

THE COMPUTERIZATION OF THE JUDICIAL SYSTEM

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ABSTRACT: *Assuring a transparent legal action, enhancing citizens' access to justice and reducing corruption are some of the main and priority objectives of Romania in the process of computerization of the legal system*

KEYWORDS: *process of computerization of the legal system, computer systems, modern computer technologies, judiciary activity.*

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1. INTRODUCTION

The reform of the legal system represents a priority within the institutional reform of Romania, whose objectives were established by the Strategy adopted at the end of March 2005.

Assuring a transparent legal action, enhancing citizens' access to justice and reducing corruption are some of the main and priority objectives of Romania in the process of computerization of the legal system.

Justice reform includes the necessary objectives for updating and computing the judiciary system in the context of speeding up the process of European integration.

The use of modern computer technologies will accelerate the reform process by assuring the standardization of the procedures on the level of the entire system, their unification, as well as by including some indicators for measuring the efficiency of the legal actions.

Judiciary system computerization has as its main objective:

a. Judicial procedures' effectiveness:

- Increasing legal action's quality and reducing the length of time necessary for trials;
- Speeding up court procedures;
- Assuring the simultaneous access of the justice-makers to the information of public interest regarding justice actions;
- Standardizing procedures, forms, lists and schedules on the level of the entire legal system;

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- Gradual replacement of storing and administering data on printed format by the use of e-forms for files and other specific documents;
- Fast access for courts' and prosecution service's personnel to legislation, jurisprudence, and information regarding cases on trial;
- Fast communication between the legal system bodies by using protected electronic means;
- Reorganizing judiciary activity and reducing the amount of administrative work of the members of the judiciary;
- Increasing the level of computer skills of the members of the judiciary and of the administrative staff for the purpose of using the new technologies in an efficient way;
- Reducing the costs for witnesses or detainees' hearing.

b. Increasing the level of transparency

- An open position to citizens, mass-media and non-governmental bodies by the on-line publication of public information about the courts' activity and other activities of judiciary with a public character;
- Fostering the collaboration relations between the judiciary system institutions and mass-media for assuring a correct and accurate informing of the public;
- Electronic services for citizens, lawyers and other specialists functioning in the legal system (for instance serving summons online by the use of electronic signature);
- Availability to other computer systems for taking over and sending information following a standard technology.

c. Personal and secret data protection

- Increasing the protection level of LAN and WAN networks;
- Implementing system access policy for each user according to specific competencies.

d. Corruption removal

- Random distribution of cases for panels of judges;
- Random distribution of criminal cases to Prosecution Services;
- Blocking unauthorized access to the files' data.

e. Effective management of human, financial and material resources:

- Computerized management of internal documents;
- Optimization of allocation, liquidation, distribution and payment;
- Multi-annual planning of investments and budget on the basis of performance and forecast analyses;
- Correspondence between public acquisitions with the real needs and the budget schedule;
- Paying and motivating the personnel according with their activity and performances;
- The appropriate management of the patrimony.

The IT activity of the courts is coordinated by the IT Management Directorate of the Ministry of Justice. The IT Department of the Prosecution Service Office attached to the High Court of Cassation and Justice coordinates the IT activity of all Prosecution Services. The High Court of Cassation and Justice, the Superior Council of Magistracy and the National Anticorruption Directorate manage their IT activity by themselves and have their own specialists in IT.

The courts have been allotted with about 300 positions for IT specialists and they are distributed on the level of the appeal courts and district courts. The IT specialists from district courts also perform within the local courts from the district courts' jurisdictions.

As regards the Prosecution Service Offices, because their personnel is about 1/3 compared to that of courts, there is one position for an IT specialist within each Prosecution Service Office attached to the Appeal Court and District Court, except PCA Bucharest and PT Bucharest which have two positions.

According to the legal provisions, the number of IT specialists from courts and Prosecution Service Offices is established by the chairman of the court or by the Prosecutor General to each Prosecution Service Office. The IT specialists' recruitment and promotion and the appointment of IT managers are made with the support of the IT departments of the Ministry of Justice and the Public Ministry.

The IT office of the National Anticorruption Directorate is part of the Service of classified information and data centralization regarding corruption and is made up of 6 IT specialists (3 network administrators, 3 IT specialists who are responsible for data basis management and programming, updating the site of the National Anticorruption Directorate and drafting reports for criminal files. The territorial structures of the National Anticorruption Directorate don't have IT personnel. The activity for introducing/ validating data for the files' databases of NAD is made both in the central structure and the territorial one by the court clerks.

The Ministry of Justice has in its subordination the National Administration of Penitentiaries and the National Trade Register Office. Although they are not part of the institutions, which have been assigned with competencies for the judiciary system's organization and functioning, actually, these institutions, by their specific activities and the data they offer, are very important for a well-functioning of the system as a whole.

The National Administration of Penitentiaries coordinates the activity of penitentiaries. It has its own IT Direction, which organizes the activity of the IT specialists from penitentiaries. Each penitentiary unit has an IT specialist and 1-3 computer operators.

The National Trade Register Office has a central IT structure made up of 30 specialists (6 with high-school studies) as well as IT personnel within each territorial register office that is organized on the level of each county (1-3 persons, according to the county's size). On the registration requests' processing flow, the operation of data in the computers is done according to the internal structure of each Trade Register Office, either by computer operators, or by consultants.

2. COMMUNICATION INFRASTRUCTURE

The communication infrastructure is heterogeneous, thus reflecting the proper level of computing equipments and the financial possibilities. Starting with the 1st semester of 2004, a modern WAN communication system was implemented and this is made up of a private network and functions on the national level. This connects entities from the Ministry of Justice, the Public Ministry and the National Administration of Penitentiaries. Appeal Courts, Prosecution Service Offices attached to them, district courts and some related prosecution service offices, some first instance courts from counties' municipalities and

prosecution service offices attached to them, all are connected to the WAN system. In total, from the computer-based structure of the Ministry of Justice and of the courts, 103 locations are included in the network and from the Public Ministry, 25 locations. At the same time 46 penitentiaries are connected. The network key-nodes are based at the Ministry of Justice for the courts, at the Prosecution Service Office attached to the High Court of Cassation and Justice for the prosecution offices and at the National Administration of Penitentiaries for penitentiaries.

Concomitantly, according to PHARE 2000 Program, locale LAN networks were made in all locations with the proper equipments (45 penitentiaries, 16 courts, the Ministry of Justice, the High Court of Cassation and Justice, 35 units of the Public Ministry). It was possible to make these local networks mainly because all the necessary equipments were provided by PHARE 2000 program, the equipments' installing being financed from own resources. Afterwards, local networks were made in other courts and prosecution service offices, thus LAN networks are functional in 31 courts and 40 prosecution service offices at present.

To this extended area, the Superior Council of Magistracy is also linked. Its headquarter has its LAN network.

The High Court of Cassation and Justice is not connected to the WAN network of the judiciary system and benefits from its own Internet connection.

The headquarter of the National Anticorruption Directorate has its own local network of computers with Internet connection (lent telephonic line- 512 kbps), which allows data basis query of the information administered by the National Trade Register Office. The consolidation of the building for the offices of the National Anticorruption Directorate was made in parallel with the development of the headquarters' data network infrastructure by the introduction of multiplexing (voice/data).

The central structure of the National Anticorruption Directorate holds at present connections (lent telephonic line - 2 Mbps) with the Ministry of Administration and Interior, the General Inspectorate of Romanian Police and the National Customs Authority. By this network, the information from the databases managed by these institutions is available to the authorized personnel as follows:

1. Data of the Ministry of Administration and Interior:
 - Databases of driving license and registration license owners;
 - The permanent directorate for persons record;
 - The record of simple (tourist) passports' holders;
2. Data of the National Customs Authority.

At present there aren't lines for data communication between the central structure of the National Anticorruption Directorate and the territorial services, thus the later can neither benefit immediately from the central applications and information, nor send data in an electronic format.

Starting with 1996, all communication in the system of the Trade Register Office is based on the Internet network. The communication is used to daily send data from the offices of the trade register attached to the district courts, to assign the tax registration number for the traders, to provide with information from the databases of the central

computerized Trade Register, to deliver applications and their updating, electronic mail and intranet.

Bucharest Unique Office is connected to the Trade Register Office attached to Bucharest District Court by a radio connection of 8 Mbps (extra LAN) and the National Trade Register Office together with the Trade Register Office attached to Bucharest District Court have an Internet connection on optic fiber of 2.5 Mbps. Most territorial offices have permanent connections on different physical support (optic fiber, rented telephone line, TV cable, radio) with variable transfer rates (from 64 kbps to 196 kbps). The National Trade Register Office and the territorial trade register offices have their own and different Internet suppliers selected by public auction.

REFERENCES

<http://www.just.ro>

<http://www.dreptonline.ro>

<http://www.ccr.r>

M. Voicana - *Sistemul Informatic Juridic Românesc - SIJUR*, în “Probleme de informare și documentare”, București, INID, nr. 4/1991

V.V. Patriciu, I. Vasiu, Ș.G. Patriciu - *Internetul și dreptul*, Ed. ALL BECK, București, 1999.

