

**Lebanese American University**

E-Court: The Symbolic Token of the 21<sup>st</sup> Century

By

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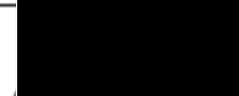
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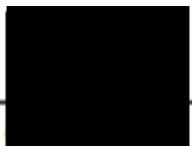
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# E-Court: The Symbolic Token of the 21<sup>st</sup> Century

Yara F. Naser Eldeen

## Abstract

E-Court systems have transformed justice from being traditional to being virtual, through the employment of advanced technologies. These systems are keys for systematic, efficient, unbiased justice, and case tardiness, which in return mirror the dignity of the judiciary system, and foster esteem for the rule of law, thus granting citizen's rights and faith in their governments. Helping governments recognize the importance and the magnificent impact of E-Court systems in evolving the justice and solving its problems, in my point of view deserves undertaking. Yet, the concept and techniques of E-Court systems are still relatively new for many countries including Lebanon. Throughout this paper, an analysis of the whole procedure is held, and real life examples of countries are provided.

Therefore, this thesis aims at generating and outlining this concept and helps in introducing its six main E-Justice systems in order to assist the legal audience to take the approach and introduce such concept in their judiciaries, because it is the means for the successful reform.

Keywords: Court Process, IT implementation, E-Justice, E-Court, and Judiciary, Lebanon.

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## **List of Abbreviations**

<b>E-Court</b>	Electronic Court
<b>E-Justice</b>	Electronic Justice
<b>IT</b>	Information Technology
<b>ICT</b>	Information and Communication Technology
<b>CMS</b>	Case Management System
<b>EFS</b>	Electronic Filing System
<b>CRT</b>	Court Recording and Transcribing
<b>QMS</b>	Queue Management System
<b>ECM</b>	Enterprise Content Management

# Chapter One

## Introduction

### 1.1 E-Court Overview

I would like to start my statement by referring to one of the astonishing real life samples. During World War 2, London was exposed by bombing attacks, big casualties and economic devastation; however, the British Prime Minister Sir Winston Churchill asked “Are the courts functioning? The answer was “yes”, which made him say “Thank God if the courts are working nothing can go wrong”. This was an opinion of one of the most powerful men throughout history.

An efficient, flexible, and transparent justice system is considered to be a significant national and strategic purpose within every country. It is undoubtedly theorized to be among the key factors when it comes to prolonging security and economic prosperity.

As it is practiced worldwide, people have disputes, and these disputes have been resolved differently through years under updated circumstances. Before the birth of technology and in the advanced systems, the outdated principle to resolve these disputes was to adopt lawyers and to manifest before the courts. However, time is changing and the world as well, thus transforming to the kingdom of internet, in which a preceding software is arriving on stream, and times of fetching up in courts holding and bullying files are onset to shift.

If the feature of the nineteenth century is the discovery of coal and the development of the machines, and if the twentieth century was the era of the aviation industry and the facilitated transportation, the twenty first century witnessed an overwhelming

development through the use of computers and internet. Technology has invaded every single field; it has influenced the way people live and spread its effects on all activities including administration, research, education, commerce, and business, thus approaching every single home.

Who of us didn't have to access courts to procure justice? Access to justice was, is and will always be a substantial and significant issue around the world. As we can see, technology is considered lately as a potential facilitator to gateway justice; it is even considered to be a track for mending the justice sector's efficiency. Electronic services became fundamental integral fractions of the information system and subsequently the judicial system in non-countable countries, information and communication technology justice systems are lately considered to be the corner stone of the developed countries. These technological and communicational improvements introduce facilitators to judicial policy makers to fabricate a more transparent, operative, and dynamic accessible justice to citizens, because public distinction is benchmarked by the service delivery competence.

E-Court (Electronic Court) systems were incubated through almost 40 years; the commencement was in the U.S and then it expanded to the globe and even to the common law countries. Therefore, as we will see through the countries' experiences, enhancing, implementing and accomplishing E-Court systems is considered today of a significant priority in almost all countries because it is considered to be the success key in the judicial system. Well-designed E-Court systems will foster, interest, and benefit courts and the delivery of the core functionality. Further, the need of the countries for translucence, public trust and certainty in its legal systems, created a considerable demand for constituting court information and technology. Therefore, it is nowadays evident that courts across the globe are in need for E-Court systems. In

response to this massive need, E-Court systems are now being introduced as the masterpiece processes that boost a more dynamic accountable case handling.

There is no democracy without a prompt, limpid and transparent justice. Introducing technology and information systems in courts and all the judicial system contributes to excess service efficiency as well as rebate in the time and the quantity of pending cases because a dynamic, efficient justice is considered to be worldwide an essential right of the citizens, and on the other hand a boost for the economic growth.

Courts are considered to be the central process to solve disputes in both Common and Civil Law legal systems. Usually a citizen accesses the court plenty of times either to request information, to submit papers, to review his case's process, and to maintain copies...etc.

In the recent years, we can view the rapid transformation and the development in communications including intercontinental transactions via internet, which in return shed the light on the biggest gap in our judicial system. This puts the bulk burden on the shoulders of the judiciary that must backup this evolution and transform into digitizing itself, because nowadays electronic systems became an essential, primary and imperative tool for amending the judicial system and its services. Thence, digitizing the judiciary system is accomplished through opening the availability to the lawyers and even to the users to keep track on the course and the outcome of their cases electronically with no need to transfer physically.

The requisite principle in jurisdiction is that lazy, delayed justice and injustice itself are considered to be the same; they both mean by substitution that justice is denied.

The advances of the 21<sup>st</sup> century raised potentials to upgrade and solve the judicial problems. E-Court systems are one of the potentials that are being adopted and

integrated through many years in order to provide a perfect service delivery and to attain justice. By using E-Court systems, the courts will be capable of managing cases electronically from the date of filing it till the date of the order, in addition to informing the litigants and their lawyers with the needed information through websites and mobile applications without the need for a physical transfer.

The judicial function is endeavor and is utilitarian for all society segments; therefore the superior way and the ultimate remarkable tool to improve the judiciary and to obtain an effective justice is to raise the barriers that prohibit easy access to qualitative justice, which is achieved by digitizing the courts.

The main objective of this paper is to introduce E-Court systems in Lebanon to help:

1. Receive the documents in contact with the court proceedings and store them.
2. Retrieve, update and communicate the case records, proceedings and updates.
3. Protect the confidentiality of the records and data stored...etc.

Therefore, this study is conducted to shed light on the importance and the influence of Electronic Court systems on the court service delivery, as it is foreseeable to present remarkable knowledge and quick overview of Electronic Court Management systems. These Electronic Court Management systems will assist the legal audience, guide them and show them how a system may improve the justice as a whole. Moreover, they will furnish the judiciaries especially the Lebanese government and mainly its judicial system, that introducing E-Court systems will enhance efficient, effective and a well reputable judiciary; because the judiciary is considered to be the backbone of every government.

We sketch our paper from:

1. Literature and information resources.
2. Previous and present experiences and studies.
3. Reports on the use of E-Court systems in diverse countries.
4. As well as a primary source which is my examination.

## **1.2 Literature Review**

The 21st century uplift progressed the evolution of many sectors. Technology is deemed to be the most astonishing operator that modified the world; it blossomed the information which in return contributed to the rise in the accuracy and the human communications as well.

In the last decades, Computerization and Information Technology was widely accepted and spread all over the world in the public sector. The use of ICT allows judiciary to perform its services in a more efficient, transparent and timely way; it expands the access to the judicial information, proceedings and decisions (Larsson, 2002). The use of ICT in the judiciary is referred to as E-Justice. E-Justice improves citizen's access to an effective judicial process; it is considered to be the key element that identifies the judicial system as a modern one. Therefore, the ICT is a key tool in developing a more efficient justice delivery (Bhattacharjee, 2002).

In the old days, lawyers and litigants used to go to government institutions, to the courts and even used to call the registrar in order to be updated on the status of their cases. However, today and through using the EFS, this system sends notifications of the case to both lawyers and users electronically without the need for physical transfer.

In order to achieve effective day-to-day court services and attain a transparent judiciary, the government needs to substitute the human element by automated technological systems (Gouanou & Marsh, 2002).

The International Records Management Trust (IRMT, 2002) detected bunch of matters recognized through legal case studies:

1. The necessity to design more resources to facilitate the recordkeeping infrastructure.
2. The requirement to award the legal technology more vantage.
3. The realization that e-court systems facilitate the case flow management.
4. The need for standard formats and computerized projects.
5. The intensity for court record managers who are well trained in addition to a formal training.

Years ago, various countries all over the world such as Europe, United States... set the purposes and the outlines to help fulfill the excellence in their courts, they started to introduce E-Court systems that Saman& Haider (2010) summarized in their research.

Many negative aspects were diagnosed in court processes; these aspects include delays, uncertainty, Non-transparency, inaccessibility, costly, unintelligible (McMillan, 2007), and plenty others that we will seek to mention through our research.

Moreover, Wolfensohn (in Malik, 2002, p: 1) said: “the capabilities of information and communication technologies, together with a rising sense among people entitled to participation openly in government and society, offer enormous

potential for advances that can be of great and lasting benefit to all people around the world... and particularly to the poorest people of the world.”

As long as there is an efficient, effective and transparent delivery of services in courts and the judicial systems, more justice and public confidence is attained in the judiciary (NCSC, 2002).

## **Chapter Two**

### **Problems faced before the usage of E-Court Systems**

The judicial system in every country is consisted of courts. The court may maintain different meanings. According to the “Oxford Dictionary”, it means a body of people who hear legal cases. According to “Wikipedia”, it means an official and public forum that solves disputes. “The Black’s Law dictionary” defines courts as governmental bodies containing judges who adjudicate the disputes and administer justice.

Through centuries all over the globe, the judicial systems were exposed to many complaints, these complaints are still even being heard nowadays especially in Lebanon. The court procedures that were conducted manually before the introduction of E-Justice and E-Court systems, such as these practiced by the Lebanese courts till now unfortunately, establish many weaknesses that we will divide them into 2 categories:

#### **I. Issues related to the work flow:**

1. Much time is spent searching for the file of the case since it cannot be traced easily due to the absence of systemic control.
2. Files are missing or misplaced due to the non-proper filing and to the poor storage, which thus is a road to corruption, injustice and malpractice.
3. Many court records and papers are damaged and eaten by rats, and insects because they are stored in a non-convenient environment.
4. Plenty of cases postponed and backlogged due to absence of control mechanisms.

5. A case may be registered in different jurisdictions which thus lead to an overlap in the case proceeding orders and enforcement.
6. The most complaint problem in our judiciary and in every other is the excessive delay concerning case processes. Courts take too much time in providing their ordinary services to the users (Riesling, 2009), these problems lead to the lack of confidence in the judiciary and in the state as general. Case delay is considered to be a debatable topic through centuries; therefore a number of international conventions urged to award citizens their right in undue delay cases. If time passes, people's interests might be affected and thus justice will be denied, thus affecting the society as a whole. For example some of the impacts of the delays are:
  1. A decrease and a reduction in the value of the awards,
  2. More amount of costs is paid,
  3. Some witnesses and even evidences might disappear and disperse and even lose their credibility... etc.

Once the British Prime Minister William Gladstone said "Justice delayed is justice denied".

#### 1. Issues related to people:

1-There is a lack in the number of professionals, staff, judges and even organized rooms, in relation to the number of cases arose.

2-Lawyers, employees, judges and even citizens lack information and communication technology skills (Satirah & Saman, 2013)...etc.

Now, let us move to another level, to the most negative identification of the judicial system in multiple countries, a level where corruption is not anymore a single country

issue, but spread to be considered a worldwide issue. Corruption is the fruit of the weakness in the ruling systems, complex administrative procedures and inherited routine systems (Chrisphine, 2012). Through the years, states had a stereo-typed view that the judicial system including the courts are slow, and rigid. Therefore, in order to attain reforms in the judiciary, these outmoded administrative systems must be substituted with computerized technological developments and systems, since as viewed, the technology made a turning point in our lives and made a sea change in the history of human civilization.

Introducing E-Court systems, information and communication technologies in the judicial system help modify court's processes in order to become more transparent, efficient, accountable, friendly and uniform. Thus, this introduction is claimed to be beneficial for all state holders of the court starting from litigants to court staff to judges to lawyers, to users, to the public and finally to the government as whole. Therefore, slow court Processes, corrupted judicial systems, corrupted judges and employees, and difficulty in accessing courts...etc. are crucial issues that can be solved by using and adopting E-Court systems.

# **Chapter Three**

## **E-Court Systems**

Years ago, and after noticing an increase in the burden on the courts, international organizations worked on increasing the courts efficiencies and transparency through facilitating its procedures. They considered E-Court systems as the best source to establish the modern, efficient, accountable and uniform justice.

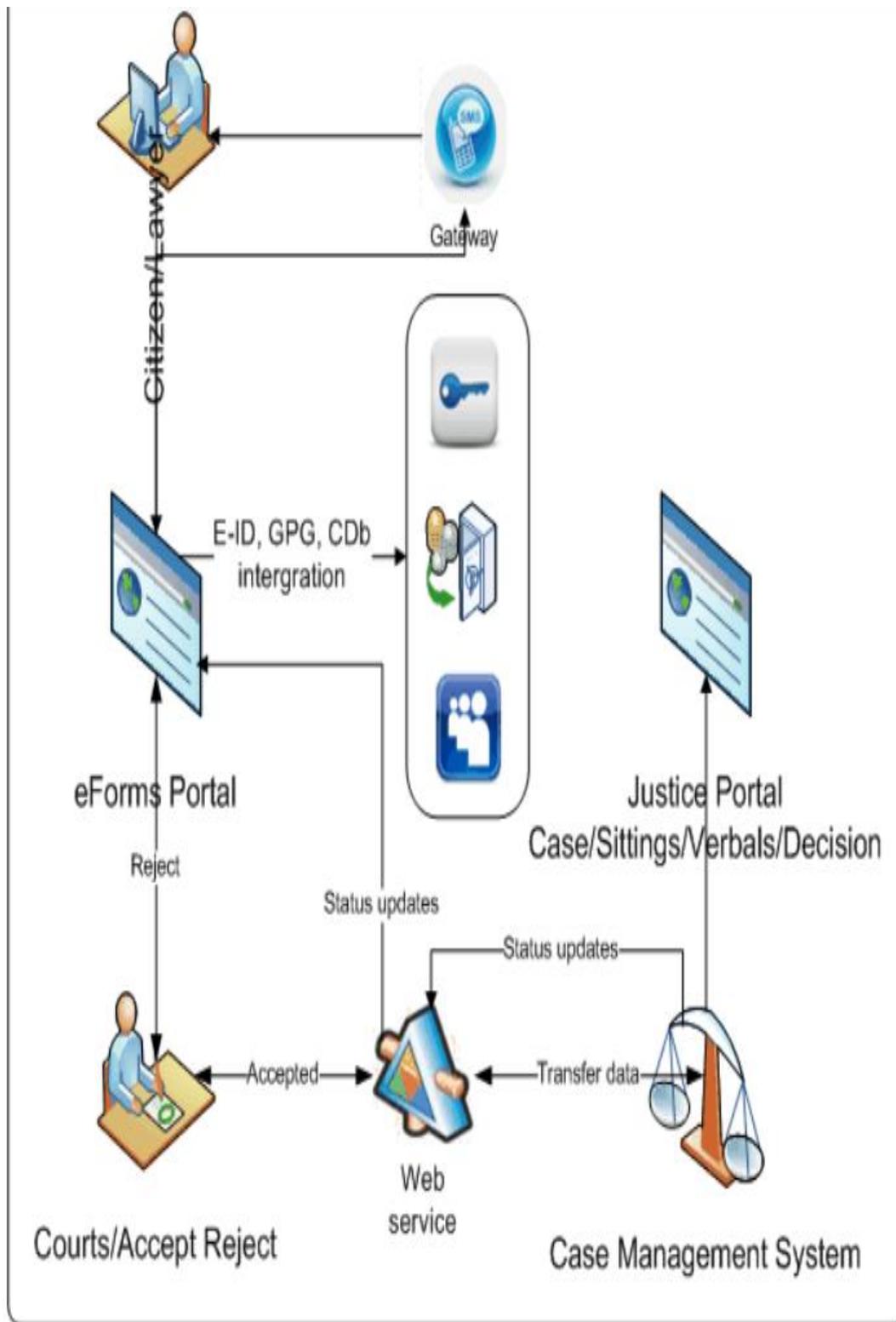
As it is seen historically, technology has been in use through several years ago, this usage led to the introduction of one of the most important technologies known as stand-alone functional technology. These network technologies are means for people interactions and are now features in plenty of jurisdictions worldwide.

The negative aspects discussed in this paper, and which are diagnosed frequently in many courts worldwide, encouraged governments to design solutions. One of the solutions proposed was to increase the number of judges, employees and equipment and to even issue new laws. However, this solution is not expected to provide the favorite expected results, and as a result, it is found that introducing technology and E-Court systems is considered to be the best solution that will increase the productivity, efficiency, and transparency of the judicial proceedings.

The “E” before a word means using information and communication technology in a specific field. Many countries invested in ICT and applied it in its judicial system; many applications and E-court systems were introduced, such as CMS, Case Tracking, Automation of Workflow, E-Filing systems and plenty others.

The E-Court project is a project established to save the storage as well as the human resources. Moreover, it allows a quick and online access to the documents, updates

and processes of the case. This project uses a number of modules that we will discuss a portion of below:



**Figure 1: E-Forms Flow**

### 3.1 Electronic Filing System

The (EFS) Electronic Filing system, is a system that allows firms and users to file their cases online through an application or summon; then, after this submission the court will give each case its identifiable number, after which further documents and submissions can be submitted online. Moreover using EFS helps in calculating the fees of the documents submitted and the court fees that must be paid, it even allows them to be electronically paid. This E-Filing Portal is the bridge for citizens to access all their legal needs, starting from registering the case, filing its documents and retrieving them, till setting the case's schedules. This system provides a concurrent access to the case documents daily 24 hours from any place without queuing (Satira & Mohd saman, 2013).

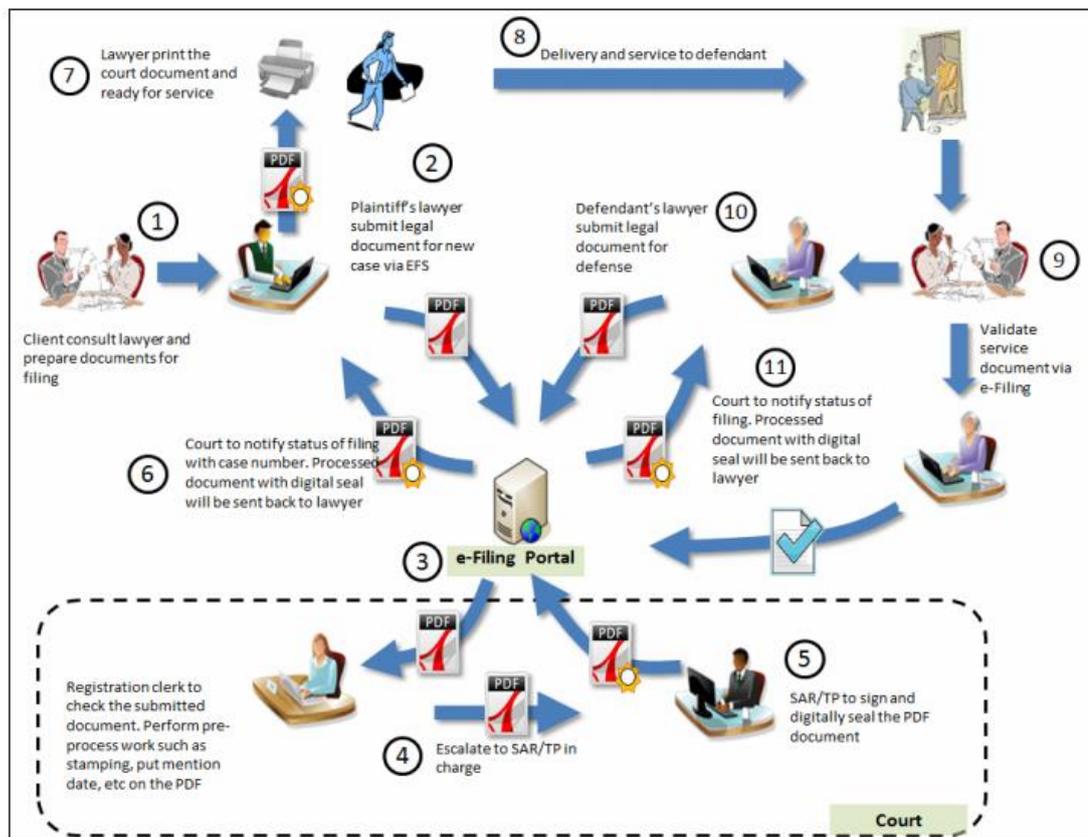


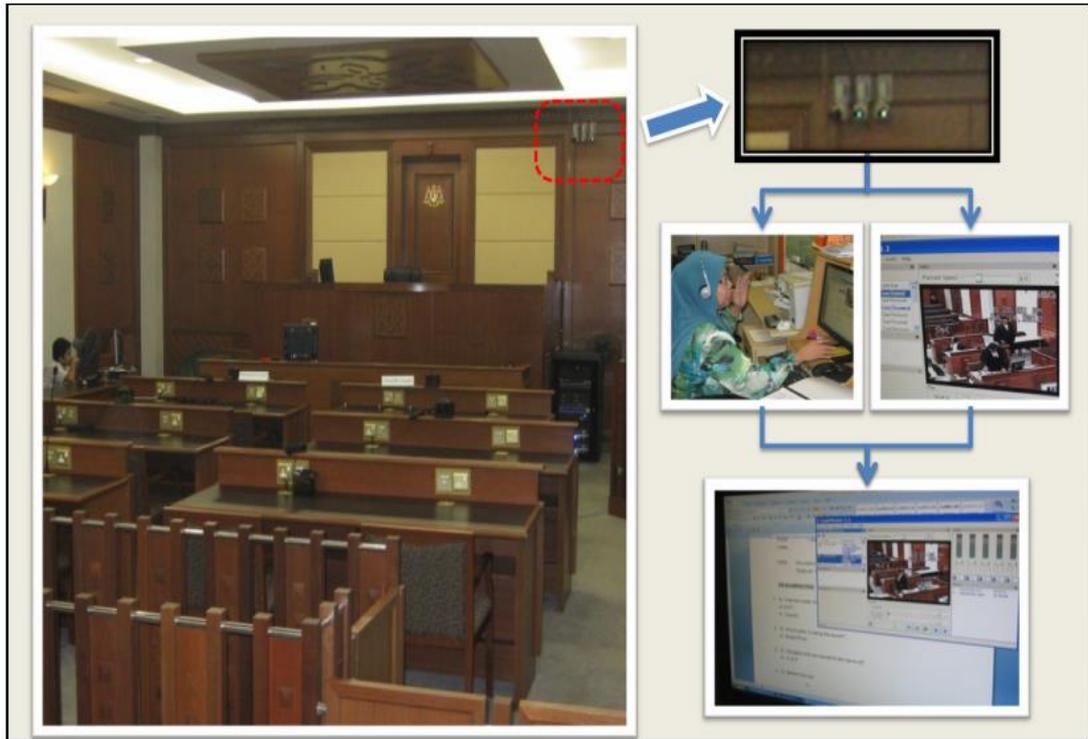
Figure 2: E-Filing Process

### **3.2 Queue Management System**

The Queue Management system (QMS) is the system that makes the queuing of daily court's transactions automated when the case number is registered in a kiosk system by the lawyers. This system helps in facilitating the holding of the hearings through having each attorney register his arrival at the day the event is scheduled in and then helps them know where to stand in queue. Using this system, the attorneys who registered at the court can leave and call or send an SMS using their phone or computer to identify the time they will return for the hearing (Satira & Mohd Saman, 2013).

### **3.3 Court Recording and Transcribing System**

The Court Recording and Transcribing (CRT) system is the system that allows the recording of the hearings before the judges during an open court, by which this recording can be then formatted to an audio video in order to be used as a reference later on. Using this system not only helps in automating the hearings for later reference, but it also allows the judges and the experts to review the physical and the facial expressions of the plaintiff, defendant and even the witnesses later on. Moreover, another advantage of this system is that the recording is considered to be as a public document in many countries (Satira & Mohd saman, 2013).



*Figure 3: Court Recording and Transcribing*

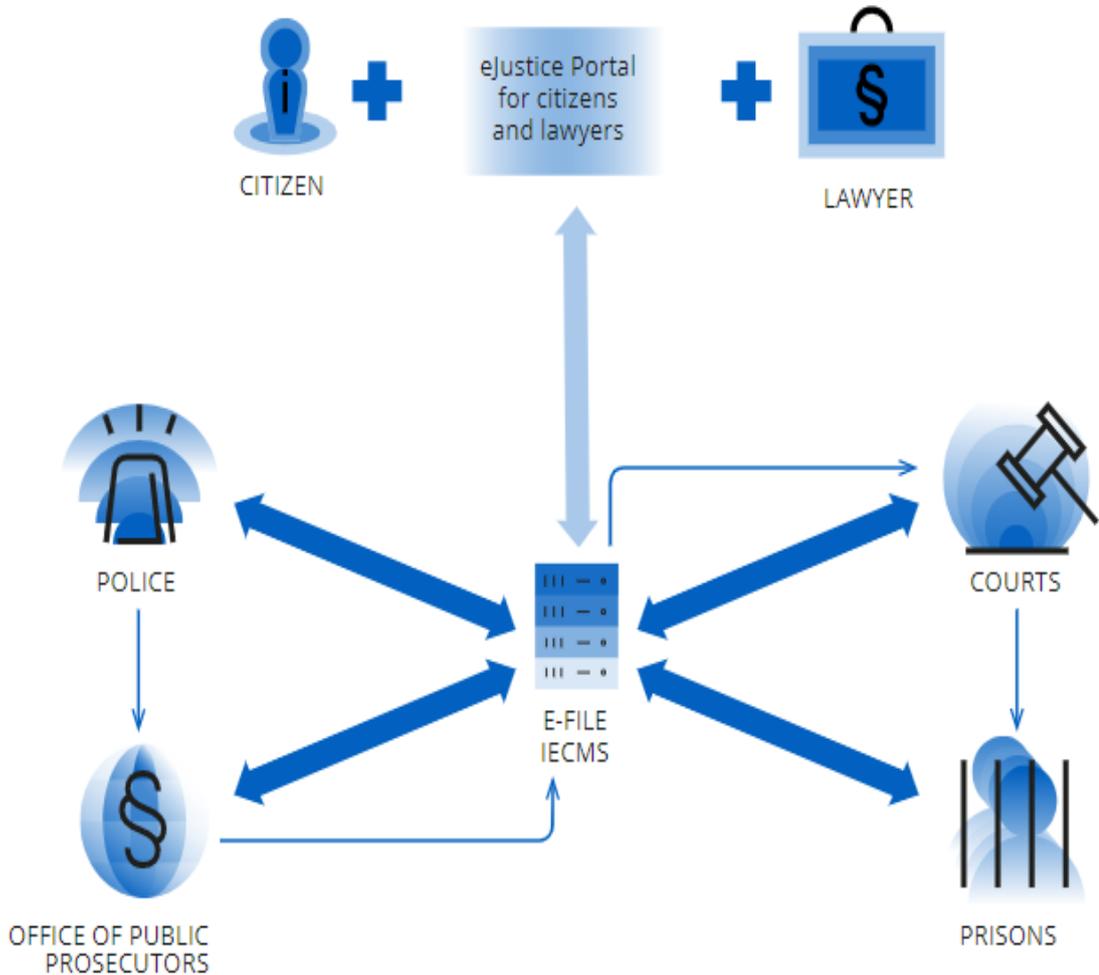
### **3.4 Case Tracking System**

The Case Tracking System enables courts, lawyers, and attorneys to know the status of their case through mobile or any other electronic mean, contrary to the old manual case tracking processes where users used to call the court registrars and transfer physically to courts.

### **3.5 Data Exchange System**

The Data Exchange System is the process by which information can be exchanged between the courts, police, and public offices. This process maintains social justice, effective enforcement of the laws and a better accuracy and speediness of information (Satira & Mohd saman, 2013).

# eJustice Portal for Citizens and Lawyers



*Figure 4: E-Justice Portal*

## 3.6 Case Management Information System

The most important system is the Case Management Information System (CMS); this system provides an application through which litigants and lawyers can apply and submit their case with its relevant documents electronically without physical actions and files. This program permits individuals to submit the needed information and the essential documents, control them in the system and track follow the state of their

case. Case tracking systems, enable courts, lawyers, attorneys to know the state of their case through the mobile or any other electronic mean , contrary to the manual case tracking process where users used to track their case's status though calling the registrars and or through going to the courts.

This technique enhances efficiency, transparency and reduces the delays and backlogs (Gramckow & Nassenblatt, 2013). This system gives the courts the ability to control the cases submitted and registered and to keep track on their progress starting from the phase of filing it to the phase of its disposition including every single phase in between, even the phase after the disposition such as the phase of the appeal and the enforcement (RIELING, 2019).This system runs on plenty of systems such as windows, Mac Os and Linux...etc.

Therefore, let me brainstorm the case management technique principles:

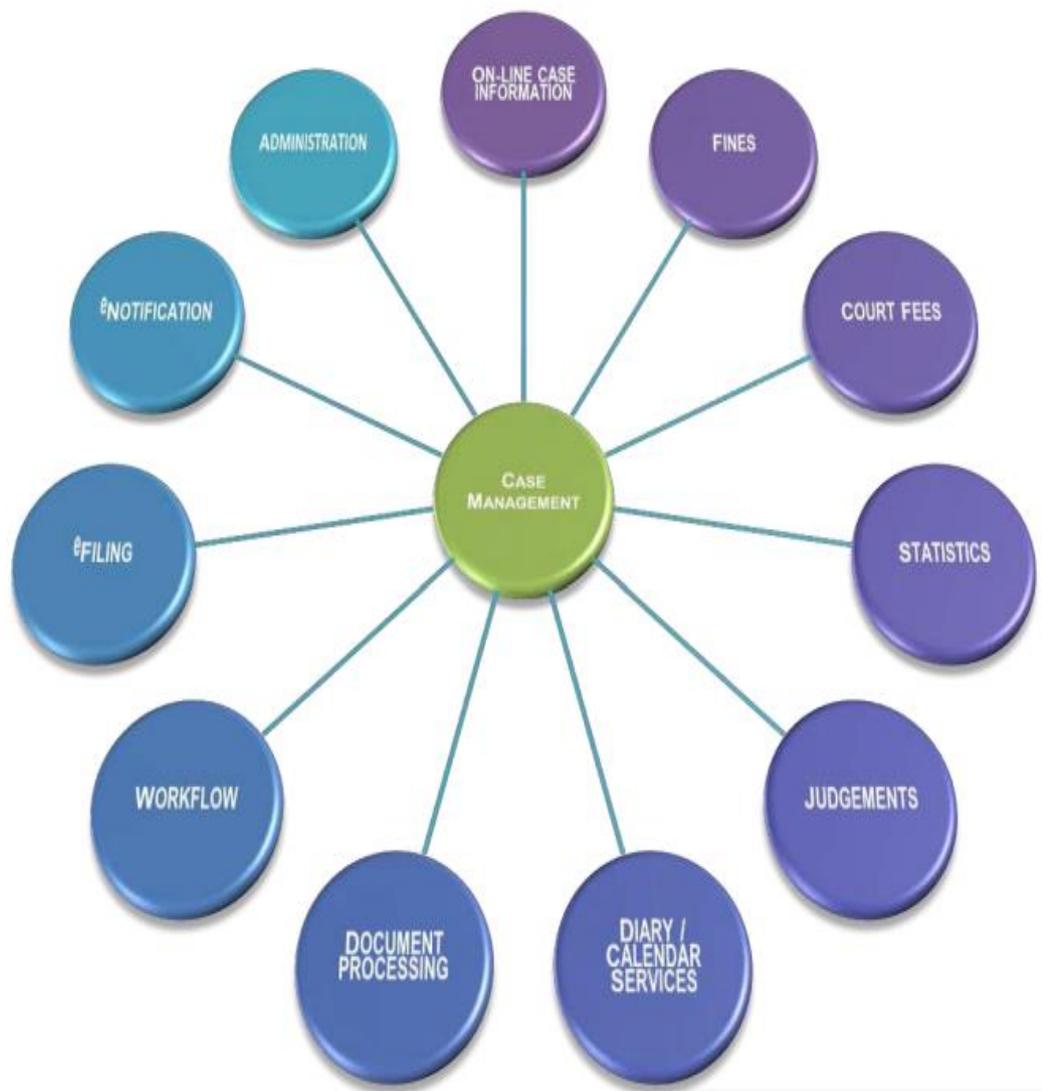
1. Using this system the time lines for the main case procedures will be set starting from the date of filing the case to the notifications, and from the notifications to the hearings and so on.
2. Provides firm and credible dates for the hearings and sets limits on the quantity of adjournments allowed to be heard.
3. Sets scheduled conferences for pretrial in order to help parties know what should be provided and done at each stage of the case, which in return limits the contentious concerns before the trial and thus helps in narrowing not needed pretrial motions as well as delay tactics.
4. Identifies the limits on submitting delayed indexes and early disclosure requirements, thus, by this the litigants sort out the evidences that are going to be approached.

5. Introduces alternative dispute settlement procedures with different selections in order to help litigants settle their case through for example mediation, conciliation, arbitration... which is done outside the roof of the court.
6. Provides to courts the ability to emit summary judgments in relation to cases where there is no dispute on the facts, without opening a trial and based only on evidence and statements asserted by the litigants.
7. Sets the necessary information that helps judges in controlling timely processes and constituting a reliable legal database and a case record that is preserved and automated; this record control can be accessed through entering the number of the case, the numerical identifiers of the case, the date of filing the case, or the parties names...which in return helps in decreasing the amount of appellate reviews.
8. Sets format guidelines on the electronic papers and the documents that are to be submitted for court records, thus allowing uniformity in the data submitted.
9. Allows the judges, court staff, attorneys and even the users to be upgraded about the case activities, progress and delays.
10. Helps courts in managing their resources, in accounting the case fees and collecting them.

The case management process can allow the use of audio and video conferencing when one of the lawyers representing a party is unable to attend the court during its session. This system provides information on the status of the case, its stage, the name of the judges who are viewing the case, the dates in which the case was filed and finalized, and the reservations of the court rooms.

Furthermore, there are various steps in order to apply the CMS system, we will mention them briefly as seen below.

1. CMS login.
2. Centralized filing.
3. Allocation of the case such as:
  - a- Registering the court room.
  - b- Filing court room.
  - c- Backlog entry of the data.
  - d- Entry of the case details.
  - e- Entry of the party details.
  - f- Submitting documents.
  - g- Entry of the property details.
  - h- Details about the act and section.
  - i- Details about the fees.
  - j- Details about witnesses and advocates.
  - k- Dates and data of the next hearings.
  - l- Details about the proceedings in the court room...etc.



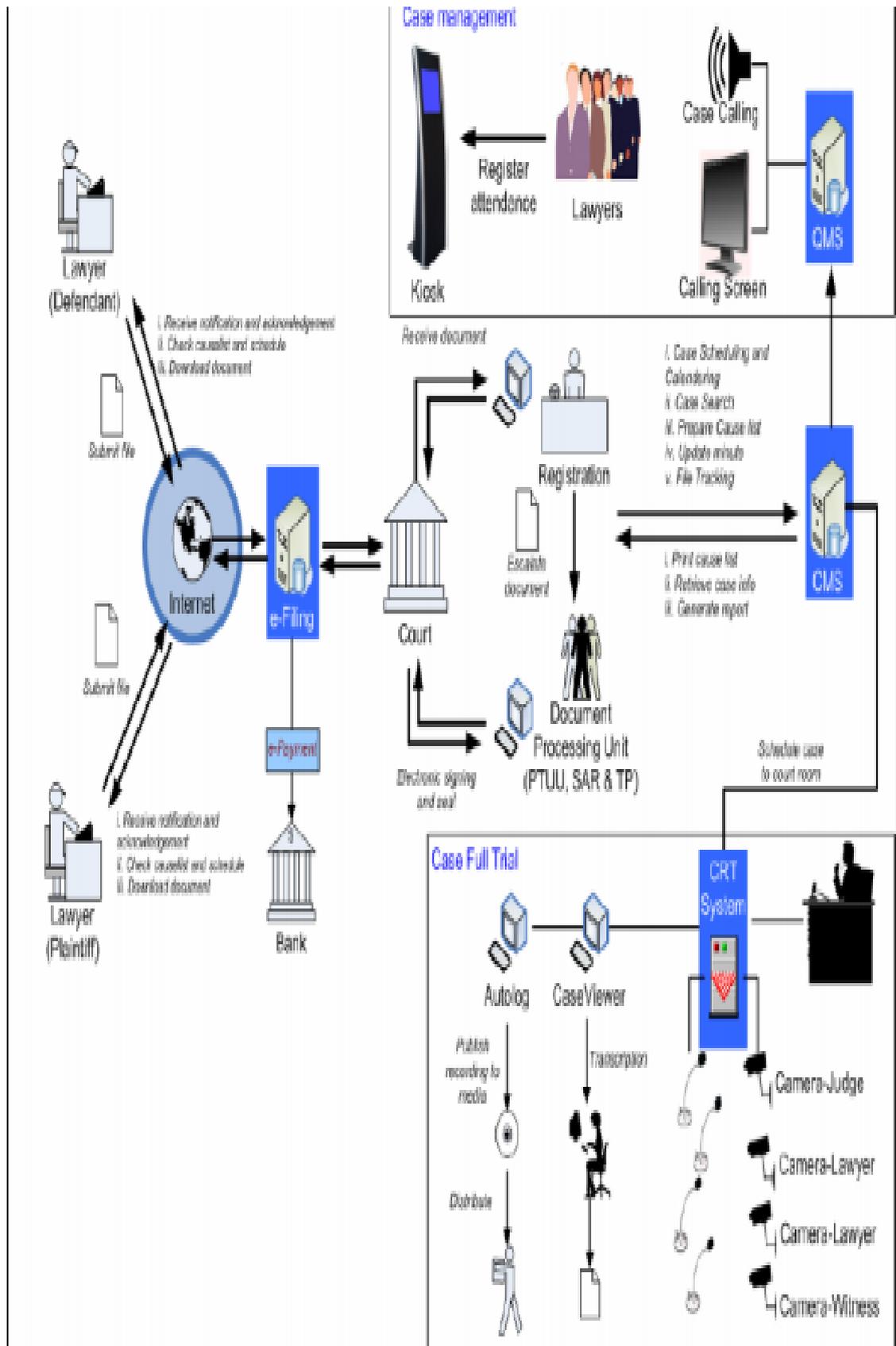
***Figure 5: Case Management***

Therefore, and based on the above discussed information, Lebanon must introduce E-Court systems in its courts and its judicial system which also include an E-Service Portal, because the mentioned will encompass the below:

1. Provide a website in which cases can be submitted online.
2. Provide a function that tools up online electronic forms.

3. Assort a calculator that assists in calculating the states fees popping up from the case filing and the document's submissions.
4. A track system that informs the users about their case state and its proceedings.
5. A schedule of the court hearings and their dates with a reminder sent via email notification to the concerned user.
6. Show a calendar of the obtainable litigants, and advocates in a specific proceeding to minimize delayed proceedings...

These E-Court systems are the access tools for the users concerning their case and its proceedings...Therefore, it is substantial for a government that desires to introduce E-Filing and E-court systems to palate the genuine taste of what is tooled up at the starting point and what will it be at the end of the process. The offered systems discussed overhead are the flights that allow the Lebanese judicial and any other to cross to the world of efficiency.



**Figure 6: E-Court Process**

## **Chapter four**

### **Benefits of E-Courts**

As we mentioned above, E-Justice and E-Court systems are the services that transform the judiciary to the electronic world.

In this study, we intend to manifest and shed light on the massive impact of information and communication technology (ICT) and E-Court systems on the service delivery in the courts. Using technology in the judicial system benefits all participants in the legal sphere (Augsti, 2009.p:54).

Therefore, based on this, it is remarkable to perceive the considerable benefits that are equipped when using these systems, those benefits encompass the following:

1. A massive increase in the amount of cases settled after implementing E-Court in the judiciary which is due to distributing cases among the judges and courts in a fair manner and according to every circumstance in each case.
2. Saves time in the coordination, registration and management of cases, and provides backup systems for previous work thus leading to a more specialized function, more satisfaction, less staff turnover and more consistent reliable data with less errors (Satira & Mohd saman, 2013).
3. Prevents case delays that hinder the opportunity of maintaining justice. The duration of the case process is considered to be as a hint on the efficiency of the judicial system (Gregorio, 1966).
4. Protects and secures the information and documents submitted in a case because only authorized people can access to it using either digital signatures

or smart cards. This process increases the transparency and the public trust in the judiciary, contrary to old times where case files used to be carried physically from a hand to another (Marungi, 2001).

5. Facilitates the access to the judicial information and to the stage of the case without the need to moving physically to courts, thus saving time, efforts, space and money (Stefan, 2006).
6. Improves the legal knowledge by the users and enhances extra gateway to justice because it provides information on how the courts function and the tools that users can use to ensure their rights and to identify their tasks. In addition, it explains the steps that are to be used to achieve a certain assigned process.
7. Sets ticklers that notify users about the deadlines for future events in which they should take an action so that their case don't slip through the cracks, and through this it aids in limiting constant calls and checks of the dockets (Slowes, 2012).
8. It supplies statistical information that can be used by internal and public users in their reports, work and researches (Slowes, 2012).
9. Allows 24 hours per day during the week full access on the case process, status and documents (Vilquin &Bosio, 2014).
10. Limits the risk of losing valuable documents by preventing stealing, misfiling and destruction. Moreover, this way it can even reduce paper and envelops usage (Vilquin &Bosio, 2014).

11. Facilitates obstacles faced due to the presence of geographical distances. It helps decrease traveling and thus saves time and money. For example, people used to travel hours to attend their trials in addition to having to pay for hotel accommodations, tickets and transports, while their trials only last for an hour. These systems introduced video conferencing system as a solution for such obstacle (Yehya, 2015).
12. Removes corruption by preventing bribery and fraud and through distributing cases randomly and fairly between judges, this helps in blocking the illicit access to the case documents (Dye, 2007).
13. Ensures effectiveness, accountability, integrity and transparency of day-to-day court proceedings (Narat, 2012).
14. Leads to economic development and productivity, since the use of technologies in the judicial system sponsors the enforcement of the rights and encourages creditors to lend more and more investments.

These were the most important benefits of using technology in the judicial system. As to Wildavsky (1988, p. 56) “net benefit, not no harm, should be the criterion of choice (for policy matters)”.”benefits will never be discovered unless risk (in the form of trial and error is tolerated)”.

As long as there is an efficient, effective and transparent delivery of services in the courts and the judicial system, the more justice is attained and the more public confidence is gained in the judiciary (NCSC, 2002).

Act 120/6/2015 - CARMELO SIVE CHARLES vs FARRUGIA

Contact	Contact Role	Status
FARRUGIA, CARMELO SIVE CHARLES	OTHER	POZITTIV
FARRUGIA, CARMELO SIVE CHARLES nee' CILIA	OTHER	POZITTIV

FARRUGIA, CARMELO SIVE CHARLES

Date Sent	Date Returned	Date Notified	Act Status
03/06/2015	09/06/2015	06/06/2015	POZITTIV

Method	Type	Locality	Marshal / User
BY MAIL	NORMALI	SAN GWANN	SPITERI GAETANO

Remark

*Figure 7: Electronic Judicial Notification*

Dimensions	Pre-implementation	Post-implementation
Case management	Case management less efficient	Case management is very efficient, increase productivity and work vigor
Time	Registration and management of cases manually was time consuming, no one-stop service centre	Registration of new case takes approximately 2 minutes, case management is efficient.
Case overlap	Case overlapping could not be easily traced manually	Case overlapping can be tracked easily
Statistics	Generating statistics manually was time consuming and difficult, sometimes erred, may lead to improper decision making	Statistics are generated promptly, facilitate excellent, unerring and timely decision making
Case postponement /delay	No automatic reminder about case postponement and delay	Automatic reminder of case postponement,
Work process	Work processes were not consistent between courts in different states	E-Shariah permits the uniformity of court procedures, work processes and forms.
Case backlog	Difficulty in managing, verifying and checking the case status manually leading to backlog cases	No more backlog cases because all cases are being taken care of and reminded of.
Customer friendliness	Different work process among states caused difficulty and bias to customers	Uniformed court procedures and work processes ensure fairness to customers
Information security	Information security was compromised	Information security is guaranteed

***Table 1: pre and post implementation comparison***

## **Chapter Five**

### **Countries applying E-court Systems**

Nowadays, all across the globe we touch an accelerating anticipation, of information technology in the courts and the judicial system as a whole, and many countries started applying the E-Court systems. As we have seen through this paper, E-Court systems enhance efficiency, transparency and productivity in judicial processes, and re-engineer judicial process, productivity, quality and accessibility. The BiH CCMS is considered to be the premier national court in the world that applies the automated system and produces and stores court documents via CMS. The United States is considered to be the headmost country that implemented case management techniques and specifically the case flow management in 1970s, which lead after that and based on the positive experiences and effects, to motivate Canada, United Kingdom, Ireland, Australia and many other common law jurisdictions to adopt these systems in their courts (Gramckow & Nussenblatt, 2013).

A bunch of countries all over the world embraced IT and E-Court systems in their courts which facilitated the users' access to the judicial information and data. We will mention in a brief way some of the plenty countries that adopted ICT and E-court systems.

Australia: the court procedures were practiced manually and citizens used to physically to courts to get updated about their case and to follow-up deadlines which consumed efforts and time. Therefore, Australia embraced ICT in courts and adopted E-court systems in the 1980s; these systems include; Litigation

support, e-filing systems, courtrooms that are electronic, electronic search, and E-Courts (Federal Court of Australia, 2009).

Some of the services provided in Australia are:

1. The portal of the courts commonwealth,
2. The electronic courtrooms,
3. Electronic filing systems,
4. Electronic search systems...etc.

Uzbekistan: Based on a survey established in 2014 by the United Nations E-Government, Uzbekistan ranks the 2<sup>nd</sup> status in the central Asian countries with respect to applying E-government and E-court systems.

Argentina: In 1981 Argentina started introducing IT into its judicial system and enhanced electronic systems to facilitate case management (Malik, 2002, p: 16).

Canada: In 2004, Canada instituted a Center for Court Technology (CCCT) to modify the national system and to organize it according to E-justice and E-court standards (Canadian Centre for court technology, 2004). Some of the services provided in Canada are:

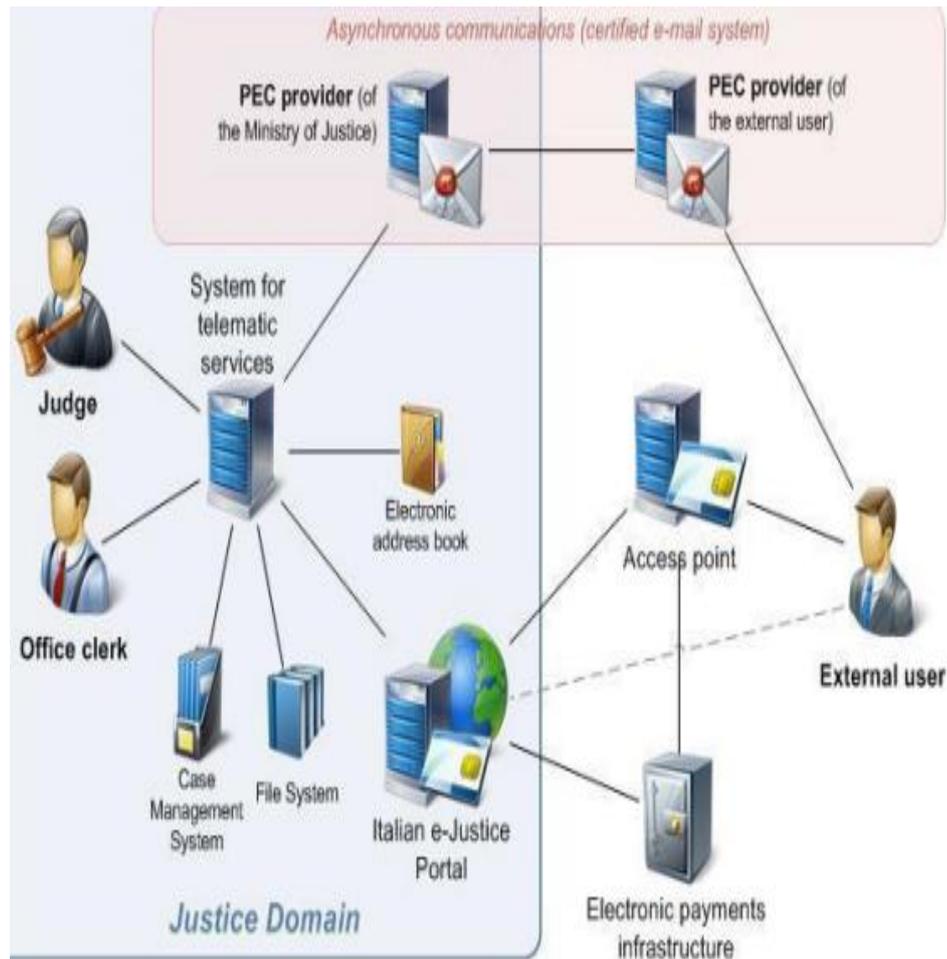
1. The Electronic Legal Service,
2. The Electronic Filing Systems...etc.

Europe: the European countries have been implementing ICTs and had been computerizing their judicial systems since the 1970s. Justice and Home Affairs, in June 2007, rebated to create a European Online Portal known as an online justice system, which was launched in 2010. This portal's aim is to cross border

data exchange documents between internal and external users of court entities within the members states (European Union Agency for fundamental rights, 2011) and to achieve a more efficient justice to the European citizens, by modernizing the way citizens get informed about the needed legal information.

This portal is a one-step-shop to justice within the EU; it issues a website that is at the fingerprint of millions of people, lawyers, judges and businesses; therefore involving in cross border cases each year.

For example, if a German citizen is searching for a lawyer in Italy, he can use this portal to help him in this process, or for example an Italian judge can access this portal in case he has a question about a German court system in order to help him in issuing his decision...etc.



**Figure 8: E- Justice Portal**

Korea: Korea started working and convincing court users to convert their work processes and to plant well-functional E-court systems during the late 1970s. However, in 2010, Korea was able to launch the Electronic Case Filing System that allows citizens to submit their cases electronically and register them and after that receive notifications through a website which enables them to access the court and case documents 24 hours daily per week.

China: In August 2017, Hangzhou in China was the first to adopt internet court system in China. China is motivating the use of internet to help the case handling in its courts using services such as cloud computing, block chain and “mobile court”.

Turkey in 2012 won the UN's public service award. It transformed its judicial system into an electronic one that allows its citizens, lawyers and users to check their cases online, pay their fees, submit their data online, and access all the needed information and updates concerning their case with no need to go physically to the courts or to call the registrar.

In Saudi-Arabia, the ministry of justice and ECM enterprise signed the agreement that aims at launching an expert electronic portal in order to link the judicial departments with entities that consist of accredited experts to help facilitate the judicial system and to reduce its time process.

In 2005, India conceptualized the E-court project in order to modify the Indian judiciary. Moreover, in 2014 the Indian government accepted the implementation of computers and in 14,249 Districts and Subordinate Courts. Therefore, in October 2014, two e-court are declared to be implemented that will transform the registering of cases into electronic manner through SMS processes. Some of the services implemented in India are:

1. E-Case Filing,
2. E-Payment of Court fees,
3. Online Dispute Resolution Mechanism,
4. E-Delivery of documents,
5. E-Case Registration...etc.

Singapore, which is considered to be one of the most sophisticated countries in Asia, back in 1992, its initiative was to boost the efficiency of justice. Thus, it

was one of the foremost countries that linked the court records to electronic access.

The applications that Singapore implemented include:

1. E-Filing Service,
2. E-Extract Service,
3. E-Information Service,
4. E-Service of Documents Facility,
5. E-Alternative Dispute Resolution...etc.

UAE converted about 94% of its services to electronic in May 2015: in order to attain an efficient judicial system. Therefore, it implemented a new service called “electronic court” that is accessed by smart phones.



### A digital court file

That is fully integrated with the Court's electronic filing, case management and hearing services, enabling parties, lawyers and the Court to interact transparently and efficiently, and in real-time.



### Electronic filing capability for documents

Add documents from anywhere in the world at any time of the day, with access to a secure payment gateway for any fee generated filings.



### Electronic hearings and trials

Access to video conference facilities and transcript facilitated by the Court.



### Electronic case management

Allowing parties and their lawyers to track their cases and serve documents, saving immense time and cost.



### Electronic evidence bundles

Securely upload documents from the Court file and evidence from their systems to prepare for hearings of applications and trials. The evidence bundles are fully searchable and available at no cost to the parties.



### Fast and simple registration

You do not need a case in order to register for the platform.



### Fully digital courtroom

The first electronic hearing room, creating a true end-to-end solution for digital justice, integrating innovative technology, and developing the optimal environment for paperless hearings.

**Figure 9: UAE Portal**

Now, let us take a look at my lovely country, a heaven on earth, Lebanon. As we know Palestine, which is occupied by the Israeli, transformed its judicial system from being manual to become an electronic one; the same: as to Soudan, Tunisia, Saudi-Arabia and Qatar; however Lebanon is still on the cliff of being outdated, perishing instead of nourishing, because as it is visible, every year Lebanon is moving backwards.

Three Lebanese employees were able to break the records and facilitate the administration of around eighty thousand student's affairs of the Lebanese University through a system called "Sisol" which allowed the students the advantage to benefit from the technology and to submit their data electronically, without spending 1\$. If 3 Lebanese were able to facilitate around 80 thousand lives, why can't the government facilitate all the Lebanese lives and grid on attaining a 180 degree transformation, through benefiting from the countries experiences and specially the Middle East ones

Let us take a look at the current 2020 crisis "Corona virus (COVID-19)", the deadly crisis that gambled the whole world. This virus invaded every single matter.

Countries across the globe have taken diverse approaches in order to address this crisis; some courts closed their doors and others restricted the access to its buildings. These swelling proceedings will weaken the courts and thus make it harsh on them to practice and provide their services. Therefore, without taking important approaches, backups and policies, judiciaries will witness drastic delay in justice.

As for Lebanon, and from the beginning it didn't have any electronic court system, this reason is one of the most important reasons that lead justice and is still leading it to being delayed, in addition to its lack of transparency and plenty other obstacles mentioned in this thesis. Moreover, this crisis made the situation more complex and

tacky which made the Bar Association to take the initiative and launch an electronic investigation procedure to help investigate in certain urgent matters.

Moreover, on May 22, 2020, an unprecedented move in the Lebanese judiciary system was caught, in which the Bar Association announced an electronic service for the lawyers by which they can establish their own electronic platform that help them in:

1. The ability to gateway and keep track simultaneously on their submitted files and cases.
2. The ability to submit new cases online, due to the lack of transportation and the preservative measures applied by the government to attack the Corona virus crisis.
3. The ability to follow up the schedules of any case's electronic sessions in case the judiciary determined any.
4. Facilitated to the lawyers the ability to maintain any technical assistance regarding this electronic service, through communicating with the Bar Association operating room.

Therefore, these steps reveal the awareness of the Lebanese entities on the excessive need for the electronic services in the country, on these basis the Lebanese government must provide support and guidance for the remote court services through introducing the electronic systems in the courts, in order to preserve and protect citizen's rights on one hand, and to further the ability of the courts in practicing their work in a safe, transparent and effective manner on the other hand.

As it is seen in Lebanon, communication network, in addition to electrical network, are considered as big concerns. These infrastructure networks need to be introduced properly in a consistent and reliable matter; which hence can be achieved when there is the will. Therefore, to solve this problem, Lebanese authorities can have projects sponsored in order to provide the national electrical networks and the proper needed infrastructure.

However, the main obstacle in implanting E-Court systems in Lebanon, is corruption, the absence of the independence in the judiciary and corruption. With respect to a UN corruption and transparency assessment, there are six respondents out of ten who “strongly agreed” or “agreed” that the decision-making in the Lebanese judiciary is considered to be not independent. Moreover, according to a study conducted in 2018 by the Lebanese Center for Policy Studies (LCPS), 98 percent of the Lebanese citizens considered corruption as a huge problem in Lebanon. Despite the numerous attempts to limit corruption and to fight the bribes in the judiciary, these practices are still widespread.

Therefore, E-Court systems in Lebanon are not likely to be implemented; government may work on upgrading its infrastructure and its networks but we believe there is no intention to upgrade to E-court because of the corruption.

Different judicial techniques and systems were practiced worldwide such as: Chile, Mexico, Jordan, Egypt, Nigeria, South Africa, Macedonia, Ukraine, Singapore, Hong Kong, Mongolia, Philippines and many others in addition to those mentioned in my paper. We hope that soon Lebanon will be added up to these countries and that the Lebanese citizen’s lives will be much facilitated.

# Chapter Six

## Conclusion and recommendations

### 6.1 Conclusion

The central goal of this research is to shed light on the importance of electronic systems in reducing the challenges of the current manual processes in courts, not only providing functionality for courts to process their cases but in a way that brings an added value in the court. This value is revealed through attaining a more efficient procedure, easy access to the case information for the public, and a better job satisfaction for employees in the government.

Even though the international experience regarding the introduction of E-court systems was not always successful, but as it is noticed worldwide that electronic justice and the E-court systems are considered to be a step for the evolution in the judiciary. Moreover, they are considered to be the tool to limit corruption and to deliver fair and timely decisions, because service delivery is lately a fundamental consideration in every country.

We have to keep in mind that following the steps of the developed countries in achieving a transparent, efficient and accurate judiciary cannot be achieved blindly without perceiving the actual reality and providing the optimal utilization of funds.

As a brief summary, if any one of you wants to file a case before the court, the process used to be done and it is still being applied unfortunately in Lebanon, where you must transfer physically to the courts and submit the case file manually

in order to be registering it. Then, you must pass by several times or call the registrar in order to be updated regarding the new circumstances and the documents from the opposite party. Moreover, you must be available during the hearings or you must appoint a lawyer for such purpose, and even in case of hearing of witnesses, they must come to the court to dispose their information. Therefore, citizens face multiple obstacles during the process of attaining their rights through courts, which must encourage us to take further steps in facilitating this whole process.

However, let us simplify this whole procedure and implement E-Court systems, by which you can file your case online using your computer or mobile or any electronic mean, without the need to be available physically in the court, and you can send documents, court fees, and notifications electronically. In return, this saves time and boosts efficiency and transparency. Also, hearings can be practiced online and witness hearings as well; this can be of advantage because these hearings can be recorded and used for further investigations and uses. Moreover, citizens that are abroad can have the greatest benefit from the implementation of such systems because they can submit their cases and respond electronically with no need to travel and waste money and time. Several other benefits are attained from such systems that we mentioned throughout this paper.

In conclusion, this thesis has endeavored to propose the E-Court systems in the judiciaries and to encourage being formulated by the ministry of justice in Lebanon, these systems must be user friendly and must coat different subject matters. Therefore, judiciaries must make major shifts both in organization and the way of thinking.

Therefore, by analyzing countries failures, we can benefit from their experiences and the observations of their successes to conclude that Lebanon is in an immediate need for exposing its judicial system, fraternity and its court management to computerized technology and E-Court systems. These systems must be implemented after thorough discussions and studies with the Lebanese officials, lawyers and judges and all members of the legal fraternity with a well consecrate team of proved technologies, because amending, and upgrading and developing the judicial performance frames the recognition of values documented in human rights conventions.

## **6.2 Further researches**

Throughout this thesis, different E-Court systems were displayed, future work encompass expansions and developments of IT and computer models in courts, with the implementation of the electronic systems and services. Plenty future researches can be disposed and conducted on the procedures that may jeopardize the investment of E-Court proceedings and the potential settlements to surpass diverse challenges that appear either throughout the proceedings or during the execution phase. On the other hand, it would be an honorable step if a future research will be conducted on a chance to update and recognize a system that is unified worldwide and that acquires the approval of almost most countries worldwide.

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