

**THE EXCESSIVE DEMAND OF THE BRAZILIAN COURTS AND ITS EFFECT ON INCOME INEQUALITY: A COMPARATIVE STUDY WITH EUROPEAN COUNTRIES SHOWS AN UNREASONABLE REALITY**

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**RESUMO:** Este artigo examina a demanda excessiva dos tribunais brasileiros e seu efeito sobre a desigualdade de renda. A alta demanda, aproximadamente 86 milhões de processos judiciais por ano, obriga o Estado a investir uma enorme quantidade de recursos financeiros no sistema judiciário, cerca de 150 bilhões de reais. A desigualdade de renda é um problema no Brasil, agravado por problemas sociais como fome e falta de moradia, e o montante investido no sistema judiciário acaba sendo negligenciado em outras áreas. O melhor que o Estado pode fazer é desenvolver outras opções para a resolução de conflitos, como a arbitragem, e tentar dissolver essa cultura litigiosa tão presente no Brasil. Ao analisarmos outras realidades em países europeus, como a Alemanha, fica evidente que a realidade brasileira apresenta números extremamente elevados em relação a processos judiciais, advogados por habitante e orçamento judiciário. Para tanto, a metodologia escolhida foi o método dedutivo, aliado à revisão bibliográfica com análise de dados de canais oficiais.

**PALAVRAS-CHAVE:** Tribunais brasileiros; orçamento; demanda excessiva.

**ABSTRACT:** This article exams the excessive demand of the Brazilian courts and its effect on income inequality. The high demand, approximately 86 million court cases in a year, compel the State to invest a huge amount of financial resources in the judicial system, about 150 billion reais. Income inequality is a problem in Brazil with social problems such as hunger and habitation and the amount invested in the judicial system is missed in other areas. The best thing the State can do is to evolve other options to resolve conflicts, such as arbitration, and try to dissolve this litigation culture that happens in Brazil. As we analyze other realities in European countries, such as Germany, it's clear that the Brazilian reality presents numbers extremely elevated in courts cases, lawyers per person and judicial budget. To that end, the methodology chosen was the deductive method alongside literature review with data analysis of official channels.

**KEY-WORDS:** Brazilian courts; budget; high demand.

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## INTRODUCTION

This article aims to exam the excessive demand of the Brazilian courts and its effect on income inequality and social vulnerability. The high demand, which is approximately 86 million court cases in a year, compel the State to invest a huge amount of financial resources in the judicial system, about 150 billion reais each year.

Income inequality is a huge problem in Brazil with social problems such as hunger and habitation and the amount invested in the judicial system is dearly missed in other areas. The best thing the State can do is to evolve other options to resolve conflicts, such as arbitration, mediation and conciliation to try to dissolve this litigation culture that happens in Brazil.

As the work analyzes other realities in European countries, such as Germany, it's clear that the Brazilian reality presents numbers extremely elevated in courts cases, lawyers per person and judicial budget.

To that end, the methodology chosen was the deductive method alongside a literature review with data analysis from official channels, both national and international, especially CNJ and the Council of Europe. In the first segment of the paper, the reality of income inequality that Brazil faces and the public cost of public policies are discussed. In the second segment, the judiciary is viewed as a public service, and its demand is analyzed. In the third section, the European situation is evaluated in perspective of Brazil's numbers. Finally, in the last part of the work, different methods to try to solve this problem are presented.

### **I. THE COST OF FUNDAMENTAL RIGHTS IN AN INCOME INEQUALITY REALITY**

Stephen Holmes and Cass Sunstein (1999, p. 35) presented their theory in their work "The Cost of Rights," which posits that every right incurs costs, regardless of whether it is a negative or positive right. A negative right entails the state's abstention from interfering with individual liberty, requiring no immediate action to confer the right. However, if the right is violated, the state must act through the judiciary, incurring costs. In contrast, a positive right necessitates immediate state action to confer the right, such as providing education, healthcare, public safety, and transportation.

The realization of these rights requires significant funding, which is typically derived from taxation. In Brazil, the majority of tax revenue stems from consumption taxes, rather than income taxes, inheritance taxes, or wealth taxes. Consequently, the most vulnerable

social classes bear a disproportionate tax burden, as their limited budgets are primarily allocated towards essential goods and services, such as food and shelter (STEFANO FILHO; PAGANINI, 2022, p. 375).

Furthermore, Brazil's tax system contributes to wealth concentration by inadequately taxing income, with a maximum rate of 27.5%, and inheritances, a maximum rate of 8% (BRASIL, 2022). Compared to OECD countries, Brazil's tax structure is skewed towards consumption taxes, collecting 44.9% of revenue from this source, whereas OECD countries average 31.5%. Conversely, Brazil collects 24% of its revenue from income and profit taxes, whereas OECD countries average 33.5% (OECD, 2022).

This tax system perpetuates income inequality, as the wealthiest 10% of Brazilians spend approximately 20% of their income on taxes, whereas the poorest 10% spend around 33.3% (OXFAM, 2019). The regressive nature of consumption taxes is further illustrated by the fact that one-quarter of girls aged 10-19 in Brazil suffer from menstrual poverty, and sanitary napkins are taxed at a rate of 27.5%, implying that they are considered a luxury item. In contrast, Viagra is taxed at a rate of 5%, suggesting that it is deemed essential (STEFANO FILHO; PAGANINI; SCAVANAQUE, 2023, p. 236-240).

Stephen Holmes and Cass Sunstein's (1999, p. 35) central argument in "The Cost of Rights" can be summarized by the book's famous maxim: "All rights have costs." In other words, even so-called "negative rights," which would require only the government's abstention, require public resources to be guaranteed. In the Brazilian context, this reasoning is revealed in an almost didactic way, given that social inequality is perpetuated in the country, and, as a consequence, essential public policies, especially those guaranteeing fundamental rights such as food security, health, or access to justice, end up underfunded.

The Brazilian judiciary, analyzed from the perspective of an essential public service, perfectly illustrates this tension between rights and costs, as the judicial overload is a symptom of the attempt to realize rights in a profoundly unequal social environment. The data reveal a gigantic volume of lawsuits, the burden of which is ultimately shared by society. Thus, the comprehensive guarantee of access to justice, a constitutional right, is only possible because the entire social body finances the costs of this right, directly or indirectly.

The realization of rights in this context also depends on costly state resources, such as courts, judges, civil servants, defenders, prosecutors, and the infrastructure itself. The Brazilian example clearly demonstrates how "unrestricted" access to the judiciary translates into long lines, slowness, and a loss of effectiveness. Thus, by treating the judiciary as a freely usable collective resource, it creates an incentive for overuse by strategic litigants to the

detriment of those who truly need the service. This transforms the right of access into a privilege of those who can wait, undermining its power to equalize inequalities and generate justice.

In this sense, given that rights only exist where there is a state capable and willing to bear their costs, it is especially interesting to analyze how other countries organize their systems. In this case, the comparison with European systems also sheds light on the argument that countries that spend proportionally less on justice face greater difficulties in guaranteeing the effectiveness of rights. Thus, where there are no resources, there is no true equality, only a "paper right," without concrete guarantees.

## II. BRAZILIAN JUDICIARY AS A PUBLIC SERVICE

The Brazilian tax system perpetuates social inequality by inadequately taxing the wealthy through income and inheritance taxes, and by not implementing a wealth tax. Income inequality in Brazil has reached alarming levels, as evidenced by the country's hunger data. Food insecurity in Brazil has been worsening annually, with the following numbers illustrating the dire situation since 2013, the year Brazil was removed from the UN Hunger Map.

Table 1 – Food insecurity in Brazil 2013-2021 (STEFANO FILHO; BUFFON, 2024, p. 139)

	<b>2013</b>	<b>2017-18</b>	<b>2020-21</b>
<b>Food Security</b>	77.4%	63.3%	40.7%
<b>Food Insecurity</b>	22.7%	36.7%	59.3%
<b>Severe Food Insecurity</b>	3.2%	4.6%	9%

Brazil, a developing country, grapples with significant social inequality issues, necessitating sustained public policy efforts to ensure citizens' access to fundamental rights, such as adequate nutrition. Moreover, Brazil requires substantial investments in strategic public policies to enhance public service delivery and facilitate citizens' realization of their rights. As Holmes and Sunstein argue, even negative rights require investments, underscoring the need for significant funding for the Brazilian judiciary to effectively resolve disputes.

To reveal this unreasonable reality, the Brazilian judiciary budget for 2024 (all courts combined) was 146,5 billion reais or 24,28 billion euros (CNJ, 2024). Whereas the Brazilian Social Aid budget for 2024 was 168,3 billion reais or 27,89 billion euros (BRASIL, 2024). Brazil's Supreme Court alone had a budget in 2024 of 908,6 million reais or 150 million

euros, nearly three times the budget of Germany's Federal Constitutional Court for 2024 of 41 million euros (ALEMANHA, 2024).

The two budgets, Judiciary and Social Aid, were relatively close, but to put in perspective, the Brazilian Social Aid is a public policy that fights hunger and provides housing, it guarantees human dignity to the socially vulnerable with a monthly money transfer, about 600 reais or 99,44 euros to 20,86 million families (BRASIL, 2024).

Even though this public policy is very important, it is not enough, because, despite the social aid the number of food insecurity are increasing, and social inequality is getting worse.

The challenge becomes apparent when examining the requisite investment for the judiciary, given the vast number of cases it must adjudicate. According to the Brazilian National Council of Justice (CNJ, 2024), in 2023, there were 84 million court cases in progress, including 35.2 million new cases initiated that year, representing a 9.4% increase from 2022. Furthermore, 34.9 million cases were resolved in 2023. These cases are distributed across 91 courts, with 18,000 judges and 275,000 workers, resulting in an average court processing time of four years and three months.

Notably, the judiciary's demographic composition reveals disparities, with only 14% of judges being black and 37% being women. Moreover, over 50% of cases are processed free of charge due to the right to judicial access, implying that the broader society bears the costs.

Based on data on the budget and personnel resources of the Brazilian Judiciary, detailing expenses, revenues, and workforce, in 2023, the Judiciary had total expenditures of R\$132.8 billion, a 9% increase over the previous year, largely driven by increased personnel spending (9% increase), capital expenditures (32.9%), and other current expenses (4%). Disregarding the effect of inflation, 2023 spending was the highest in the entire historical series (CNJ, 2024, p. 81-82).

The State Courts, responsible for 77% of cases, accounted for 63% of the Judiciary's total expenditures in 2023. The Federal Courts accounted for 15% of cases and 11% of expenses, while the Labor Courts accounted for 6% of cases and 17% of expenses. The Judiciary's expenditure represents 1.2% of the national GDP or 2.38% of the total expenditures of the federative entities. The per capita cost of the Justice service in 2023 was R\$653.70, reaching an all-time high, with an increase of 11.5% compared to the previous year (CNJ, 2024, p. 82-83).

The justice sector with the highest proportional expenditure per capita in 2023 was the State Military Justice (20.5% increase), followed by the State (14.7%) and Federal (12.1%) (p. 83). The distribution of expenditures shows that 90% of the Judiciary's spending refers to

personnel payments, which includes salaries of judges, active and retired employees, outsourced workers, interns, and all other legally established benefits and allowances. The remaining 10% is divided between capital expenditures (2.3%) and other expenditures (7.5%), approximately R\$3.1 billion and R\$10 billion, respectively, in 2023.

Despite strong growth until 2012, capital expenditures declined considerably until 2015 and have remained there (CNJ, 2024, p. 85-86). The Judiciary collected R\$68.74 billion in 2023, a 52% return on total expenses and 3% less than the previous year. Since 2019, 2023 was the second year in which revenues fell below 60% of annual expenses. Most of this revenue came from the State Courts (61%), but the Federal Court, responsible for a large portion of tax enforcement proceedings, returned to the public coffers an amount greater than its own expenses. The main revenue items come from tax enforcement proceedings, fees and charges, death tax, and other minor revenues (CNJ, 2024, pp. 87-88).

Personnel expenses remained at around 90.2% of the Judiciary's total expenditure in 2022 and 2023, with little variation over the 15-year historical series. In the Labor Court, this percentage is the highest (95%), and in the Electoral and State Courts, it is the lowest (88.46%). In detail, 82% of personnel expenses go to allowances and salaries for judges, active and retired employees (including pensions, income tax, and social security contributions); 9.3% goes to benefits; 4% to incidental expenses; another 4% to outsourced employees; and 0.7% to interns (CNJ, 2024, p. 91-92).

Appointed positions and appointed positions represent 13.8% of personnel expenses, with 10.8% being appointed positions alone. This percentage varies significantly: from 6% in the TRE-RJ to 36% in the TJTO. The highest percentage among all justice segments is in Military Justice (18.8%), followed by State Justice (17.2%) (CNJ, 2024, p. 94).

Finally, the Judiciary's monthly cost of judges and civil servants, encompassing all benefits, charges, and occasional payments, in 2023 averaged R\$68,100 per judge and R\$20,100 per civil servant. Outsourced staff cost an average of R\$5,100, and interns cost R\$1,362.12. This is an arithmetic average influenced by possible compensation and differences in the inclusion of retired and retired employees between courts. These amounts do not represent net salaries, as they include taxes, social security, and other deductions (CNJ, 2024, p. 94-96).

The slowness and ineffectiveness of the courts is a recognized problem and has been in crisis for decades. In addition to the problems listed initially, such as a lack of resources or mismanagement, there is also the obstacle of delays resulting from their incentive structure. In this sense, the lack of legal certainty provided by predictability in the repeated application of

the same rules leads to increased litigation, as the range of expectations between the parties widens (GICO JÚNIOR, 2014, p. 165-166).

Thus, when we reflect from the perspective of the "tragedy of the commons," by analogy, the overutilization of the Judiciary stems from its being a common resource that is difficult to exclude and has rival uses. That is, the more it is used, the less useful it becomes for everyone. Thus, as long as public policies focus solely on expanding access to the Judiciary without considering its ability to effectively and quickly provide services, the result will be worsening congestion and a loss of efficiency and credibility of the system. (GICO JUNIOR, 2014, p. 175-179).

Even so, the lack of predictability in trials increases the gap in expectations between plaintiff and defendant, encouraging litigation in a vicious cycle that fuels the overload of the Judiciary, which, by failing to standardize its rules, further fuels the demand for litigation after litigation (pp. 182-186). The consequence of this is that the Judiciary's operation as a rival resource requires each litigant to ignore the social cost of their case, with individual private benefit predominating, generating long lines and delays for the entire community. (GICO JÚNIOR, 2014, p. 186-187).

In this vein, this movement discourages legitimate rights holders from seeking the Judiciary and attracts strategic litigants, more interested in postponing their obligations than in obtaining justice. This inverts the purpose of justice and, in practice, excludes the proper users of the system (GICO JÚNIOR, 2014, p. 188-191). Such factors indicate that reforms that focus solely on expanding access, without resolving legal uncertainty and without encouraging the standardization of jurisprudence, lead to the perpetuation of the Judiciary's tragedy (GICO JÚNIOR, 2014, p. 192-194).

Thus, part of the solution is also the production and maintenance of clear and uniform precedents, which would reduce the range of expectations between the parties and discourage unnecessary litigation, corresponding to the true social objective of effective jurisdictional provision of rights, for all, without distinction or exclusion (GICO JÚNIOR, 2014, p. 192-194).

The financing of public services, in turn, is inseparable from the debate on rights. Holmes and Sunstein's argument that even negative rights require investment highlights the complexity of this challenge. In Brazil, the Judiciary plays a central role as a guarantor of rights, but faces severe structural limitations, especially given the staggering number of pending cases.

The number of cases reflect an overburdened system, where the average processing time reaches unacceptable levels, distancing the population from the effective provision of justice. While judicial delays, coupled with a strong bias toward excessive litigation, undermine trust in the system and incur significant social costs, especially for the most vulnerable populations.

Much of the problem lies in the very logic of how the judicial system operates: conceived as a common resource, with virtually unrestricted and individualistic access, it suffers from the overutilization of an essential service, which gradually loses its effectiveness and collective legitimacy. In this sense, the lack of predictability in judicial decisions creates room for delaying strategies and the abusive use of the judiciary, with litigants often interested in postponing obligations and thus making justice a privilege of those who can wait for it, rather than those who need it most.

Therefore, valuing only increased access without improving the internal functioning of the Judiciary means fueling the problem. Instead of promoting justice, it fuels the practical exclusion of those who truly need quick and effective responses, while major litigants exploit the loopholes and delays. The solution lies in an institutional reorientation, prioritizing the creation and consolidation of clear and uniform precedents, as a more predictable justice system reduces unnecessary disputes, relieves the system, and frees people from endless waiting, restoring the jurisdiction to its primary social role.

For that reason, it is essential to promote a judicial management policy that values not only the number of cases handled, but also the quality of judicial services, equal access, and the reduction of inequalities within and outside the Judiciary, striving for intelligible decision-making processes that are accessible to all citizens.

### **III. EUROPEAN COMPARISON OF JUDICIARY'S DEMAND**

One way to measure the effectiveness of the judiciary is by evaluating its adherence to the principle of reasonable time, a fundamental right in Brazil. However, the excessive caseload of the Brazilian courts leads to prolonged proceedings. In a 2023 study, Caio Castelliano and Tomas Aquino Guimarães (2023, p. 1-23) compared the reasonable time of Brazilian courts to that of European courts. They noted that "international comparisons of the length of judicial proceedings are complex and inaccurate due to differences in judicial structures, economic situations, demography, and legal characteristics between countries." (CASTELLIANO; GUIMARÃES, 2023, p. 4).

To address this challenge, they employed the disposition time formula, as adopted by the CEPEJ (European Commission for the Efficiency of Justice). This formula calculates disposition time by dividing the number of pending cases at the end of the year by the number of decided cases within the same year, multiplied by 365 (days in a year). The results are as follows:

Table 2 – Disposition Time (CASTELLIANO; GUIMARÃES, 2023, p. 9-12).

<b>DISPOSITION TIME OF CIVIL AND COMMERCIAL CASES COURTS IN BRAZIL AND EUROPE</b>		
<b>Instance</b>	<b>Court</b>	<b>Days</b>
First	Brazilian	600
First	European Average	232
Second	Brazilian	320
Second	European Average	215

In Brazil, there are approximately 40.1 thousand cases per 100 thousand inhabitants, whereas in Germany, the number is significantly lower, at 12.3 thousand cases per 100 thousand inhabitants. The European Union averages 4.4 thousand new cases per 100 thousand inhabitants annually, compared to Brazil's 15.8 thousand new cases per 100 thousand inhabitants. Furthermore, Brazil has a relatively low ratio of judges to inhabitants, with 8.9 judges per 100 thousand inhabitants, whereas Germany has 25 judges per 100 thousand inhabitants, and the European Union has 22.2 (CEPEJ, 2018). Additionally, Brazil has a high lawyer-to-judge ratio, with 77.2 lawyers per judge, whereas Germany has 8 lawyers per judge, and the European Union has 7.7 lawyers per judge.

These disparities can be attributed to three key factors: (1) a large number of lawyers, (2) a limited number of judges, and (3) low costs associated with accessing the judiciary.

The high demand for judicial services necessitates increased public expenditure, which in turn requires additional taxation. To address this issue, two potential paths can be explored: (1) implementing public policies to enhance the judiciary, such as hiring more judges and establishing additional courts, like the commercial court in São Paulo established in 2017; or (2) investing in alternative dispute resolution mechanisms, such as arbitration.

Arbitration in Brazil has experienced rapid growth since the enactment of the Arbitration Act in 1996. By 2022, the eight most prominent arbitration chambers in Brazil had registered 1,116 cases, with an average case value of approximately 118 million reais (or 18.6 million euros). While arbitration is a growing trend in Brazil, it remains primarily utilized for

high-value cases and specific subjects, and its potential to alleviate the judiciary's workload is still developing (LEMES, 2024).

In economic terms, CEPEJ's latest report, published in 2018, analyzed the composition and evolution of the budgets allocated to the judicial systems of the states and entities evaluated in the European context. The judicial system budget is formed by the sum of the budgets of the courts, legal aid, and the Public Prosecutor's Office. Finally, the concept of "justice budget" also includes other items, such as the prison system, child protection services, policing, etc. The report emphasizes that only the judicial system budgets (and not the total justice system budget) can be compared internationally due to the diversity in the inclusion of items across countries (CEPEJ, 2018, p. 17-18, 23-25).

The analysis showed that, in general, changes in the judicial system's budget follow those of the justice system as a whole, and this, in turn, tends to follow total public expenditures. However, there are exceptions where, even in the face of financial constraints, some countries have increased their judicial system allocations: this occurred, for example, in Albania, Ireland, and Portugal. Other countries, such as Austria, Bulgaria, Finland, Lithuania, Norway, Moldova, and Macedonia, stand out for their judicial budget increases that exceeded those of other public sectors. On the other hand, Belgium, the Netherlands, and Romania saw judicial budget reductions despite an increase in total public spending (CEPEJ, 2018, p. 22-23).

In comparative terms, the share of the budget allocated to the judicial system relative to the justice system varies significantly: the average across the countries analyzed is 47.3%, ranging from a minimum of 9.3% (Ukraine) to a maximum of 92.1% (Czech Republic). In many countries, the justice budget also includes elements such as prisons, a branch of the Ministry of Justice, the Judicial Council, and, more rarely, notary services, forensic services, and part of police services (CEPEJ, 2018, p. 23-25).

The report noted that in 2016, the average European spending on the justice system per capita was 64 euros (median of 53 euros). There is a large disparity between countries: 10 states spend less than 25 euros per capita (such as Azerbaijan, Moldova, and Armenia), while eight spend more than 100 euros per person (notably Switzerland, Monaco, and Luxembourg). It is noteworthy that, when analyzing budgetary effort, it is essential to consider GDP per capita: poorer countries may have lower per capita spending, but greater effort relative to their economic weight (CEPEJ, 2018, p. 26-29).

When examining budgetary developments from 2014 to 2016, 27 countries increased their judicial budgets in euros (such as Albania, Austria, France, Malta, Poland, Sweden,

among others), while eight reduced them (such as Belgium, Greece, the Netherlands, Romania, and the United Kingdom-England and Wales). This scenario is affected by exchange rate fluctuations and inflation, especially in countries outside the eurozone or in unstable economies, such as Azerbaijan, Moldova, Poland, and Ukraine (CEPEJ, 2018, p. 32-33).

The internal composition of the judicial system's budget revealed the predominance of the court budget, representing an average of 67% of the judicial budget, with this share being even higher in countries such as Monaco and Slovenia. Anglo-Saxon and Nordic legal systems, due to the smaller number of professional judges or strong integration of ADR, tend to allocate a smaller share to the courts relative to the judiciary as a whole (CEPEJ, 2018, p. 40-41).

The report also detailed the components of the court budget: salaries represent, on average, 69%. Computerization accounts for 3%, with higher expenditures in countries such as Azerbaijan (12.5%) and Denmark (8.4%). Expenditure on procedural expenses (expert reports, interpreters) fluctuates significantly, from less than 1% to over 20% in some contexts. Investments in infrastructure are relevant in situations of structural modernization. Also, there was a trend in many countries toward outsourcing support services (cleaning, IT, security) as a way to rationalize costs and seek greater specialization, sometimes accompanied by a reduction in support staff in courts (CEPEJ, 2018, p. 45-51).

Regarding the Public Prosecutor's Office budget, the average percentage of the judicial system's budget is 24%, markedly higher in Eastern European countries, where the Public Prosecutor's Office concentrates extensive criminal and non-criminal functions. In some nations (Spain, Slovenia, Norway), this percentage is much lower. The average European per capita expenditure on the Public Prosecutor's Office is 12 euros, but there are exceptional situations, such as Switzerland (61 euros), where the institutional model has transferred the powers of investigating judges to the Public Prosecutor's Office (CEPEJ, 2018, p. 57-60).

Regarding the legal aid budget, there is a huge disparity: systems such as those in the United Kingdom and the Nordic countries allocate a significant fraction of the judicial budget (from 28% to 39%) to assistance, reflecting a historical tradition of guaranteeing universal access to the law. In other countries, the percentage is less than 1%. The European average amount per capita is 6.5 euros, with the median being much lower (2.1 euros), and some countries spend more than 30 euros per capita (such as Sweden, the United Kingdom, and the Netherlands). The absolute number of beneficiaries and the amount per case also vary widely, demonstrating different degrees of coverage and eligibility models (CEPEJ, 2018, p. 77-82).

Finally, the report highlighted that, although there is a general trend toward increased investment in legal aid and computerization, countries with already well-funded systems are seeking to curb costs through legislative reforms, while those with still incipient systems are advancing in the process of expanding rights. Effective efforts, however, can only be fully understood by considering demand, benefit granting criteria, case complexity, and administrative expenses (CEPEJ, 2018, p. 85-89).

#### IV. A CHANGE OF A PERSPECTIVE: THE FIGHT TO END LEGAL CONFLICTS

Even so, the judiciary has been moving toward establishing change goals to implement changes that improve the efficiency of its branches. According to the points discussed at the 18th National Meeting of the Judiciary, held in December 2024, a mandatory goal was established that all branches of the judiciary must adjudicate a greater number of legal proceedings than new cases distributed between December 20, 2024, and December 19, 2025, excluding cases suspended and stayed during this period (CNJ, 2025, p. 1).

Furthermore, the goals require the various branches of the judiciary to adjudicate a significant portion of older cases by the end of 2025, varying by segment. For example, the Superior Court of Justice (STJ) must adjudicate 100% of the cases distributed by the end of 2018; State Justice, 80% of 1st degree cases distributed by 2021, 90% of 2nd degree cases by 2022, and so on for each court, considering their own time frames and specificities relating to the age of the cases (CNJ, 2025, p. 2).

On the other hand, it establishes incentives for conciliation in the State, Federal, and Labor Courts. Each branch has specific clauses to increase conciliation rates compared to previous years (CNJ, 2025, p. 3):

Table 3 – Conciliation Rates increased compared to the 2023/2024 biennium

	<b>State Justice</b>	<b>Federal Justice</b>	<b>Labor Justice</b>
<b>Percentage point increase compared to the 2023/2024 biennium</b>	1	0,5	0,5
<b>Minimum limit</b>	17%	8%	38%

There is also the prioritization of cases related to crimes against the Public Administration, administrative misconduct, and electoral offenses. Each branch or level of the Judiciary received a specific quantitative target, such as the trial of 90% of misconduct cases by 2023 by the STJ, or 100% of administrative misconduct cases distributed by 2021, in

addition to percentages for crimes against the public administration or electoral processes of impact (CNJ, 2025, p. 3-4).

The reduction of the congestion rate, indicated by the difficulty in finalizing processes, by at least 0.5 percentage points in relation to 2024 was also considered, both for Federal, State, Labor, Military Justice, and for the higher courts, always observing minimum barrier clauses established for each branch and procedural phase (CNJ, 2025, p. 5), as well as prioritizing the judgment of environmental actions, in accordance with the following goals (CNJ, 2025, p. 6):

Table 4 – Reduction of congestion rate goals

Superior Court (STJ)	State Justice	Federal Justice					
		TRF1	TRF2	TRF3	TRF4	TRF5	TRF6
75%	50%	25%	35%	35%	35%	35%	25%

In relation to minorities, in the judgment of cases related to the rights of indigenous peoples and *quilombola* communities, women, children and adolescents, goals were established to accelerate judgments:

Table 5 – Accelerate goals of minorities court cases

STJ		
Theme	Judgment	Distributed until
Indigenous and <i>quilombola</i> Rights	75%	2024
Femicide	100%	2023
Domestic and Family Violence Against Women	100%	2023
International Child Abduction	100%	2024

STATE JUSTICE		
Theme	Judgment	Distributed until
Indigenous and <i>quilombola</i> Rights	50%	2024
Femicide	75%	2023
Domestic and Family Violence Against Women	90%	2023
Childhood and Youth (civil and criminal)	90% (1° degree)	2023
	100% (2° degree)	2025

FEDERAL JUSTICE		
Theme	Judgment	Distributed until
Indigenous and <i>quilombola</i> Rights	25% a 30%	2024
International Child Abduction	100%	2024

There are also innovation proposals within the Judiciary, requiring the development or implementation of projects aligned with the UN's 2030 Agenda for Sustainable Development,

through innovation labs in partnership with other public institutions. The details and quantitative requirements vary by branch, but all must present projects with measurable benefits to society (CNJ, 2025, pp. 7-8).

## CONCLUSION

Brazil faces a significant challenge due to the high demand on its judiciary, with an abnormally large number of new cases filed annually, approximately 30 million. The country's tax system is regressive, placing a disproportionate burden on vulnerable populations. Furthermore, since more than 50% of cases are processed free of charge, the judiciary's costs are largely borne by the tax system itself.

This high demand not only strains the judiciary but also has implications for the most vulnerable segments of society. The state's financial resources that could be allocated towards essential public policies, such as food and shelter for those in poverty (Brazil struggles with significant hunger issues), are instead diverted towards supporting the judiciary. The surge in demand can be attributed to three primary factors: (1) a large number of lawyers, (2) a limited number of judges, and (3) low costs associated with accessing the judiciary.

In response to this challenge, the state must either allocate additional funds to the judiciary or explore alternative dispute resolution mechanisms, such as arbitration. While arbitration is growing in Brazil, it remains inaccessible to many and underscores the urgent need for reform.

Analysis of the data reveals an uncomfortable yet undeniable truth: every right presupposes a collective expenditure. Rights are not free, and in the Brazilian context, this maxim takes on tragic overtones, given the obvious disconnect between social funding and the effective guarantee of these rights, exposing the country's underlying structural inequality.

By delving deeper into the functioning of the Brazilian judiciary, it becomes clear that access to justice, a fundamental right, is far from universally guaranteed. Procedural congestion, coupled with excessive processing times, reveals that the formal democratization of access runs up against enormous practical barriers, turning the judiciary, rather than an instrument for promoting equality, into a vector for deepening injustices, benefiting those with the time and resources to litigate indefinitely.

The financing of the judicial system, as demonstrated by the analysis of budget data, highlights the significant burden of personnel costs, which represent approximately 90% of total expenses. This points to a model heavily centered on traditional human structures, with

little susceptibility to technological innovation or administrative streamlining mechanisms, unlike what is observed in some European contexts.

The contrast with European systems reveals valuable lessons. Many European countries combine significant investments in justice with streamlining and innovation policies, resorting, for example, to computerization, encouraging conciliation, and valuing alternative dispute resolution methods, such as arbitration. Furthermore, the budgetary fragmentation of systems with significant participation by public defenders and free legal aid illustrates a more effective concern for equal access to justice.

The difference in access to justice through conciliation and arbitration is clear; while in Brazil such mechanisms are incipient or reserved for large litigants, in Europe they are frequently integrated into the system's logic, reducing the volume of traditional lawsuits and, consequently, reducing costs, queues, and delays.

Data on case processing times expose the Brazilian deficit, as the average time is considerably longer than in Europe. This, combined with the disproportionate number of cases per capita, overburdens the system and undermines public confidence in the efficiency and credibility of the justice system. Similarly, the Brazilian model demonstrates a vicious cycle of delays and unpredictable decisions, which encourages litigation and the strategic use of the judiciary, including by those with greater economic power, to the detriment of those truly in need of swift and effective judicial protection.

Therefore, simply expanding access to the Judiciary is not enough without simultaneously investing in the quality, predictability, and streamlining of procedures. It is crucial to internalize the logic that the Judiciary is a common good, used in rivalry, and that its depletion particularly harms the most vulnerable, whose rights should be prioritized.

In this scenario, one path to improvement lies in public policies that encourage the creation and stability of judicial precedents, reducing uncertainty and litigation. By making decisions more predictable and uniform, the incentive for unnecessary litigation is reduced and the system's capacity is freed up for truly relevant cases, promoting greater distributive justice and efficiency.

Furthermore, the data suggest that investment in alternative dispute resolution methods, such as mediation, conciliation, and arbitration, must be expanded and democratized, so that they are no longer the privilege of large-scale litigators, but rather a tool for reducing judicial demand, freeing up resources for matters that truly require judicial review.

Thus, international experience teaches that increased resources must go hand in hand with rationalizing spending and pursuing institutional innovation. Improving the Brazilian justice system, inspired by these lessons, is ultimately a matter of political will and social commitment to building a less unequal and more just country.

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