

Chapter 66

E–Justice in Administrative Process: Insights from Lithuanian Landscape

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ABSTRACT

Social technologies are slowly occupying the central place of available and emerging solution for a variety of socio-economic problems. Although not a panacea, it cannot be overemphasized that social technologies have an influence on the social effects of humans, social groups, hierarchical social structures (such as public administrations, local authorities, non-governmental organizations, etc.), and behaviour. Of late, there has been an escalation in the use of social technologies in the legal fraternity. The Lithuanian government has started putting in place interventions that promote the utilization of social technologies into legal administrative processes. This came after the realization that Lithuanian citizens have the right to full and truthful information about administrative law and administrative processes. Using extensive literature reviews, this chapter probes the key success factors that need to be considered in the successful utilization of social technologies in legal administrative processes. The chapter posits that within the e-Government realm, the opportunities to be amassed from the use of Information and Communication Technologies are immense.

INTRODUCTION

The need for justice is growing all over Europe. This increases workload on court systems, which often calls for reforms in work methods despite budgetary constraints. The demand for efficient judicial systems has coined the term e-Justice for

the growing use of technology to improve access to justice, boost collaboration between jurisdictions, and strengthen the legal system.

E-Justice can be defined as use of Information and Communication Technologies (ICTs) to improve exercising of citizens' right to justice and increase efficiency of judicial activity, i.e., of

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any activity related to dispute resolution or penal sanctions for a certain activity. Development of e-Justice is one of the most important aspects in modernisation of judiciary systems. E-Justice is related to the broader concept of e-Government and constitutes a separate part of this phenomenon. E-Government refers to application of ICTs in all public administrative procedures. Successful application of e-Justice is dependent on several factors. For example, in the context of Europe, potential area of application of e-Justice is rather wide and its development shall depend on technological advancements as well as on progress in European justice area (Commission of the European Communities, 2008) as posited below:

Union law permeates a wide number and diverse range of activities at national level. Its impact on the daily life of people and businesses is high. It creates rights and obligations, which national courts must safeguard. The national judge has become the front-line judge of Union law. With successive changes to the European Union Treaties, the scope and impact of Union law has increased, access to justice was strengthened. The Lisbon Treaty strengthened Union competences especially in the area of Freedom, Security and Justice. (European Commission, 2011)

The application of ICTs into court administrations opens up opportunities to improve performance of the system of justice, organise legal procedures more rationally, and reduce costs.

By offering standard tools, techniques, and data structures, information sharing becomes easier, quicker, and less expensive for the justice sector. This is all the more important in the current economic climate when most governments are seeking budget savings in the public sector. Public agencies require software that is intentionally designed to facilitate and accommodate new thinking and reform. When professionals in law enforcement – whether judges, prosecutors, defense attorneys, prison officers, or the police

– can connect with each other and securely share information, everything changes. Economy, efficiency, and effectiveness are the principal drivers for all justice and citizen safety organizations when making decisions about ICT solutions (Integrated Justice, 2010).

Administrative disputes are conflicts between people and public administration entities or among mutually non-subordinate public administration entities (Lietuvos Respublikos..., 1999). Hearing of administrative cases has two major aims: to ensure protection of administrative subjective rights of a person (protection of human rights from illegal actions by public administration entities, protection of rights of civil servants from license of the administration as well as protection of rights of municipal institutions from illegal actions of state institutions); ensure legitimacy in public activities of government. These aims can be viewed as resonating the major aims of administrative justice (Teisės institutas, 2004).

Contrary to courts of general jurisdiction that hear criminal cases and deal with disputes arising out of civil, family, labour, and other private legal relationships, administrative courts settle disputes arising in the fields of internal and public administration and governance. Therefore, administrative proceeding has close link to public administration and solutions of e-Government.

Administrative law employs general principles of law. One of them is the principle of publicity that, in the context of administrative law, is viewed as legal obligation to announce the passed laws and bylaws, information of society and provision of information, and publication of the administrative decisions that have been made. The Law on Information of the Public of the Republic of Lithuania (Lietuvos Respublikos visuomenės..., 1996) establishes the procedure for collection, preparation, announcement and dissemination of public information as well as rights, obligations, and responsibility of producers and suppliers of public information and of members thereof, journalists, and institutions supervising their activities.

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