiveness of current funding practices and whether methodologies from other disciplines can be adapted to enhance financial management in the judicial sector. It is important to note that this issue pertains not to the operational functioning of the judiciary but specifically to its financial underpinning.

The relevance of this research is dictated by the persistent challenges in court financing, a topic that continues to be debated at the highest levels in both Russia and abroad. For instance, the Secretary of the Plenum, Judge of the Supreme Court of the Russian Federation, Chairman of the Council of Judges of the Russian Federation, Doctor of Law, Professor V.V. Momotov observes in his article a negative trend where attempts to reduce the financing of the judiciary—both in terms of the judicial system as a whole and specific budgetary items such as judges' salaries—pose a threat to justice. He emphasizes that the financial independence of the judiciary, including the ability to autonomously manage budgets allocated to courts, should become a priority issue for the judicial community (Momotov, 2021).

The Consultative Council of European Judges (CCJE) similarly highlights in its conclusions on court financing that, while the level of judicial financing that a country can afford is a political decision, systems based on the separation of powers must ensure that neither the executive nor the legislative branches have any means to exert pressure on the judiciary. Furthermore, the CCJE separately underscores the necessity of adequate funding for judicial bodies. Thus, financial independence is the cornerstone of judicial independence and the integrity of each "servant of Themis" in adhering to the law (Momotov, 2021).

This challenge is not unique to Russia. In many foreign jurisdictions, ensuring adequate financial support for courts remains a pressing issue, closely intertwined with fundamental legal principles, particularly the independence of the judiciary. The significance of funding as a critical factor is underscored by Article 124 of the Constitution of the Russian Federation, which enshrines a principle aimed at ensuring the complete and independent fulfillment of judicial functions. Nevertheless, in Russian legal theory, issues related to judicial financing, especially the criteria for what constitutes "sufficient" funding, remain underexplored, further complicated by their interdisciplinary nature.

In an era where digitalization and efficiency-driven mechanisms are increasingly integrated into administrative decision-making, the sufficiency of judicial financing must be examined through both theoretical and practical lenses. These challenges are rooted in managerial and, consequently, legal questions concerning the organization and justification



of court budgets (Ivanov et al., 2022; Lipchanskaya et al., 2022).

First, the concept of performance-based budgeting (PBB) widely used in various economic sectors in both Russia (Slabospitskaia, 2022) and other countries (Baidina & Truba, 2020), provides a potential methodological basis. However, its applicability to the judiciary is limited to serving as a methodological framework (Lienhard et al., 2015). Metrics such as efficiency and productivity, often employed in the management of average organizations, do not fully align with the principles of justice. For instance, the principles of fairness and guarantees of judicial protection impose significant restrictions on the application of productivity tools within the judiciary. As a result, legal principles and corresponding guarantees determine the specific features of judicial financing and its independence.

Second, achieving adequate financial coverage for the needs of individual judges requires developing a methodology for assessing court workloads (Lienhard & Kettiger, 2010). This methodology should include average weighted labor cost standards for resolving cases, accounting for their complexity and specificity. Such an approach raises a practical challenge: determining the extent of resources required by judges and their support staff to meet these demands. Drawing from international experience, this issue is addressed differently across jurisdictions at both the doctrinal and practical levels, and it remains a subject of ongoing debate (Kleiman et al., 2019).

Third, ensuring adequate financial support for the judiciary, which is constitutionally guaranteed and represents a defining feature of this branch of government, necessitates further comparative analysis of judicial financing practices in various countries. Employing a comparative legal methodology allows for the identification of existing financing models, assessed through the lens of their effectiveness. This approach provides an opportunity to highlight both the positive aspects of these models—such as measures that safeguard judicial independence—and their shortcomings, which may undermine their desirability.

Numerous scientific studies explore the topic of court financing, with some examining the correlation between financial provision, judicial fairness, and independence. Lienhard et al. (2015), along with Viapiana (2019), emphasize that states increasingly favor PBB. Kleiman et al. (2019) highlight the importance of "assessing the workload of the courts," focusing on the perspective of individual judges. Langbroek (2019) suggests the development of a "portfolio value" approach within national legislation. This model proposes calculating the financial resources required by courts to resolve specific cases and using historical data to allocate funds for the upcoming year.



An analysis of these studies reveals a broader debate concerning the optimization of financial resources to guarantee the right to judicial protection. This optimization necessitates an objective calculation formula at the national legislative level, ensuring not only the operational efficiency of judicial bodies but also their financial independence.

The central scientific question addressed in this study is: What should be the main criteria for determining the funding levels for the judicial system as a whole and for individual judges, in alignment with legal principles?

Given the above, the goal of this study was to formulate theoretical principles for the legal framework of judicial financing, with particular emphasis on the sufficiency of current funding and the specifics of future budget planning. Achieving this goal requires considering the accumulated experience in this domain across various jurisdictions. The conclusions will include proposals for revising existing domestic approaches to judicial financing at the legislative level.

2 METHODOLOGY

2.1 Study design

This research employed a combination of general philosophical, theoretical, and legal methods, as well as expert assessment approaches. The philosophical methods included dialectics, synthesis, analysis, and deduction, providing a comprehensive analytical framework. Synchronous and diachronic methods were applied to evaluate relevant regulatory legal acts of the studied jurisdictions.

2.2 Data collection

The study utilized both primary and secondary sources. Primary sources included regulatory legal acts in the analyzed countries, focusing on documents governing court financing over a short-term historical period. Secondary sources comprised scientific works by Russian and international scholars specializing in justice financing.

2.3 Analysis

The comparative-legal and formal-logical methods were central to analyzing changes



in legislative approaches to financing models. Expert assessments were incorporated to evaluate proposed frameworks for financial support within select judicial systems. This combination of methods ensured a robust analysis of the subject matter.

3 RESULTS AND DISCUSSION

3.1. Adequacy of financial support for courts: retrospective and current state

Adequate financial support for courts refers to the allocation of sufficient funds to cover key elements such as high-quality human resources, necessary property, and operational expenses. This allocation must enable courts to achieve their objectives effectively without compromising the principles of justice. Proper prioritization within the funding process is crucial to achieving positive outcomes consistent with the principles of fairness and equity.

From an international perspective, paragraph 33 of the Recommendation CM/Rec(2010)12 of the Committee of Ministers underscores this principle, stating: “Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently” (Committee of Ministers of the Council of Europe, 2010). However, the current system of court financing in Russia, as codified in Federal Law of the Russian Federation of February 10, 1999 No. 30-FZ "About financing of the courts of the Russian Federation" (hereinafter referred to as the Law), indicates that while funds are allocated according to specific budgetary classifications (Article 2, Part 1), there remains no formal correlation between funding and judicial workload, which continues to grow over time (State Duma of the Federal Assembly of the Russian Federation, 1999).

According to Article 5 of the Law, key expense items include material support for judges, their families, and offices, as well as maintenance costs for the Judicial Department of the Supreme Court and court facilities. Additionally, the Law establishes restrictions on the government's ability to unilaterally reduce the judiciary's budget (sequestration), granting the judicial community the exclusive right to approve such reductions. These measures are designed to uphold the principle of judicial independence, though their practical implementation often remains general rather than specific.

Despite economic challenges, financial allocations to Russian courts have consistently increased due to these guarantees. For instance, the federal court budget—excluding the Constitutional Court and Supreme Court—rose from 9.7 billion rubles in 2001 to 304 billion



rubles in 2023 (Varaskin, 2023). However, this significant growth in funding has not resolved the issue of sufficiency. On the contrary, it highlights the complexity of addressing this issue, which cannot be resolved by merely correlating funding increases with inflation rates or other simplistic metrics.

To develop criteria for determining sufficiency, at least two key factors, as highlighted in international standards, must be considered:

1. **Human Resources:** The adequacy of staffing levels relative to the volume of court cases. Paragraph 35 of Recommendation CM/Rec(2010)12 emphasizes that states must allocate sufficient personnel to handle existing workloads effectively.
2. **Judicial Remuneration:** Compensation that reflects the professional skills and responsibilities of judicial staff. Paragraph 54 of the same Recommendation highlights the need for remuneration that ensures fairness, eliminates risks of corruption, and upholds judicial independence.

By addressing these factors, policymakers can better align funding mechanisms with the needs of the judiciary, ensuring both operational efficiency and adherence to legal principles.

Analyzing the financial support of courts through the prism of the designated criteria reveals several risks related to achieving sufficient financial support and, consequently, the principle of judicial independence. While court budgets are not entirely static and undergo periodic reevaluation during their execution periods, these adjustments often overlook a critical factor: judicial workload. Instead, factors such as the establishment of new courts, increases in the minimum wage, and rising associated costs (e.g., court security, technological upgrades, utilities) are prioritized. The rise in these costs, however, does not necessarily reflect the actual development of the judicial system but instead mirrors the broader economic context.

In the United Nations Economic and Social Council's Resolution of May 24, 1989, titled "Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary," it is emphasized that ensuring adequate resources for courts requires consideration of several key factors. These include the size of the judiciary and its supporting staff, the volume of cases handled, the availability of modern infrastructure and technical resources, and, importantly, fair and sufficient remuneration for judges and court personnel (United Nations Office on Drugs and Crime, 1992). Similarly, the CCJE draws clear correlations between adequate court financing and fundamental principles of justice, such as fairness and timely adjudication (Consultative Council of European Judges (CCJE),



2001). The CCJE further expands this perspective in Opinion No. 11 (Consultative Council of European Judges (CCJE), 2008), linking the quality of judicial decisions to sufficient financial support for court operations.

From this, it becomes evident that the quality of judicial performance cannot be guaranteed if courts face unresolved personnel and resource challenges. Adequate staffing levels, both in terms of judges and auxiliary personnel, are critical. However, systemic staffing problems have persisted for years, even with the introduction of incentive bonuses for judicial personnel, such as justices of the peace in Russia (Nozikova & Sinchenkova, 2022).

The increase in court cases, often interpreted as a sign of growing public trust in the judiciary, has not been matched by a proportional increase in financial resources. For instance, adjustments in judges' salaries primarily follow gradual increases in the minimum wage, rather than reflecting the escalating workload. Despite these adjustments, judicial salaries have grown at a rate lower than market averages, with discrepancies far exceeding acceptable margins. Consequently, the Russian judicial system has fulfilled its obligations not through technological advancements but via an unsustainable reliance on increased workloads and structural inefficiencies.

Staffing shortages and inadequate professional qualifications further compound the problem. In urban areas, courts face excessive workloads, while in rural areas, the challenge lies in recruiting qualified personnel due to the lack of local educational institutions offering even secondary vocational training, let alone higher legal education. This disparity highlights the absence of a robust personnel reserve to meet the demands of the judiciary.

Despite these systemic challenges, Russia's judiciary has demonstrated remarkable efficiency in case processing times, often surpassing leading global economies. For instance, civil cases are resolved five times faster than in many other countries, and administrative cases are resolved at a rate twenty-five times faster. However, this efficiency has been achieved largely through increased judicial workloads, raising concerns about the quality of case adjudication. The growing volume of cases places immense strain on individual judges, necessitating support measures to maintain both efficiency and quality (Council of Judges of the Russian Federation, 2022).

There are several proposals addressing this issue. From the perspective of court financing, alternative approaches can be considered when planning the size of appropriations. These appropriations could be calculated based on the volume of cases handled. However, not all cases are of equal complexity, and the judiciary cannot be treated



as a production line. Existing research has already explored methods to distinguish between complex and straightforward cases. Additionally, in Russia, multiple mechanisms are in place to ensure the quality and integrity of judicial decisions.

An analysis of court budgeting practices in Russia reveals a lack of transparent and objective criteria for determining budget allocations. Specifically, current funding models fail to account for the growing caseload handled by individual judges. This oversight poses significant risks to the equitable distribution of national resources and adherence to fundamental legal principles. If these trends persist, they may undermine the ability to uphold principles such as fairness and judicial independence.

Additionally, existing reports on judicial spending lack critical metrics, such as the impact of resource allocation on the quality of judicial activities. There is no established correlation between funding and the actual performance outcomes of individual judges. This disconnect suggests that current court funding approaches do not function as modern instruments for maintaining and enhancing the judiciary's authority.

The identified risks underscore the urgent need to revise existing judicial financing models. Funding should be more closely tied to the performance of individual judges, particularly their primary role in administering justice. A performance-based approach to funding could address both qualitative and quantitative aspects of judicial work, ensuring that financial resources are allocated in a manner that supports the judiciary's independence and effectiveness.

3.2 Financial support for court activities in various jurisdictions

It is challenging to identify a developed country that has not encountered the complexities of balancing adequate financial support for court activities to uphold the aforementioned legal principles (Webber, 2007). In this context, the primary goal should not be to provide additional leverage in the budget formulation process, where the judiciary acts as a stakeholder. Rather, legislative bodies must ensure that, when approving the funding for courts, they minimize political influence over priority-setting and focus solely on the objective criteria for calculating funding needs.

It is widely recognized that most countries, in addressing the issue of court funding, base their calculations on past expenditures. Fortunately, these statistics are updated annually. As a result, the issue of judicial workload, while critical, often fails to take precedence and is, in fact, not considered in the budgeting process. However, some



countries have begun to shift their approach. Specifically, the Netherlands, Finland, and France have reassessed their strategies for court financing. These nations have integrated judicial workload markers into their calculations, giving rise to a model now referred to as PBB (Viapiana, 2019).

PBB, originating from economic principles, is generally understood as a method of project financing where operational and future costs are determined directly by the goals outlined and the desired results achieved through their implementation (Ho, 2018; Zlomanova & Petrushina, 2022). In the Netherlands, the primary legal documents governing court financing are the Judiciary (Organization) Act (2020) and the Court Sector (Funding) Decree of 2005 (2005). These documents establish a performance-based mechanism for forming the judicial budget, which has been positively evaluated by international institutions. Specifically, the European Network of Councils for the Judiciary (ENCJ) highlighted that the Netherlands has a system that is both balanced and complex in its approach to financing the judiciary (Langbroek, 2019).

A defining feature of the Dutch system is that the allocation of funds is based on an analysis of judicial workload. This means there is a direct correlation between the judge's performance and the funding allocated to his or her activities. Moreover, this funding mechanism operates outside the political process of priority setting, as the future budget is determined using objective criteria based on judicial workload.

If we consider the overall amounts, the judiciary in the Netherlands receives approximately 1 billion euros annually (De Rechtspraak, n.d.). Analyzing the expenditure of this amount reveals that the lion's share—95%—is allocated through the PBB, which is calculated based on the number of cases processed. The formula used to determine the number of cases involves two primary elements: the number of disputes resolved over a specific period, and the "portfolio cost." Thus, the allocation of funds depends entirely on the judiciary's performance, with case complexity also being factored into the equation.

Additionally, the Netherlands distinguishes between different types of cases, categorizing them into ten specific groups, such as fines, taxes, and others. This classification allows for the creation of a system for evaluating labor costs, referred to as the "portfolio cost." This cost reflects the amount the legislature is willing to allocate from the budget for each court's operations. It is subject to upper and lower limits, with civil cases, for example, costing between 140 and 3,615 euros per case. The cost of a case is influenced not only by its complexity but also by various related factors, such as the form of the judicial process (e.g., oral or written proceedings) and the number of judges involved in the case.



Furthermore, this "portfolio cost" is updated every three years to reflect general factors that influence living standards.

Thus, the core structure of the Dutch judicial financing mechanism is based on workload standards, projected over the time periods required to consider the average number of cases, which are then categorized. Achieving this level of differentiation necessitated extensive scientific research and practical testing.

This model of court financing is designed to motivate the judiciary to resolve cases as quickly as possible. However, the system of judicial decision reviews ensures that this expedited process does not come at the cost of quality. By reducing the time it takes to resolve cases compared to the legally allotted time, judges become more "focused" on reducing the backlog of unresolved cases. From a financial standpoint, this approach allows the court to receive additional allocations based on its productivity.

Unlike Russia, where the process is more centralized and uniform, the Dutch system is divided into several stages. The first stage involves forecasting the judicial workload for the upcoming period, taking into account past performance. This forecast serves as the basis for determining the final budget amount. Subsequently, the funds are gradually spent, with a focus on the "portfolio value." At the end of the billing period, the results are assessed. If the court has performed better than expected, surplus funds are either returned or additional funding is allocated, with the fluctuation potentially reaching up to 70% of the initial budget.

Regarding the average cost of a court case, taxpayers in the Netherlands contribute approximately 525 euros per case (Langbroek, 2019). This cost reflects the application of the RBB model, where higher productivity is financially rewarded: the more cases resolved, the more money the court receives. This system encourages courts to work at a high pace and rewards judges and staff based on their output.

However, there are potential risks and negative consequences associated with this financing mechanism. It mirrors the operation of a commercial organization, where profit is the primary measure of success. While this can be seen as an advantage, it also introduces the risk of turning the judiciary into an entity that prioritizes output over justice, which contradicts the fundamental purpose of the courts. This conflict between judicial efficiency and the principles of justice has sparked debate on how to resolve it while maintaining the core values of the judicial system. The general public is concerned with receiving high-quality justice, not seeing judges maximize their earnings through meeting performance indicators. Thus, while this system incentivizes judges to be productive, it risks distorting the



true essence of the judiciary (Visser et al., 2019).

The solution to this problem lies in developing mechanisms to assess the quality of judicial decisions, ensuring that judicial protection for individuals is not compromised in favor of efficiency metrics. This would preserve the integrity of the justice system while allowing courts to remain productive.

Turning to Finland's approach, we observe a similar "financing in exchange for results" model. Here, the primary criteria for financing are the goals that reflect the effectiveness of judicial activity. The financial support is explicitly aimed at achieving these goals. The judicial system is managed by a state agency responsible for the courts, which, like the Dutch system, is accountable for the quality of the judiciary's work.

The introduction of this court financing mechanism has influenced the organizational structure of the judiciary, specifically leading to the establishment of the so-called "Judicial Administration." Unlike the Russian approach, this body is subordinated to the Ministry of Justice of Finland, but overall, it performs similar functions and tasks.

In the Finnish PBB mechanism, there is minimal direct correlation between the results of judicial work and the resources allocated. Instead, the system uses an average weighted workload mechanism, not for individual judges but for the broader judicial unit. Consequently, the more overburdened a particular court is, the greater the share of resources it can expect to receive. Additionally, parameters for permissible workload levels have been developed and implemented. This approach allows for identifying the extent and location of resource needs, including human resources.

Regarding financial support for the Finnish judicial system, there has been a steady increase in the allocated funds, similar to the trends observed in Russia. The majority of these expenditures are directed toward human resources (75.5%), with the second largest expense being the rental of premises for organizing workplaces (12%) (Ahola & Mutka, 2022).

Thanks to the application of PBB approaches and the use of the aforementioned average weighted criteria for judicial workload, it has become possible to align financial goals with legal principles. This alignment ensures a balanced distribution of resources while maintaining equality among courts in their financial expenditures. The Finnish Ministry of Finance conducts targeted discussions annually with each judicial unit within the established taxpayer funding limits to achieve these financial goals. At the conclusion of the calculations, the results of this work are reviewed and summarized. If the goals are not met, the discussions shift to analyzing the reasons for the shortcomings. One of the final outcomes



of these negotiations may include redistributing financial flows or revising the established goals.

A mechanism resembling Finland's PBB was implemented in France. The initial version of this mechanism was introduced in 2005 and later refined following the practical application of the well-known postulate, "practice is the criterion of truth." This refined mechanism is referred to as "program budgeting." The foundation for regulating state appropriations lies in Organic Law on Laws of Finance of August 1, 2001 (generally known as the LOLF) which outlines the main framework for financial distribution. However, it is worth noting that France has not yet adopted a specialized legislative act dedicated solely to the financial support of its judiciary.

The French PBB mechanism prioritizes the formulation of programs and the development of goals to enhance judicial performance. These goals are accompanied by markers that assess whether specific indicators have been achieved, which, in turn, influence the allocation of financial resources within the judicial system. Both the formulation and approval of the budget, as well as the evaluation of final reports on completed work and achieved indicators, are critical stages in this process. Notably, judicial expenditures in France have been steadily increasing, as evidenced by the adoption of Act No. 2021-1900 of December 30, 2021, "On Finances for 2022" (2021).

The introduction of these new approaches to judicial financing in France has led to significant changes. Notably, the number of judicial and auxiliary personnel has increased, with over 1,000 new positions created, and efforts are underway to further expand staffing levels (Expert-Foulquier, 2020; Lefèvre, n.d.-b). Beyond addressing material needs, the PBB mechanism also emphasizes the development of goals and performance markers. These goals are broad and aim to improve quality and efficiency. In contrast, the markers are designed to evaluate the extent to which these goals are achieved. For instance, the markers include:

1. The time taken to process incoming correspondence and adjudicate cases.
2. The number of cases resolved and overturned, among other indicators

(Viapiana, 2019).

The focus on labor productivity underpins all stages of court financing, with the adoption of digital solutions identified as a key approach to reducing costs in the future. The government has also emphasized the importance of cost reduction, with priorities including transitioning from paper-based to digital systems, enhancing the functionality of court websites, and adopting remote work formats (Lefèvre, n.d.-a).



While acknowledging the advantages of French practices, it is important to highlight a notable shortcoming: the absence of a tool for assessing judicial workload within the PBB mechanism. This gap highlights the need for doctrinal guidance to rationally develop this area, potentially through introducing classifications for the complexity of court cases (Lefèvre, n.d.-b).

4 CONCLUSION

(1) A possible solution to achieving balanced court financing lies in developing doctrinal justifications based on a public compromise. This compromise must balance societal development priorities, the interests of individuals and organizations involved in legal disputes, and the needs of those administering justice, including their right to fair working conditions. Achieving this balance is particularly challenging within a strained judicial system facing significant demands from society. A comprehensive theory of court financing should outline the conceptual patterns of financial decision-making, establish indicators for sufficient funding, and recognize stable and transparent financing as both a guarantee and an integral facet of judicial independence.

(2) Another critical issue involves ensuring equal financial support among all judges, correlating with the principle of equality. This principle entails equal access to judicial protection for all individuals.

(3) The previously discussed mechanisms for court financing reveal a focus on results-based budgeting. Core components of PBB mechanisms include formulating goals for judicial system improvement, adopting comprehensive approaches to achieve these goals, and applying markers to measure success. The integration of these components—program formulation, performance markers, and their correlation with resource allocation and expenditure—requires specific legal regulation.

(4) The analyzed PBB mechanisms aim at achieving results, but their financial focus introduces an additional layer of complexity. This complexity relates to the extent to which prior PBB results should inform decisions about future budget allocations. The degree of reliance on historical data ranges from informational references to mandatory prioritization in determining both the total allocated funds and their specific allocation.

Personnel costs, for instance, often represent the largest expenditure in judicial budgets. Ultimately, it is the actions of personnel that determine whether a case is resolved. A well-equipped courthouse without adequate judicial staff cannot function effectively. While



it may operate, the quality and productivity of its work would remain questionable (Balashova, 2022).

(5) For the development and implementation of PBB mechanisms across jurisdictions, it is crucial to establish standards for judicial workload and approaches for distinguishing between complex and simple cases. These classifications must be informed by both empirical data and scientific research (Svirin, 2022), while also incorporating guarantees for fair judicial decisions and equitable working conditions. Such measures necessitate sufficient financial resources.

(6) In the Russian context, the Council of Judges of the Russian Federation, in collaboration with the Judicial Department under the Supreme Court of the Russian Federation, has developed a mechanism for assessing judicial workload. Based on Presidium Resolutions No. 656 of July 18, 2018, and No. 691 of December 3, 2018, classifiers for disputes and correction factors for various types of proceedings were created. Using data collected through questionnaires from reference groups, a representative empirical base on the labor intensity of various disputes across judicial branches was established. Although this study covered only 34 regions of the Russian Federation, the sample is considered sufficiently representative (Varaskin, 2018).

RECOMMENDATIONS

This study allows for the comparison of two critical indicators: the current state ("as is") and the desired state ("as it should be"). To balance the distribution of resources allocated to court performance, judicial workload standards should inform various aspects of financial planning, including material support for judicial units based on their workload. In some countries, part-time judges combine judicial work with other professions, ensuring judicial units in less active areas remain operational without maintaining excessive staffing levels. This system optimizes judicial districts without sacrificing justice delivery.

To improve financial support mechanisms for courts, future judicial budgets should be based on tested expenditure obligations and workload standards. These standards have been validated in practice and now require legal codification. Furthermore, officials involved in planning and approving judicial budgets must account for judicial workload data when determining resource allocation.



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