

SUMMARY OF ARTICLE: <https://dx.doi.org/10.12795/rea.2020.i40.01>

Is Spanish Justice Satisfactorily Progressing in Andalusia?

María José Vázquez-Cueto

pepi@us.es  <https://orcid.org/0000-0003-1695-7723>

Facultad de Ciencias Económicas y Empresariales.

Avenida Ramón y Cajal 1. Sevilla 41018

Francisco Gutiérrez-López

f.gutierrez@poderjudicial.es; francisco.gutierrez.ius@juntadeandalucia.com  <https://orcid.org/0000-0002-2948-4286>

Sección Cuarta de la Audiencia Provincial de Sevilla.

Prado de San Sebastián s/n. 41071 Sevilla.

KEYWORDS

Administration of Justice
Radar charts
Andalusia
Spain
Regional public sector

The aim of this essay is analyze Andalusia's Autonomous Community Judicial System, comparing it with the rest of Spain between 2009 and 2018, highlighting the territorial inequalities present in the Justice Administration, having Andalusia as the main reference.

Spain has an unfocused Justice Administration (JA), the central competences are divided between the Justice Ministry (JM) and the General Judicial Power Council (CGPJ), and some decentralised competences may be allocated to the Autonomous Communities (AM).

The JA its organised territorially in Superior Justice Courts (SJC), one in every AM. It is then divided in four different jurisdictions: criminal (criminal conducts), civil (controversies between citizens), contentious-administrative (citizen controversies with the Administration) and labour (controversies between entrepreneurs and workers and social security). This allows an analysis of the AJ by AM and jurisdictions.

Radial graph methodology is used along the investigation, a visual technique that, as far as we know, hasn't been applied previously in this field, Justice. A new area has opened for the investigation of a public sector, which operation constrain to other sectors and has direct implications in the economic sphere of a country.

A radial graph represents the information through radial axes. Characterizing an object by measurable and standardized attributes, the radial graph will be represented visually as an irregular polygon obtained by joining the data. Allowing either the comparison in between the objects, or the development of them over time. Furthermore, the polygon's area could be used as an indicator, the bigger the area, the better will be the analysed object's situation.

Four key indicators are considered for this study by the CGPJ: Litigation Rates (LR), Resolution Rates (RR), Pendency Rates (PR) and Congestion Rates (CR).

Now that the variables have been defined, we obtain the respective data for Andalusia and the rest of the country excluding the previous Autonomous Community (Spain) in the years 2009, 2012, 2015, 2016



and 2018. Standardized improvement directions will be defined and calculated for the analysis of the improvements achieved in the following periods, 2009-2012, 2012-2015 and 2016-2018.

For each period, an improvement of a variable is gathered in the radial graph. For individual periods, the comparison between Andalusia and Spain will be done. With a considerable amount of them, the evolution of the enhancement could be appreciated.

The improvement directions will be differently defined depending if the enhance is due to an increase or decrease of its value. For the $[t, t+1]$ period, the region with the best behaviour for the variable in $t+1$, will be assigned with the value of 1, all the other regions will have values between 0 and 1 for $t+1$, and the region with the worst into $[t,t+1]$ will be assigned with the value of 0. Thus, a region with a 0.5 value means that, for the considered variable, has improved between t and $t+1$ the half of the best.

To all the jurisdictions, in the 2009-2012 Andalusia improves its PR and CR to a greater extent than Spain and worsen ostensibly the LR. Andalusia with two rates improving and two worsening with respect to Spain, the graph does not allow the collective improvement appreciation, to see this, we should consult the global indicator. For Andalusia is 1,225 and for the rest 1,296. It follows that the operating system of the JA during this period improves less in Andalusia. In the 2012-2015, Andalusia keeps its PR as the rest of Spain, but worsens all the other rates, and a smaller polygon is visualized for the region. Spain experiments the biggest improvement during this period while Andalusia is far away from this progress, once again mentioning the negative datum of the CR. The gap between the indicators is now 1,2. 2016-2018 is a special period where extreme values are reached. Andalusia in the RR, and Spain in the other rates. It's the phase where Andalusia is more damaged, the gap between them shortened in comparison of the previous period, principally due to the deterioration of Spain and not the improvement of Andalusia.

To see the scope of the worsening of Andalusia, the jurisdictional analysis it is done once again.

To the Civil jurisdiction, in 2009-2012, even excellent levels are kept in their CR and RR, Andalusia worsens the PR and the CR. The CR has been a burden for the Civil Jurisdiction in Andalusia that has caused to sink the indicator 1,29 points below Spain's one, which shows an outstanding behaviour. In 2012-2015, adding to Andalusia's previous situation, the non-improvement of the RR is added, however, doesn't increases the gap between Spain due to its LR worsening. In 2016-2018, an extreme situation has reached out, while Andalusia doesn't improve in any of its variables (they are all null), Spain reaches the highest values in all of them (1 for the improvement of each one of them).

To the Criminal Jurisdiction, 2009-2012 Andalusia improves its PR and CR even though the considerable deterioration of the LR, making the indicator reach the values of 1,017, 0,215 points from Spain's improvement. In 2012-2015 the previous period's tendency it's kept, aggravating less the LR and more the RR. The situations compared are completely opposite: Spain improves its LR and RR while Andalusia worsens them, and paradoxically, while Andalusia improves its PR and CR, Spain does the opposite. As they compensate, the indicator reaches very close values, 1,086 for Andalusia and 0,966 for Spain, hiding very different situations. In 2016-2018, with an extreme situation, Andalusia, except in the LR, reaches the highest improvement rates.

To the Administrative Jurisdiction, in 2009-2012 Spain and Andalusia are improving, however Andalusia its better in the RR and worse in LR. During 2012-2015 the limit of the last one is conceived, maximum gap between the RR, in favour of Andalusia and LR in favour of Spain, which leads into similar numbers in the indicator, 0,962 and 0,893, near but with two different realities. In 2016-2018 the tendency has now changed: Spain reaches its maximum values and Andalusia its minimum, except the less aggrieved rate, the LR.

To the Social jurisdiction, in 2009-2012 it is the only jurisdiction where Andalusia has a good performance in LR, at the same time the PR and CR are being damaged. In 2012-2015, the precedent situation has continued, however, the gaps between the LR and RR have decreased, the first one in favour to Spain and the second one to Andalusia. In 2016-2018 Andalusia improves the most in the LR. All the other rates do not show any upgrade es. For Spain the improvement in the LR is inexistent and maximum in the rest variables. The numbers are 0 and 1 respectively in the indicator.

It is concluded that civil and social jurisdictions show the worst behaviour in Andalusia comparing it to Spain and drag this pattern to all the other jurisdictions.



The regional differences in the Spanish Judicial System in terms of investment or the number of Judges and Prosecutors by filed cases remain throughout time (Gutiérrez López, F. 2016). The research address that the potential improvements in its operating system are following the same pattern or if regional divergencies are found, considering simultaneously the LR, RR, PR, and CR's behaviour. The specialized academic literature considers the procedure speed (measured by CR), as a reference of the operating system of a JA, lacking this consideration any theoretical fundaments. This investigation is a pioneer treatment of the simultaneous consideration of the four principal rates for a further judicial system's analysis.

The use of radial graphs is an added value for the investigation as it allows in a visual way to deduct if the scarce amount of changes adopted make that the Judicial Systems of al the AACC converge or not. This investigation has considered Spain and Andalusia as two different and independent regions, also, the improvements experienced by them have been divided in three periods, 2009-2012, 2012-2015 and 2016-2018. During these periods it is shown how the gaps increase during time, and not only in matter of the jurisdictions, only the criminal and administrative one keep a convergent tendency throughout time, which are absorbed by the bad patters of the civil and social jurisdictions when they are all considered as a group.

The main weak point of the methodology is bypassed by using, for the representation a region's judicial system, the rates that the General Judicial Power Council (GJPC) considers essentials for analysing its operating system. Besides, the technique only takes a picture of the situation, without considering the circumstances which have led to it, (in previous investigations of Vázquez Cueto, M.J. and Gutiérrez López, F., 2017, different variables are analysed and compared to see if they had lead on this situation). Anyway, it provides a global vision of what is happening and, thus, enables an actuation line which consists on improving the rate which makes that a region drops off from the improvement experienced by other one.

The investigation shows a methodology which can be applied to a fundamental public sector of the country as it is its Judicial Administration.