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Editorial

EDITORIAL

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ABSTRACT

This editorial describes the content of the upcoming issue from volume 13(2) of the journal.

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Welcome to the second issue of the International Journal for Court Administration's 13ths volume. In this issue, some of the authors examine experiences of the adoption of e-justice in their legal systems. For this we visit Switzerland, Brazil, and Nigeria. We then hop to Malaysia to understand the practicalities of enforcing the procedural ban on photography in courts in virtual hearings. Moving away from electronic developments in court administration, we move on to a more classical theme of fair trial rights and their development in Ukraine. Finally, we go to England and Wales to look at the significance of judges and their leadership for problem-solving courts. We are delighted to present two book reviews: one by Samira Asmaa Allioui, titled "How to Measure of Quality of Judicial Reasoning" by M. Bencze and G.Y. Ng (eds); and the other, by Markus Zimmer, titled "Juries, Lay Judges and Mixed Courts" by S.K. Ivković, S.S. Diamond, V.P. Hans, & N.S. Marder (eds).

Marcos de Moraes Sousa, Daniel Kettiger, and Andreas Lienhard explore the experiences and strategies used to adopt e-justice innovations and compare the similarities and differences between Swiss and Brazilian courts of justice in "E-justice in Switzerland and Brazil: Paths and Experiences." In Switzerland, the object was the project entitled Justitia 4.0, a one-stop-shop portal of justice in the country. In Brazil, the object was the electronic judicial process – PJE, considered the main e-justice system in the country. The research is qualitative and descriptive. Forty-seven in-depth interviews with semi-structured scripts were conducted with judges, information technology managers and judicial managers in Switzerland and Brazil. In Switzerland the data were collected in courts of first and second instances in seven cantons and in the Swiss Federal Supreme Court. In Brazil, interviews were conducted in first and second instances courts of justice in seven states and in the Federal Regional Court of the First Region. The results highlight the main drivers, hinders, impacts and outcomes of the adoption of e-justice in both countries as well as the similarities and differences found.

Olubukola Olugasa, and Abimbola Mogbonjusola Davies examine remote court proceeding (RCP) in its developing phase in Nigeria and how it aligns with the tenets and principles of law that hold firm at traditional physical court hearings in "Remote Court Proceedings In Nigeria: Justice Online Or Justice On The Line." The important goal – being to achieve justice at all times! In that way, RCP should not be a weapon that sacrifices justice for speed but that which achieves justice speedily. This paper focuses on the adoption of RCP in Nigeria, the areas in which the RCP rules may be at cross purposes with the existing traditional court room practices. The authors conduct a risk benefit analysis of the innovation and identifies areas of improvement. A number of challenges were found to be associated with RCP particularly the admissibility of public documents and the existence of a digital divide. The paper observed the need for training and infrastructural support and recommended same amongst other recommendations for improvement.

Shahrul Mizan Bin Ismail discusses, in "Taking and Sharing Photographs of Virtual Court Proceedings to Social Media: A Critical Appraisal on the Law of Contempt in Malaysia," the Malaysian Court ban on photography of any proceedings in the Courtroom, in which, disregarding the prohibition, one can be cited for contempt of Court. In response to the spread of the Covid-19 pandemic, virtual Court hearings are conducted that enable proceedings to continue, ensuring its accessibility to the public. The attendees of virtual Court hearings remain bound to the same prohibitions as those enforced in conventional hearings. Previous studies have taken place primarily on Zoom Court hearings as new normal in post-Covid-19. This research aims to examine whether

photography in Court proceedings amounts to contempt by disrupting the ongoing process. The significance of this finding is the need to envision detailed guidelines, clearer signage and develop special measures for the stakeholders on the use of mobile phones with cameras in Court proceedings.

Liliia Matvieieva, Liliia Dorofeieva, Mykhailo Burdin, Yevhen Durnov, and Maryna Dei, write about "Legal Process in the National Legal Doctrine of Ukraine through the Scope of the Case Law of the European Court of Human Rights." This article examines the theoretical problems of defining the concept and content of due process of law. It reveals the concept of due process and describes the main stages of its formation, development, and legal design. The most important guarantees of liberty and non-freedom of person, which are reflected in international human rights treaties and enshrined in the constitutions of modern states, are examined. The purpose of this study is to examine the history, development and operation of the principle of due process of law in international, regional and national law. By analyzing international, regional and national law, the main elements of due process are identified. The most important guarantees of individual freedom and integrity are subsequently reflected in international human rights treaties.

Anna Kawalek, Jake Phillips, and Anne-Marie Greenslade study "The significance of the judges within the Choices and Consequences (C2) and Prolific Intensive (PI) schemes: international lessons for England and Wales and back again." This research paper examines the significance of the judges in the problem-solving courts of England and Wales's Choices and Consequences (C2) and Prolific Intensive (PI) programmes using the lenses and language of therapeutic jurisprudence. These unique schemes mobilise an intensive combination of strict control measures (with a view to deterring people from reoffending) alongside a personalised package of rehabilitative support overseen by a judge in a problem-solving court. Their findings strongly indicate that the judge-led problem-solving court is the bedrock of the schemes. Acknowledging that this practice relies upon strong leadership from a judge as a community convener with the authority and profile to initiate and sustain the programme, this paper identifies the strengths and barriers that this finding may pose. Our data also points to the difficulties of achieving support for the model at all judicial levels. Readiness (or lack of) within judges in the future could hamper the prospects of both current and new schemes. Moreover, finding a judge with a susceptible personality lowers chances. The authors conclude that the UK's current punitive, rapid results ethos of the justice system is not working. The international problem-solving court movement has shown that long-term success often ensues when practices are embedded into a broader culture of rehabilitative justice supported by visible communities. By tapping into the broader international community, the key will be a changing cultural process to make keen and compatible judges easier to come by.

In her review of How to Measure the Quality of Judicial Reasoning, M. Bencze and G.Y. Ng (eds) Springer (2018), Samira Asmaa Allioui summarizes the authors' responses to this age-old question. Myriad academics, researchers, judges, sociologists and philosophers have sought to articulate meaningful standards, but the quest continues. This book joins a large body of studies advocating a diverse variety of approaches. The contributions examine theoretical questions to measure the quality of judicial reasoning in England and Wales, Finland, Italy, the Czech Republic, France and Hungary, international tribunals and three regional court jurisdictions.

In his review, Markus Zimmer reviews Juries, Lay Judges, and Mixed Courts by S. K. Ivković, S. S. Diamond, V. P. Hans, & N. S. Marder (eds), Cambridge University Press (2021). This volume provides a comparative historical analysis of how over centuries emerging states have included in their adjudicative models the voice of the citizenry to assess factual evidence, determine guilt and innocence, and prescribe appropriate sanctions. Selections include historical narratives of how citizen involvement evolved in Argentina, Japan, Korea, Spain, England and Wales, Germany, Canada, Norway, France, Russia and Georgia. Civil law system variants designate citizen assessors or lay judges seated at the bench who confer with the law judges; common law systems, by contrast, rely on panels of citizen jurors independently reaching factual determinations.

We hope you enjoy reading the articles in this issue.

COMPETING INTERESTS

The authors have no competing interests to declare.

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