E-CAPSULE N.1
DIGITAL JUSTICE IN THE EU

AGENFOR INTERNATIONAL

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Procura della Repubblica di Rimini

RES PVBLICA 1995 ATHENA EPLO European Public Law Organization

De Nationale Kamer van Gerechtsdeurwaarders La Chambre Nationale des Huissiers de Justice

VR DIGIJUST

WHAT DOES DIGITALISATION IN THE EU MEAN?

Digital justice in the EU is a broad term referring to the activities and policies to modernize the justice system and improve its efficiency using new technological tools, such as VR training. Digitalisation provides an easier access to justice for individuals and organizations, faster proceedings by digitalising data that was still on paper, and it enhances cross-border collaboration. From 2009, three consecutive Action Plans have been implemented for the digitalisation of justice, while the EU also took measures to combat the impact of the COVID-19 pandemic on justice systems. Moreover, to improve cross-border judicial cooperation, the EU has designed and created a computerized system for communication between member states in civil and criminal proceedings – the e-CODEX system.

Digital justice processes and regulations were designed with respect to fundamental human rights, and certain technological tools proposed, such as the mindful use of AI applications for more efficient justice systems, IT tools, more accessible information for citizens, easier information exchange for judicial professionals, and a monitoring procedure of the digitalisation of justice.

DIGITALISATION VS DIGITIZATION

Digitalisation and digitization may sound similar, however there are core differences between them. Digitization is the process of transcribing and/or transforming physical and paper data to digital, i.e., making the analog digital. Furthermore, it includes the transformation of EU data within a judicial framework from paper to a digital condition, so that it can be easily accessible, transferrable, and travel faster. On the other hand, digitalisation has to do with integrating new technologies and digital processes into the EU justice system (in this case) to improve efficiency, accessibility, and quality. Examples of the digitalisation of justice in the EU include but are not limited to the e-CODEX system, policies created to integrate new technologies in the judicial system, such as AI systems, as well as training judicial practitioners in new technologies using technology (e.g., VR training).

Another close term to digitisation and digitalisation is the "digital transformation", which can be defined as the future outcome of the digitisation and digitalisation processes, that will shape and transform the EU justice system by integrating digital justice.

DATA VS METADATA

The difference between data and metadata is very important, as they are used in different contexts and include different forms of data. Data can be any form of information, either raw or processed and can be used to examine trends and patterns. On the other hand, metadata have to do with context and include details that can assist in working with large data sums. Essentially, metadata is used for global data management systems and can be considered as a tool to extract data from data. Metadata also tend to have a more qualitative nature.

The EU is attempting to collect, process and archive large-scale data using metadata. One example is Eurostat, that uses 2 types of metadata, structural and reference. Structural data is used to identify statistical data and reference data is used to describe concepts, methodologies and determine data quality . This is also used in the judicial system, within the framework of digitalising justice. [1]

[1] For more information, see: https://ec.europa.eu/eurostat/web/metadata (Accessed 28/08/2023).

CLOUD

In order for the EU to expand the justice system within the digital sphere and enrich it with new technologies and tools, cloud services and infrastructures are necessary to support data exchange, management and archival. Cloud services provide a secure space for collected data and will most likely be used in the digitalisation of justice.

IMPLICATIONS TO THE DIGITALISATION OF JUSTICE

The digitalisation of justice is a process that will make justice in the EU more efficient, as it tackles crime in modern technological societies. Some implications to consider would be the data security issue since the data collection and exchange withing the digital justice framework needs to be conducted with respect to GDPR and other regulations. Furthermore, especially regarding the use of AI software and systems, the EU has developed an approach that includes policies to enforce trustworthiness, security, transparency and safety for humans and personal data. This ensures the ethical use of new technology for the digitalization of justice and the mindful processing of personal data.