Legal Logistics: A Framework to Unify Data Centric Services for Smart and Open Justice

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ABSTRACT

This paper presents a framework to provide a unified view towards the visions of smart and open justice. The framework, coined as Legal Logistics, aims at unifying and embodying different data-centric services that exploit available and relevant data for supporting and enhancing the legitimacy and efficiency of legal systems. As such, the framework specifies the scope of data-centric services in legal systems. Such a unified view of data-centric services, enables the authors to relate these services to each other and to their operational context, and better streamline data-centric based innovations in legal systems. Two data-centric services realized for the Dutch criminal justice system will be discussed. These services innovatively integrate different datasets in order to give some insights about the well-functioning and budgetary needs of the Dutch legal system. These use cases primarily illustrate the typical challenges and benefits of realizing the vision of smart justice. Secondarily, they illustrate the relevancy and usefulness of the embodying Legal Logistics framework.

KEYWORDS

Data-Centric Services, Effectivity, Legal Design, Open and Smart Justice, Smart Government

INTRODUCTION

A government usually seeks for ways to improve its services to citizens. One way to fulfill this objective is through the concept of smart and open government. The key to this concept is the use of Information and Communication Technologies (ICTs) to engage citizens, and public and private institutions in the governance process. ICT has already had a major impact on various settings of our society. In a business setting, new innovative ICT products and services have entered the market. Brick and mortar businesses have been replaced by e-businesses and new business models, while new trade channels are being developed. In some business fields, such as the newspaper industry, the television broadcast industry, and the food industry, the introduction of ICT has led to a disruptive impact on the established working practices by creating a completely new industry. Also in a private setting, ICT-based devices and applications (e.g., computers, smart phones, and mobile apps) have become integrated in the daily lives of ordinary people.

Compared to the business and private settings, the public sector tends to take a more conservative attitude, at least when it boils down to adopting new ICTs. Yet, signs of an innovative e-government
have been emerging for some time, see, amongst others, Netten, et al. (2016b), Dijk et al. (2016), Braak et al. (2014), Dijk et al. (2014), Netten et al. (2014), Braak et al. (2013a) Braak et al. (2013b), Dijk et al., (2013), Guldemond et al. (2012), Zuiderwijk et al. (2012) and Kalidien et al. (2010). Such innovations have touched a wide range of services in the public sector.

The enforcement of public safety and justice is an important task of any government, since it is one of the cornerstones of an affluent and healthy society. Legal systems are put into place to achieve this. In the context of such legal systems, recent ICT developments are a potential game changer. The authors agree with scholars Howarth (2013), Leeuw (2016) and Susskind (2013), who envision that ICT will have a disruptive impact on the core tasks within legal systems. As a consequence, the working practices of legal agencies and professionals may need to be thoroughly revised in order to gain and maintain the trust of citizens (Howarth, 2013; Susskind, 2013; Susskind & Susskind, 2015).

The challenge for lawyers, for example, will be to take advantage of new developments in ICT and the data generated by ICT-based devices. Otherwise, they are outcompeted by others that did apply ICT to innovate (Susskind, 2013; McGinnis, 2014).

Concrete ICT solutions are already emerging to improve and speed up legal processes at the operational level. For instance, the expensive and time-consuming process of legal research is being outsourced to a digital expert (IBM, 2016). As a result, data scientists replace paralegals as well as some of the high-class lawyers in large law firms. Katz (2014) discusses that computer-based services are on the verge of substituting some core legal tasks, ranging from the generation of legal documents to predicting litigation outcomes.

Also, professionals working at tactical and strategic levels of legal systems (e.g., in legislation or policy making) may benefit from ICT developments. More specifically, managers and strategists may use data-centric services that rely on the increasing amount of operational level data, to obtain reliable, valid, and consistent management information. Such information can provide a comprehensive insight into the well-functioning of legal systems collectively and individually, which in turn may result in making evidence-based (tactical or strategic) decisions. These ICT-based developments relate to the smart government vision of Howard (2013), which aims to improve government services and to enable collaboration among and participation of government entities, nonprofit agencies, private-sector companies and the public. These developments also relate to the blossoming tradition of empirical legal research (in particular its quantitative part) as it focuses on the functioning of organizations and institutions in the legal field (Leeuw, 2016).

Not only will legal professionals benefit from these developments, they will also be beneficial to citizens and laymen. With the emergence of big and open data initiatives, the public will have unlimited and immediate access to (legal) data via (mobile) personal devices. This information will help citizens to better understand laws and will support them in reasoning about their particular needs about legal cases they are involved in. As a result, citizens will be able to participate (more) actively in legal systems.

Data-centric services in the legal domain can contribute to various case-specific (research) topics such as taking better informed legal decisions, predicting outcomes of legal cases, monitoring the effectiveness of legal resources employment, measuring the effectiveness and legitimacy of interventions, enhancing the interactions and engagements of citizens, and improving the acceptance of legislations.

Following these developments, smart and open justice ideals are being pursued and realized. Two key outcomes of pursuing these ideals are improving legitimacy (through, for example, enhanced transparency and accountability) and improving efficiency (well-functioning of a legal system). For example, using data-centric methods and tools, stakeholders can identify bottlenecks and opportunities for improving the performance of a legal system. Furthermore, opening data to outside stakeholders, such as the public, enables involvement and participation of citizens for improving the performance. This allows citizens to monitor and (indirectly) control legal systems, resulting in enhanced legitimacy and trust.
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