



Court Administration in the new normal

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EDITORIAL



ABSTRACT

This introduces volume 13 issue 3 and its authors and themes.

PUBLISHER'S NOTE

Due to unforeseen circumstances, we have had to withdraw the article by Mykola I. Lohvinenko, Lyudmila D. Rudenko, Mykola H. Shunko, Olena S. Pylypenko, and Anton I. Vysotskyi, "Specialized Courts of Ukraine and European Countries: Comparative Legal Analysis".

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Welcome to the autumn (3rd) issue of the *International Journal for Court Administration*, 13th volume. We spend much of this issue in Europe, looking first at the backsliding of rule of law and attacks on the independence judiciary in Poland. We then move on to look at innovations in leadership in the Czech Republic, and how important it is to have innovative leadership to create procedural and organizational changes. This leads to discussions about technological innovations in the United Arab Emirates, and the benefits and challenges that have arisen there as a result.

Following from this, we then go on to visit Finland, with a discussion on geospatial analysis of district court reforms and how to efficiently reduce the number of regional courts, before moving onto Ukraine, looking at how specialisation in courts can also create efficiencies. The authors here examine what lessons can be taken from Germany, UK and Switzerland to improve specialisation in Ukraine. Both articles here deal with drives for efficiency- both in terms of geographical access and case management. Finally, we are delighted to present a book review by Barry Walsh, titled "From Transitional To Transformative Justice," Paul Gready and Simon Robins (eds).

Anna Adamska – Gallant, in this professional article, concentrates on the backsliding of the rule-of-law in Poland which has been observed since 2015. This is a process which is neither a sudden nor a recent development and has been confirmed also by a series of judgments issued by the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) which address the question of judicial independence in Poland. The protective roles of other key justice system institutions, such as the Constitutional Court and the prosecutorial system, have been seriously compromised over time by the infiltration of government zealots promoting executive usurpation of justice system authority. The key elements of this process are presented to show the mechanism that has been used to dismantle the fundamentals of the democratic rule-of-law state.

Martin Viktora aims to define the role of innovative leadership in the context of other leadership roles in the court's administration of the Czech Republic and to define its influence on the perception and attitudes of followers. Specifically, these are the roles of accountability, compliance with rules and regulations, political loyalty, and network governance. The attitudes of followers are represented by the dimensions of perceived leadership effectiveness, organizational commitment and work engagement. The theoretical model is created and verified in the practical part on this basis. Hypotheses are tested using structural modelling. Factor analysis evaluates the data sample; the results are further specified using contextual interviews. The results of data analysis have not supported the hypothesis of a strong influence of the role of accountability on the attitudes of followers in the judicial administration. Unlike other examined leadership roles, the results of data analysis indicate a significant influence of the innovative leadership role on followers' attitudes and define its function as an essential driver of procedural and organizational changes in the economic section of the Czech courts.

Moustafa Elmetwaly Kandeel writes about the implementation of telecommunications technology in the UAE. In 2005, the United Arab Emirates (UAE) legislator began the use of telecommunications technology. It expanded this use in 2017 by amending the Civil Procedures Law, in 2018 by issuing the Civil Procedure Regulation, and in 2019 by a Ministerial Decision regulating its use. The application of this system has guaranteed the fulfilment of swifter justice, with the advantages of simplicity, swiftness, low cost and equality between the litigants, not to mention supporting the State's policy

towards the use of modern technologies in everyday transactions. However, a major question remained about the guarantees offered to litigants when using this system, and whether these guarantees are similar to traditional (i.e. non-electronic) litigation procedures. The paper shows that the recent legislative amendments provide similar and more advanced guarantees for remote litigation, such as: the lack of objections by litigants; records of remote litigation being confidential and protected; information security policies; the principles of publicity and confrontation between the litigants being fulfilled; and the right of defence being guaranteed.

Olli Lehtonen and Mika Sutela apply a geospatial analysis to the district court reforms implemented in 2019. As a result of the district court reform which came into force in Finland in 2019, the number of district court locations decreased from 57 to 36. The idea is that the reform strengthens the operational capacity of the district courts by forming administratively larger units. The main objective of this study is to assess the district court reform with the spatial optimization technique and demonstrate how the geospatial analysis could be utilized in the planning and decision-making process of the district court network. The results show that the reform is not geographically optimal and that, in the future, the district court network cannot be centralized very much without worsening the accessibility of the nearest district court radically. The study demonstrates that district court reform could benefit from geospatial research methods, such as location allocation analysis, as these methods offer an objective criterion for the planning and decision-making of the service networks and operational practices. Based on the findings, the next structural reform and development of the district court network in Finland should therefore be based on the development of functionality instead of shrinking the size of the network if the distances are not to increase further. The results also underline the need for new ways to develop the accessibility of district courts through digitalization.

Mykola I. Lohvinenko, Lyudmila D. Rudenko, Mykola H. Shunko, Olena S. Pylypenko, and Anton I. Vysotskyi make a comparative analysis of the functioning and legal basis of specialized courts among the Member States of the European Union and in Ukraine. The leading method in this research was the comparative-legal method, which helped to compare the features of the practice of other countries in the field of specialized courts, as well as to identify how this issue is regulated in different countries at the legislative level. It is defined that specialization is driven by the need to improve the efficiency of justice and the need to apply in-depth special knowledge in a specific area of justice. Judicial specialization will reduce the judicial burden and will help to increase the competence and professionalism of judges. In the High Court on Intellectual Property Ukraine, judges should take on the experience from Germany, United Kingdom and Switzerland, whose judges must have two levels of education, *inter alia*, technical and legal. To solve the corruption crimes, it would be better for Ukraine to establish separate chambers in existing courts. Nowadays, a High Anti-Corruption Court exists only three countries, such as Bulgaria, Slovakia and Croatia.

Finally Barry Walsh provides us with a book review: *From Transitional To Transformative Justice*, Edited by Paul Gready and Simon Robins, Cambridge University Press, 2019, ISBN 978-1-107-16093-4, Hardback, 328 pages.

This anthology describes the shortcomings of transitional justice and the expected benefits of a shift instead to what the editors and others advocate as a transformative justice approach. The book is likely to appeal most readily to those interested in the general topic of the effectiveness of aid programming in fragile and conflict affected

states. Part of the hypothesis of the editors and others who advocate for a shift to transformative justice is that the focus of aid should be redirected from state institutions in ways that might more successfully and durably reduce poverty and social and political conflict.

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COMPETING INTERESTS

The authors have no competing interests to declare.

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