

Convergence and Divergence of Professional Ideology and Legal Ideology as a Performance Determinant Factor in the Profession of Judiciary

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Abstract

In the legal context, despite legal traditions and the level of economic development, rising caseloads and lengthening delays in case management have become perilous and frightening global phenomena. Contrary to orthodox approaches in performance management, this paper explores the constantly overlooked, yet deeply embedded and crucial dilemma of the role played by the professional ideology of judges in case management and its consequences on their professional performance. However, there is a dearth of research and literature pertaining to professional ideology, especially its impact on the performance of professionals, professions and professional organizations. Similarly, existing theories on the advanced capitalist class structure do not adequately explain the nature of professional ideology and its interplay with clients, professionals, professions and professional organizations. Hence, this paper attempts to explain how judiciary as a profession became a dominant and distinct social class in the contemporary advanced capitalist class structure by forming, the phenomenon professional capitalism, and how the professional ideology of judges adheres to and advances bourgeois ideology through subtle forms of professional domination and exploitation. The paper also examines how the judicial apparatus intensified the above issues through the interpellation of subjective institutional ideology in its agent judges. It is argued that tension is caused within and among judges due to the suppression of subservient legal ideology of minority members of the profession of judiciary by the dominant professional ideology of its majority members, resulting in domestic laws' delay. Further, it is affirmed that professional ideology acts as a performance determinant factor of professionals using the exemplar of the profession of judiciary. This paper takes the stand that to obtain the anticipated efficiency from the profession of judiciary and to mitigate the prevailing client-professional expectation gap, it is necessary to identify and manage the dominant professional ideology more effectively.

Keywords: Ideology, Judiciary, Laws' delay, Performance, Power, Profession.