

Chapter 27

Open Justice in Latin America?

An Assessment Framework for Judiciary Portals in 2015

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ABSTRACT

The new trend of information technology and communications has been adopted by court systems. A similar path follows other powers in the republics: executive branches with e-government portals and legislative branches with informative and participatory portals. Despite the fact that technology has reached the judiciary branch, we know very little about the changes, advantages or disadvantages of this adoption. The purpose of this chapter is to explore the use of technology, especially in the websites portals in the Latin America region. An assessment model, which has been developed by Sandoval and Gil-García (2015) and that has four components: information, interaction, integration and participation, has been implemented on a sample of 25 countries during the month of July, 2015. Findings reveal a great disparity among the different countries in the region.

INTRODUCTION

Currently, most agencies, departments, and government offices have some integration with technology. This Internet-centrism trend explained by Morozov, (2014) has induced judicial branches to adopt technology in order to become more effective. Also, the open government worldwide trend creates new needs to manage information and to open their processes and data to the public, being this another reason to use information technology in judiciary information.

It is commonly accepted that government offices in the executive branch use ICT's which includes both, services and policies (Deb, 1999). This e-government trend has been studied at national and local levels. Many scholars have promoted efforts to assess electronic government implementation and uses with different perspectives and indicators; most of them having been developed in the last decade (Scholl, 2010).

DOI: 10.4018/978-1-5225-9860-2.ch027

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The e-government assessment evaluation has been implemented to differentiate between executive portals, judiciary portals and legislative portals. A first attempt was made by Sandoval and Gil-García (2010) in order to produce a distinction among these as shown in Table 1.

However, there have been just a few previous attempts to research judicial branch websites (JSCA, 2012; Gorham, 2012; Tonn et al., 2012). More research is needed and this study attempts to start filling this gap. This paper explores the characteristics of judicial websites in Latin America and highlights some differences between regions. Using an assessment model previously tested and developed in México (Sandoval-Almazán & Gil-García, 2015), the instrument was refined and updated with new questions to evaluate judiciary websites in 25 countries in the region.

In order to achieve this goal, this chapter is divided into six sections including this introduction. The second section describes the theoretical background of the judiciary branch and technology. The third section describes the method and the assessment model; the fourth section describes the research design and studied model; the fifth section discusses the main findings and the last section presents solutions and recommendations related to this topic.

THEORETICAL BACKGROUND

The purpose of this section is to review recent literature on judicial websites and provide an overview of similar research on judicial websites evaluations. For such purpose it has been divided into two main sections: the first one will address the literature review on judicial websites and the second one will focus on the examples and similar studies in order to integrate a solid state of the art.

Evaluation and Assessment of Public Sector Websites

Government websites can be considered communication systems that operate via a computer and the Internet (Sandoval-Almazán & Gil-García, 2010). A portal definition of Gant and Gant (2002) states:

Table 1. Distinction on e-government portals

	E-Government Portals (Federal and Local)	Legislative Websites	Judicial Websites
Objective	Sharing information and transactional	Information and interaction	Information
Usefulness	Reduction of time and transactions	Precise information and legislative debate of bills	Timely information
Relationship with the citizen	Integral	Bidirectional	Bidirectional
Value Added	Efficiency and image	Social participation and public image	Image and openness
Offered Services	Payment of taxes, discussion forums, training, videos, information about procedures, training, information sharing among agencies, collaboration, citizen interaction	Laws updating, congressman interaction with citizens; civic culture, online debates	Updated laws, lawyers interaction, training, online debates, legal actions, updated legal information. Legal interaction
Citizen participation	Interactive, payments, collection of information	Debate and discussion, overview of information	Passive role, accountability of information

Source: Sandoval-Almazán and Gil-García (2010) page 100.

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