

Ten Years of Implementing Accusatory System Redesigning of the Judicial Organization: A Case Study of State of Oaxaca, Mexico

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Abstract: Case study is presented from exploratory research to address the problem of the functioning from the courts and the administrative staff of the adversarial system in the state of Oaxaca, that little has been investigated. Evidence from other states reveals that inadequate organizational design causes the service to users of the justice administration is provided of lower quality. Reform in the criminal justice system in Mexico includes a transformation in the organizational scheme, which is accompanied by initiatives in equipment and software developments, in addition to infrastructure adjustments. The effectiveness of the judicial unit primarily serves the ideal institutional design, trained personnel, and processing capacity.

In the methodological aspect, with the help of unstructured interviews and the participant observation, as well as the secondary sources information was obtained. The problems of judicial unit had not been treated in recent months, had collapsed administrative processes impacting on criminal matters. Hence the creation of the standing committee on monitoring and evaluation for the consolidation and operation of the adversarial system in the State of Oaxaca, Mexico (CPEySOyCSA), among its purposes is driving strategies according to the organization that would curb inefficiency in staff functions involved in the administration of justice.

Key words: organizational design; courts; judicial management model; accusatory system

JEL codes: M5, M54

1. Introduction

As a result of the judicial reforms instituted in Latin American countries and not least in Mexico, there is an interest in adapting the judicial unit to the new methodologies of public and oral hearings through a new model of judicial management according to the demands of society. In Mexico, criminal justice reform is published in 2008, however, one of the pioneer states in implementing the new criminal justice system is Oaxaca in 2007, commencing operations in the Isthmus of Tehuantepec¹.

In mid-2016 concluded the implementation stage nationwide, according to the Center for Development Research, A.C. (CIDAC, 2017), during this period there was a significant investment of effort and resources of all

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¹ The criminal procedural reform in the State of Oaxaca began operations gradually, starting with the Isthmus region in September 2007; in 2008 in the region of mixteca, in 2012 in the region of the coast, in 2013 in the region of the basin and in 2016 in Central Valleys.

parties involved in both local and federal levels, in order to have an optimal scenario to facilitate the operation of the judicial unit, said unit is defined as the distribution of work processes and assignments of the organizational structure that efficiently generates a product or service.

The key to the new model of judicial unit, Vargas (2006) & Palma (2017) agree that factor is the degree of differentiation of judicial and administrative functions that entail a change in mindset and organizational culture; adds Vargas (2006) that equally important is the professionalization of management, i.e., introduce the figure of manager-level frontline manager in charge of human, material and financial resources and distribution and direction of the procedures. In addition, the functioning of the judicial unit must prioritize the results procedures.

In the stages of monitoring and correction model, the main component is the generation of timely and quality information to facilitate decision-making for greater efficiency to the judicial unit. The first stage covering eight years nationally and nine years in the state of Oaxaca, according to diagnosis CIDAC (2017), is characterized by a dynamic improvisation and trial and error. In the states there are still gaps and difficulties impeding access to quality justice, however, there is no constitutional impediment to make improvements through actions aimed at strengthening the key issues in the implementation were not undertaken.

Main action in the consolidation phase is to assess the existing institutional qualitative practices, specifically the organizational structure of the management model in different periods and aspects that directly impact as unity of command, authority and responsibility; from the perspective of the theory of organizations (Robbins & Coutier, 1996) to the lack of these decisions in administrative processes is hindered and not the results but privileges the long and confusing procedures.

In such a way, the operation of the judicial unit is not aimed at the main purpose for which the criminal justice reform was created in the Mexico, to provide users of the administration of justice with a quality service. The problem detected in the operation of the accusatory system of the State of Oaxaca, Mexico is the inefficiency in the execution of administrative processes, involving officials from all levels of the same judicial unit, caused by administrative chaos that has impacted a delaying administration of justice.

The lag generated an ineffective organization of criminal cases prosecuted in the regions of the State, as in the region of the Isthmus of Tehuantepec, where residing criminal cases the accused has as a coercive measure of preventive detention, are at the limit time not met stipulated by Article 17 of the Constitution: *“Every person has the right to be given justice by tribunals that will be expeditious to impart it in the terms and conditions established by the laws, issuing their resolutions in a prompt, complete and impartial manner ...”* in addition to article 20 constitutional section B fractions VII and IX: *“Does not exceed two years in prison and before one year if the penalty exceeds that time; the preventive detention cannot exceed the time that, as maximum penalty, establishes the law to the offense ...”* especially if it corresponds to serious crimes, as indicated by statistical data from the Isthmus region (May, 2017): homicide, kidnapping, parricide, rape, among others; it follows that the administration of justice in this case is far from being prompt and expeditious for society.

In this situation, the analysis of primary and secondary sources of information, identifies that the delay of criminal proceedings issues to be solved in the judicial unit does not conclude satisfactorily for the parties, due to the dismissal of cases by lack of evidence from the prosecution, which does not find witnesses and experts to provide; likewise constant deferrals hearings by judges; while notifications are simulated by lack of financial resources complicating the relief of hearings; as well as the lack of physical conditions in the courtrooms, which, due to high climatic temperatures, required optimal facilities for the performance of staff functions; also lack of control formats and use the computer system of judicial management, which allows tracking of the issues that

have deadlines expire, this tenor the lack of standardization of processes between judicial units for lacking training staff running the processes, and lack of a manager with skills, experience and dedication to service to avoid setbacks and obstacles in the proceedings of criminal cases.

The perception of society in the administration of justice is not adequate. Therefore, to the extent that organizational design is tailored to the needs of the service, the desirable level of efficiency of administrative processes and their results will be achieved. In sum, the contribution of this paper will serve as a basis for other studies that represent similar theoretical conditions, as well as a starting point for an empirical study in which a statistical instrument can be used to validate the present conclusions.

2. Theoretical Frameworks

There is a separation between criminal justice reforms and the organization and functioning of judicial units, especially in Latin American countries in the implementation phase of the new system. Vargas (2006, p. 80) attributes that have not been taken into consideration the specific requirements of system management. In some cases, dysfunctional forms of work have been generated that do not respond to the needs of the service, hindering the purpose of the new system. In the traditional approach to management, organizational design involves assigning work (Hellriegel & Slocum, 1998, p. 335), coordinating tasks, delegating authority and responsibility in order to meet organizational goals.

Nowadays, it is seen as a strategy based on the sum of administrative decisions. However, according to Robbins and Coulter (1996), the amount of complexity, formality and centralization necessary to achieve goals and objectives effectively and efficiently, which implies making decisions that have a positive impact on design.

Organizations, from the perspective of Albuquerque (2002), are present in various aspects of modern life, few non-organizational spaces, but even in family organizations are also filtered. Journeyed to be individual members of a group, community, business, organization, institution and state-society is the latter transition occurs from public policy, with effects of various kinds in sectors of society, whose interrelations influence effectiveness of public services. The new institutionalism adds that most of the social, economic, political and cultural processes go through the organizational. So, institutions are generated from within the organizations are social processes and obligations that are concretized in a social action (Beck, 2003 in Pesqueux, 2009, pp. 9-15).

Likewise, the functionalist approach contributes to the design of the judicial unit by laying the foundations for better organizational forms with a greater degree of certainty in its performance; However, by integrating the organizational context, as highlighted Albuquerque (2002), given the need to redesign the structure of institutional models. So, Marin (2007) emphasizes the importance of institutional formation of the courts that reflect the organizational structure of the state, whose essential public service, the individual conceives of authority.

A suitable organizational scheme has long-term scope, with high levels of productivity and greater efficiency in the performance of functions. Increasingly organizations design requires a high degree of flexibility, and by administrators' greater ability to identify and solve problems of the organization. Changing the organizational structure involves analysing the environment and leadership style, which impacts the fulfilment of certain goals by working people, who coordinated achieve a common purpose.

2.1 Organization of Judicial Units

In court like any other organization that undergoes a change, the structure of the organization is important,

especially when public institution administering justice moves from a traditional system characterized by written and secrecy to specialized accusatory system hearings. The criminal procedure reform implementation in the state of Oaxaca in 2007, included a different organizational structure to the traditional system, the tenor, Vargas (2006, p. 79) points out that the reform processes involve improvements in judicial management, especially organizational change. Longer judiciaries small and simple in relation to their functions institutions, the workload is increased and the performance of the courts is in the crosshairs of society, which demands proper attention to quality and quick responses. Fix-Fierro (2006) proposes that institutional design should be considered as the main element in order for judicial reform to achieve the required efficiency.

Not only in the case of Oaxaca, judicial unit has presented resistance to change has also been presented in court Chihuahua. Guillen & Cruz (2016, p. 47) highlighted in its report tracking the implementation process case Chihuahua, there have been difficulties in separating the administrative functions of the courts, especially the role of the judge, to focus on the judicial work and not administrative. The planners, clerks, and agreement secretaries do not fit into the organizational scheme of the new system, and the staff that is integrated does not necessarily have the profile of a lawyer, especially since the main function is to facilitate the holding of hearings.

The main functions of the Judge in this system, which is highlighted by CIDAC (2017, p.73) are: a) to ensure that the parties have the right conditions in the hearings for both the defence and the public prosecutor to argue their requests, b) to monitor that the actions of the operators privilege the interests of the victim and the accused, and c) give judicial control to the acts and procedural steps.

In order to comply with the computer by the judge, is incorporated in the organizational structure, the figure of the administrator with profile in business administration and duties of manager of the organization and management of administrative staff. At the beginning of the reform in Oaxaca, as in the case of the courts of Chile at present, the administrator is appointed by court, unlike Chihuahua (Guillén & Cruz, 2016) that is in charge of several clusters by region. However, the figure of the administrator in charge of the judicial unit has administratively been modified in other states, for example, in the courts of Chihuahua in 2011 they were replaced by judges who are rotated every six months as administrators without neglecting the judicial function (CIDAC, 2017).

Among the types of organizational structure proposed by the Administrative Coordination of Oral Trials at the beginning of the criminal procedure reform, in 2007, in the Isthmus region of Tehuantepec in the State of Oaxaca, type (A) is found for the trial court. This design is composed of three departments; the first is the department of causes, whose objective is to manage the causes (file in the previous system), the execution books, facilitating the jurisdictional work; the second is the IT Department, which is in charge of managing the necessary Tic's tools for the jurisdictional and administrative staff, and the third is the room department, in charge of registering parties, handling witnesses and experts, as well as control the intermediate times in the development of audiences. However, the second proposal, type (B) as Figure 1, prevailed that model in the rest of judicial units in the Tehuantepec Isthmus region, including the opening of the Mixtec region in 2008.

However, the recent national evaluation emphasizes the design of organizational structures and management systems, which must be adapted to the needs of the accusatory system to make the institution's performance more efficient, as well as to obtain the results Therefore, the tasks and responsibilities for each official must be identified (CIDAC, 2017). In this way, the profiles of the personnel must be counted on to achieve the functionality, at the same time implementing practices of monitoring and observation of the performance to modify what is convenient in the dynamics of the work teams to obtain better results. The risks that can be presented to an organizational structure that does not formally reflect the separation of functions are: a)

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subordination in the tasks and b) the delegation of jurisdictional functions to other officials other than judges.

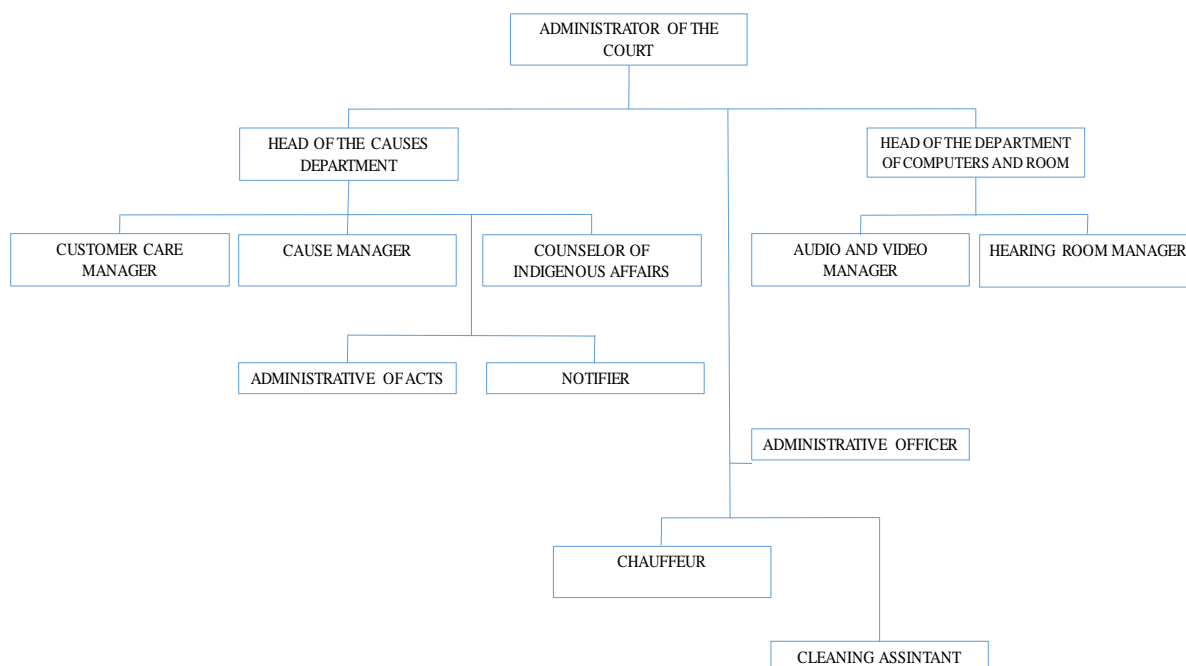


Figure 1 Flowchart Type B in the Implementation Stage of the Adversarial System in Oaxaca, 2007-2008

Source: Manual of Organization of the Administrative Coordination of Oral Trials of the H. Superior Court of Justice of the State of Oaxaca, 2008

As shown in Table 1, states such as Chihuahua, Estado de México and Guanajuato have established functions of the jobs associated with the organizational structure and aligned with a strategic plan by criminal orality courts in the implementation phase of the reform criminal procedure in the country, each presents similarities and differences in the design. Also, CIDAC (2017) establishes that the organizational structure of judicial units should avoid subordination and delegation of jurisdictional tasks to actors other than judges; however, there must be an organization capable of efficiently handling administrative procedures such as: receiving promotions, agreements and notifications; the diligence of exhortations, requisitions, offices and others ordered by the Judge.

Table 1 Organization of Administrative Work in Three States of Mexico

	Chihuahua	Estado de México	Guanajuato
Administrative Posts	1. Penal administrator	1. Administrator	1. Regional administrator
	1.1. Head of cause and room	1.1 Head of the unit of follow up of causes and attention to the public	1.1 Head of unit of cause and management
	1.1.1 Room supervisor	1.1.1 Customer service area	1.1.1 Room Manager
	1.1.2 Hearing room manager	1.1.2 Causes tracking area	1.1.1.1.1 Transcriber
	1.1.2.1 Assistant	1.1.3 Assistant minutes	1.1.1.1.2 Room Assistant
	1.2. Head of attention to the public	1.1.4 Assistant room	1.1.1.1.1 Attention the public
	1.2.1 Assistant	1.1.5 Notifiers	1.1.1.1.1.3 Customer Service Assistant
	1.3 Videoconferencing manager	1.2 Head of computer and audio and video unit	1.1.1.1.1.4 Cause and management assistant
	1.2.1 Audio and video operators	1.1.1.2 Actuary	
		1.1.1.1.1 Technical Assistant	

Source: The Publication Findings 2016; Manual of Posts of the Judicial Power of Guanajuato, 2012; Manual of Organization of the Judicial Power of the State of Mexico, 2015.

Even identifying a formal structure in some states of the country, it is necessary to strengthen the development of administrative tasks within the judicial units, as a poor coordination, according to CIDAC (2017, p. 74), between administrators and judges can negatively affect in functional operation. Hence, states like Guanajuato created a general coordination of the management system, of which hierarchically the regional administrator depends (Manual of Posts, Judicial Power of the State of Guanajuato, 2012).

In the case of Chihuahua, who manages the judicial unit is the Criminal Management Division (Guillén & Cruz, 2016), who has perfectly defined and distributed the administrative tasks and the criminal administrator works as a staff for these tasks. In the State of Mexico, the Coordinating Judge is included as a liaison between the attached judges and the administrator, the Presidency and the State Judicial Council (CIDAC, 2017).

3. Methodology

This research is exploratory type using the case study, which facilitates according Hair, Bush & Ortinau (2004, p. 212) to obtain useful and helpful information to make the necessary improvements in organizational design of the adversarial system in the State of Oaxaca. To develop the case study were taken into account components proposed by Yin (1989, pp. 29-36): a) the research approach, b) theoretical propositions, c) analysis unit d) logic linking data to theoretical propositions, for the interpretation of the data base was made the process of organizational design stages and periods in which the various areas of the judiciary involved in the operation of the adversarial system in the State of Oaxaca.

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Research of this type, as mentioned by Hernández, Fernández & Baptista (2000, p. 59), are characterized in being more flexible in their methodology in comparison with descriptive or causal investigations, jointly they are ampler and dispersed than these two types. In addition, in practice they prove to be more productive (Churchill, 2003), especially when the design and operation of judicial bodies has been little studied in the ten years of implementation of procedural reform in the State of Oaxaca. The main advantage of the case study is that an entire entity can be thoroughly investigated with meticulous attention to detail (Zikmund, 2000, pp. 131-132).

The sources of information used in this work are primary and secondary; the first ones are obtained by means of the semi-structured interview integrated by a general guide with specific subjects under the criterion of adaptation to handle them. This interview is addressed to key players; the proposed title is: "Bad practices in the administrative positions in the judicial units of the accusatory system in the State of Oaxaca." At the same time, he went to the participant observation; this technique has the purpose of knowing the interior and the dynamics of work of the same judicial unit. Regarding the interpretation of the data is not based on non-statistical generalities of the results obtained.

Complementarily, secondary specialized information, such as assessments by research such as the Center for Legal Studies of the Americas (CEJA), among others, as well as various institutional documents generated in the

implementation stage by the Judiciary was used State of Oaxaca, such as: organizational and procedural manuals in their various versions, and general agreements 23/2014 and 24/2014 concerning the regulation of functions and duties of the regional administrator and reorganization of the departments of the courts, in view of the need to identify the problem to be solved, and to carry out the organizational design process of Figure 1. Retrospectively, the unit of analysis is examined, which are the Control Courts, Specialized in Matters for Adolescents and Tribunals for Prosecution of regions of the State.

4. Results and Discussion

With all the information collected in the corresponding methodological stage of this work, the organizational design process is schematized in the accusatory system in the State of Oaxaca, Mexico, 2007-2017 (Figure 2); during the process the courts are permanently facing resistance to change that is not typical of Oaxaca, but is common when a reform of such a scale occurs as it also happened in the State of Chihuahua.

The administrative and jurisdictional functions not separated within the administration of the organ were due to the inefficiency of the processes and their results. The lack of precision in the roles that must be assumed by each area that integrates the judicial unit generates confusion and in the actions of each public servant, lack of responsibility.

The key stage throughout the ten years of the accusatory system in the State of Oaxaca is implementation, because the bases are laid for optimal conditions and capacities to ensure an efficient and efficient operation, as well as quality justice to society. Nevertheless, it is important the capacity of the same institution to lay the foundations at this stage with a view to the long term, especially since there is a significant investment of efforts and resources, which, if not efficiently employed, the stage of consolidation becomes complex and very slow.

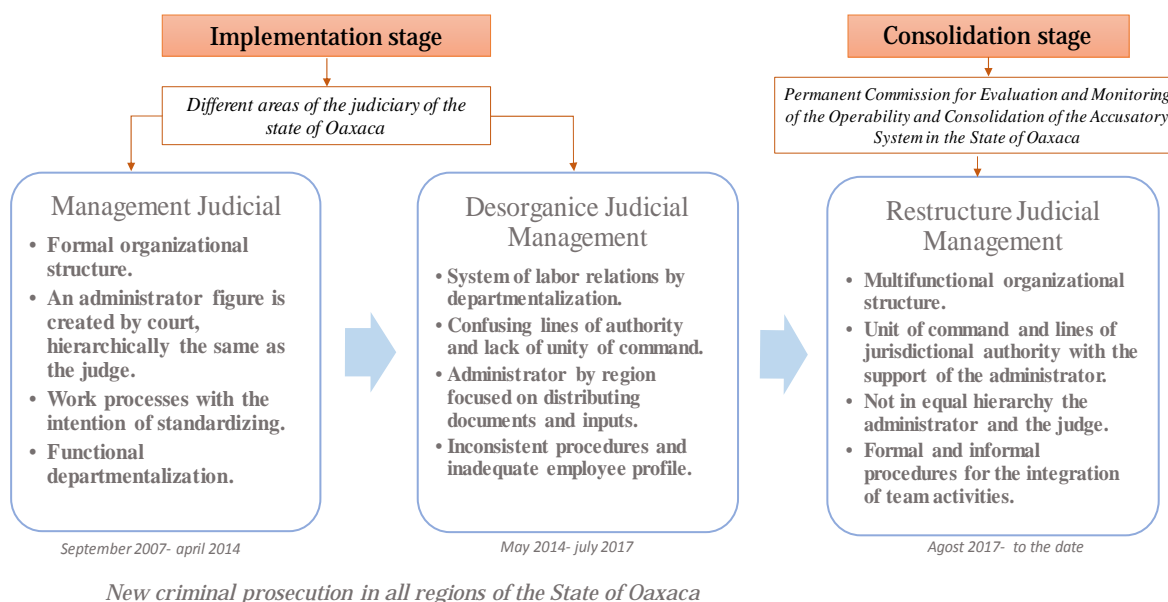


Figure 2 Organizational Design Process in the Accusatory System in the State of Oaxaca, Mexico, 2007-2017

Source: Own elaboration

4.1 Implementation Stage

After three years of judicial reform in the State of Oaxaca, a turn at the management level is given, indicating

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that resistance to change is still in force. The purview of the responsible management of human, financial and material resources to each judicial unit covers several courts by region. The administrator profile and training to enter the new courts that started operations gradually neglected. In addition, at the operational level in the organizational structure the position responsible for indigenous affairs department is eliminated causes. Chauffeur positions and administrative officer at the same hierarchical level are placed.

At seven years of operating the system in the state, the functions of administrator functions limited to mail delivery are changed; in its vertical dimension hierarchically, it depends on the Direction of Administration Judicial Council of the Judiciary of the State of Oaxaca (Figure 3). The functions of planning, organization and control of human, material and financial resources of the judicial unit transferred to head of the department of causes, according to Agreement 24/2014 of the Judicial Council of the Judicial Branch of the State of Oaxaca (May 2014-July 2017).

The transformation implies a change in the organizational culture that incorporates elements of the traditional system as the mixed jurisdictional and administrative functions; at present similarly, the Chihuahua courts have resumed the proposal to incorporate the judicial secretary into the organizational structure (Guillén & Cruz, 2016).

Judicial management in this period is ineffective, as shown in Figure 3, the departments that integrate the jurisdictional organs lose the chain of command between the Judge, administrator and administrative staff. In addition, the design presents the positions of the Judge and the administrator as staff managers and not as line managers, that is, their functions are advice or assistance to line managers, for their position in this design are: Executive Secretariat, Directorate of Administration and Direction of Planning and Informatics, and are described by their organizational function as the managers that contribute directly to the achievement of the organizational objective

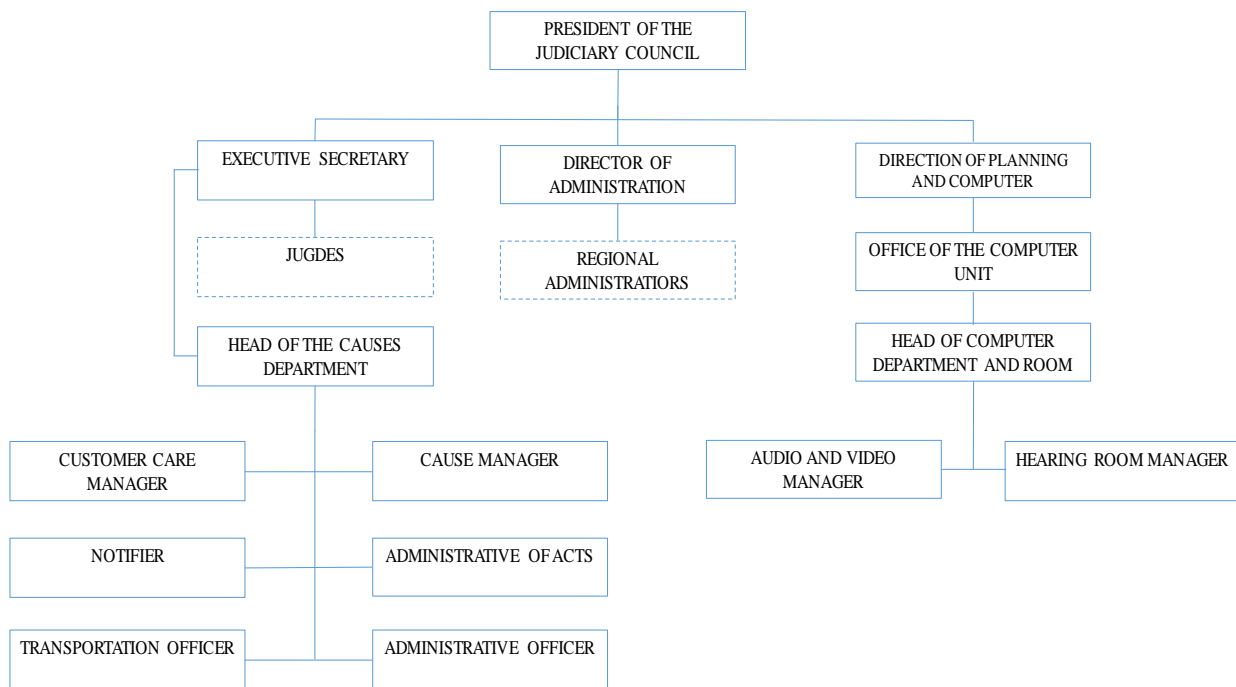


Figure 3 Flowchart Inefficient Judicial Units in the Implementation Stage of the Accusatory System in the State of Oaxaca, 2014

Source: Manual for the Organization of Guarantee Courts and Oral Trial Court, 2014

On the other hand, the authority exercised in this period is by virtue of the inherent rights to the managerial position that these three areas present as administrative bodies, and it is not considered that in holding this authority, proportional responsibility is also granted. At the same time, a factor that characterizes the organizational structure is centralization, which is given in terms of how much authority is delegated to decision making and in turn to low management levels. In Figure 3, the amount of authority is retained in line managers.

Another aspect of organizational design that was eliminated in the vertical dimension of the judicial unit, Figure 3, is the control interval that consists of the number of staff that a manager can monitor effectively and efficiently. This aspect is key to obtaining the desired results, given their lack of bad practices of the administrative staff are accentuated, obscuring the knowledge and the experience of the same, thus it has repercussions in the little standardized that are the administrative procedures in the judicial unit.

The basic elements in the horizontal dimension are the division of labour and departmentalization that were exceeded, Figure 3, to the extent that inefficient use of the diversity of skills and abilities of employees, leaving alone to those who by vocation to the service or work need to perform tasks. In addition, the lack of recognition and economic resources to develop a certain function, such as notification, has an impact on efficiency in its execution. For its part, the departmentalization is identified as dysfunctional, by separating the staff from causes and the computer and room staff from the same judicial unit, in turn from the Judge, who is in charge of the administration of justice. Thus, inefficient organizational design, Figure 3, jeopardizes the efficiency of administrative processes and, consequently, the results. The critical aspects identified in the performance of the personnel activities of each judicial unit are as follows:

(1) *Head of the causes department.* Inadequate treatment of staff and lack of collaboration with staff, no supervision of staff performance. The head of the department of causes of each judicial unit performs different processes such as the information record and most of them do not rely on the computer system.

(2) *Attention to the public.* Lack of vocation of service and of good treatment to the user, besides it does not know the type of documents and promotions, as well as the reception of them.

(3) *Notifier.* Lack of knowledge regarding the forms of notification according to the National Code of Penal Procedures, also present contradictions between the actual notification and the notification act.

(4) *Administrative records.* They do not collaborate in other areas of the same department, they only focus on transcribing test data, tests and resolutions that are required.

(5) *Computer chief and room.* It does not train the jurisdictional and administrative personnel on the management of the computer system, nor does it assist the judge in the indications that he/she performs in hearing or for some procedure that is required outside of the hearing.

(6) *Hearing room manager.* Sometimes they do not provide the support material for the judge or the interveners; they leave the room in the recesses, neglecting the audience's resumption times, and relax the room protocols in the interrelation with the parties (fiscal and defence).

In all staff of administrative departments is common lack of training in the handling of cases and execution of tasks, also in handling management system judicial and computer tool for recording the issues and developments arising, with the purpose of facilitating the organization of work and inter-institutional communication with the parties involved.

4.2 Consolidation Stage

The lack of basic elements of the vertical and horizontal dimensions in the organizational structure causes the lack of efficiency in the administrative processes in the phase of consolidation of the Criminal Justice System in

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the State of Oaxaca. At this stage it is intended to incorporate best practices from other states that can be adapted to the Oaxaca case, however, given the findings found in the organizational design of the period May 2014-July 2017, it is important to channel them again.

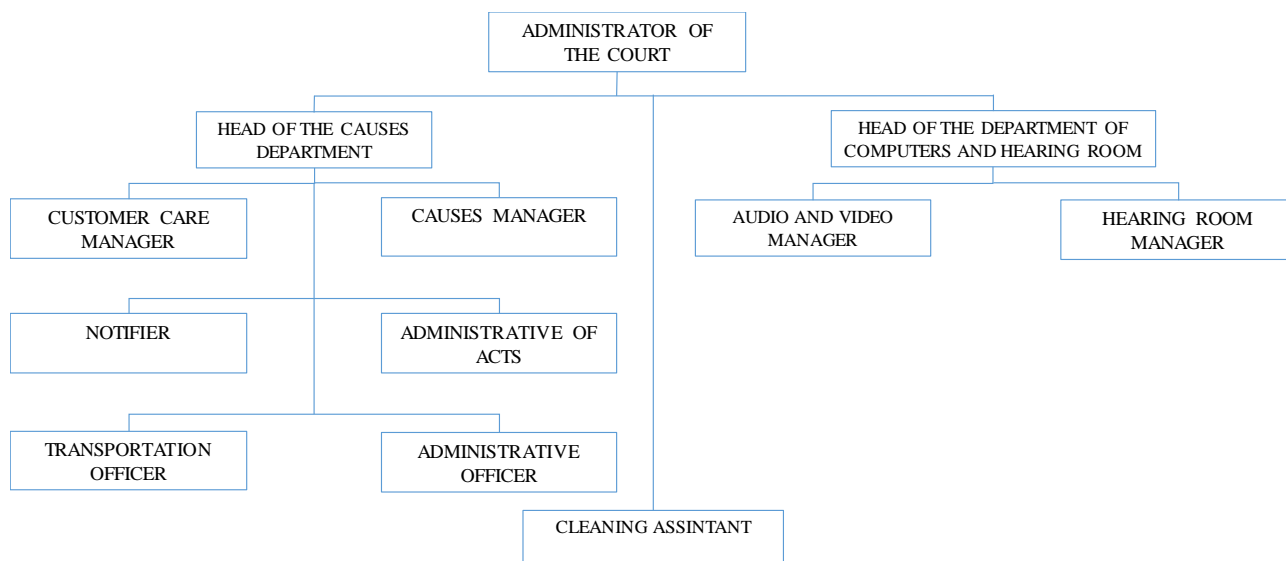


Figure 4 Flowchart Judicial Units in the Consolidation Phase of the Adversarial System in the State of Oaxaca, 2017

Source: Agreement 24/2017 restructuring of the functioning of jurisdictional bodies and administrative and computer personnel of the accusatory system in the state of Oaxaca, Mexico, 2017

Thus, as a first action, the Plenum of the Superior Court of Justice of the State determines the creation of the Permanent Commission of Monitoring and Evaluation for the Consolidation and Operation of the Accusatory System in the State, with broad powers whose main objective is the correct functioning of the jurisdictional organs and their organizational redesign. This commission is made up of three judges who make up the Editorial Committee of the Code of Criminal Procedure in the State of Oaxaca.

The second action consists in the creation of administrative coordination of the accusatory system, whose purpose is to coordinate the planning, organization, control and administrative follow-up actions of the courts for their correct and efficient functioning (agreement 24/2017) The main functions are: a) to elaborate the projects of the models of administrative management as well as projects of improvement, b) to implement policies, procedures and administrative guidelines of planning, organization, operation, control and follow-up in the judicial units of the system, c) conduct, in coordination with the Judicial School of the Judicial Branch of the State, the design and execution of training programs and processes, professionalization, d) to follow up the links of collaboration with areas counterparts from other federative entities, as well as international organizations and educational and research institutions related to the administrative management of the accusatory system in order to promote best practices. These capabilities are reflected in the following organizational structure (Figure 5).

The third action consists in the internal restructuring of the judicial unit, starting with functions and obligations of the regional administrator under the Administration Department, Figure 3, transforming the faculties that do not correspond to the needs required by the accusatory system. In this intervention, the departments of causes and computer science and room are integrated to the jurisdictional organs, Figure 4, hierarchically dependent of the regional administrator; the Judge ceases to be schematically a staff manager and

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instead is recognized as the highest judicial authority with administrative staff that assists him and facilitates the tasks of his position.

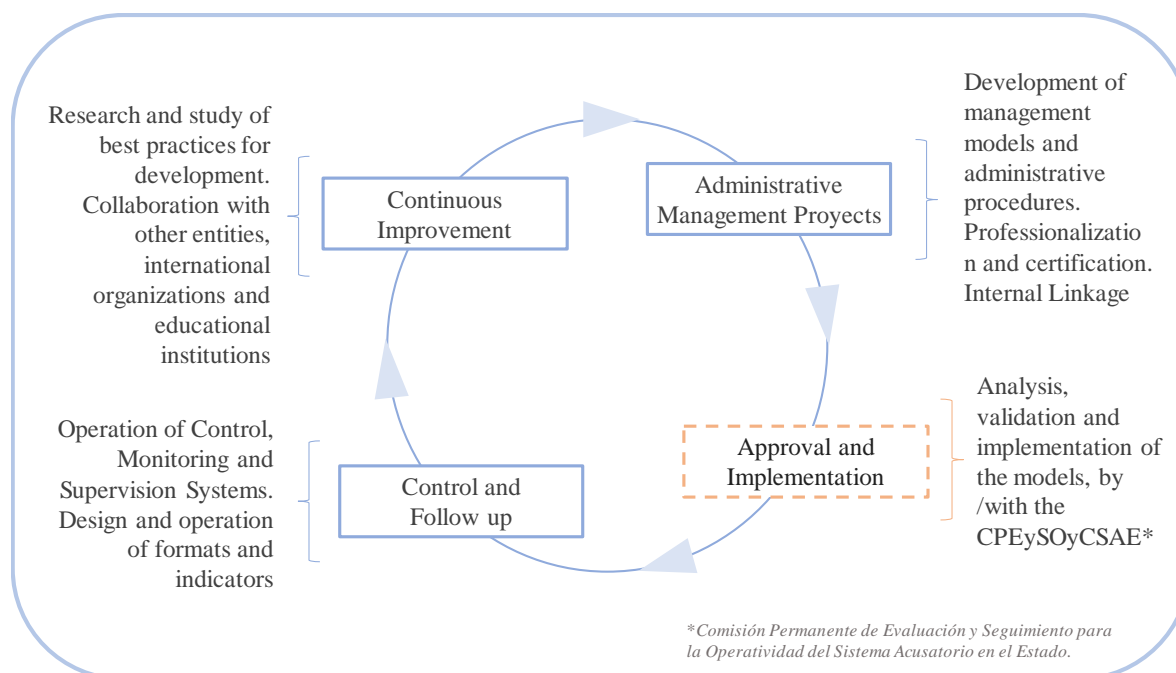


Figure 5 Management Model Administrative Coordination of the Adversarial System in the State of Oaxaca, 2017

Source: Own elaboration

Another task undertaken at this stage is the process of recruitment and selection for the position of administrator. By internal staff call the accusatory system began ten years ago (judicial career) covering the profile administration degree in industrial engineering or equivalent regional participates in the course of the accusatory system administrators. The content of this course integrates the following topics: general accusatory, awareness of change, institutional regulations, administrative processes in the model of judicial management and technology infrastructure for hearings and judicial proceedings criminal proceedings. At the end participants they were evaluated and those presenting the highest scores were selected.

At the same time, in the jurisdictional area, the Permanent Commission for Monitoring and Evaluation for the Consolidation and Operation of the Accusatory System in the State takes the decision to create two thirds of judges to assist and assist the problem detected in the Court of Procedure of the region of the Isthmus of Tehuantepec, in the sense that the agenda of hearings is saturated, about 76 pending hearings to deal with serious crimes such as homicide, kidnapping, parricide, etc., and the term of preventive custody as a precautionary measure is about that if this situation were not taken care of, the right of the parties to access a prompt and expeditious justice would be violated. However, in implementing this unpredicted measure, the other judicial units are affected, since, in order to integrate the two thirds, the number of judges is reduced in other procedural stages, which diminishes the quality of the administration of justice is offered to society.

5. Conclusions

In sum, the structure of jurisdictional bodies should be designed in terms of the chain of command, the range

of control and decentralization, as well as the appropriate division of labour and functional departmentalisation to facilitate the integration and coordination of activities at all organizational levels for the sole purpose of providing a quality service.

Do not forget that the courts seen from the management are composed of professionals and not by officials who only cover the working day. In this type of institutions, those who produce the final product are not workers, as mentioned by Vargas (2006), are professionals with a high level of training, judges, like the rest of the team, the work they do in the unit judiciary is characterized as being technically complex.

The first steps should not be in the integration of the departments that make up the judicial unit in the single attention to the growing demand of the service, but in adapting mechanisms to each unit, which are characterized by being efficient with the processes in correspondence with the Organizational structure; which indicates that the design of the organization should not be homogenized but adjust to the characteristics of the supply and demand of the service. Meanwhile, while supervising the personnel, adequate measures should be established in those judicial units that are distant from the headquarters of the Court where the administrator is physically located.

In addition, it identifies the need to implement mechanisms for the implementation of the Unitary and Collegiate Court in accordance with the National Code of Criminal Procedures and the Organic Law of the Judiciary in its article 37, based on matters that come to trial opening to trial) whose prison sentence requested exceeds or does not exceed eight years, its analysis must be whether they generate greater efficiency in the criminal process or reduce it, damaging the costs of providing justice.

In sum, the structure of jurisdictional bodies should be designed in terms of the chain of command, the range of control and decentralization, as well as the appropriate division of Labour and functional departmentalisation to facilitate the integration and coordination of activities at all organizational levels for the sole purpose of providing a quality service.

Do not forget that the courts seen from the management are composed of professionals and not by officials who only cover the working day. In this type of institutions, those who produce the final product are not workers, as mentioned by Vargas (2006), are professionals with a high level of training, judges, like the rest of the team, the work they do in the unit judiciary is characterized as being technically complex.

The first steps should not be in the integration of the departments that make up the judicial unit in the single attention to the growing demand of the service, but in adapting mechanisms to each unit, which are characterized by being efficient with the processes in correspondence with the Organizational structure; which indicates that the design of the organization should not be homogenized but adjust to the characteristics of the supply and demand of the service. Meanwhile, while supervising the personnel, adequate measures should be established in those judicial units that are distant from the headquarters of the Court where the administrator is physically located.

In addition, it identifies the need to implement mechanisms for the implementation of the Unitary and Collegiate Court in accordance with the National Code of Criminal Procedures and the Organic Law of the Judiciary in its article 37, based on matters that come to trial opening to trial) whose prison sentence requested exceeds or does not exceed eight years, its analysis must be whether they generate greater efficiency in the criminal process or reduce it, damaging the costs of providing justice.

It should be mentioned that in the interview phase, problems related to financial resources were identified, especially in the performance of certain functions, which are key in administrative processes. This resource is limited and sometimes not reimbursed to personnel who cover the cost of some activity of the judicial unit, so that the results are not expected by the users of the criminal justice system. Likewise, ethics in the judicial function

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requires constant reinforcement through workshops on sensitization to change. Ten years after the start of the system, having undergone changes without direction reduced the good organization of the judicial units, lost the vocation of service and the good image with the society was displaced.

Given the lack of financial resources to encourage staff committed to the institution that performs its functions efficiently, and that has a judicial career, as a strategy is implemented relocation in the state capital or, where appropriate, family.

Finally, it is hypothesized: as the differentiation of the administrative and jurisdictional functions is smaller, efficiency decreases, consequently the result of the judicial unit is diminished.

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