



Smart Court and Innovative Justice

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Smart Court and Innovative Justice

- 1. Court of Justice in Pre-Covid 19 situation**
- 2. Challenges posed by Covid-19**
- 3. Innovation and technologies developed to address the challenges**
- 4. Lesson learned...**



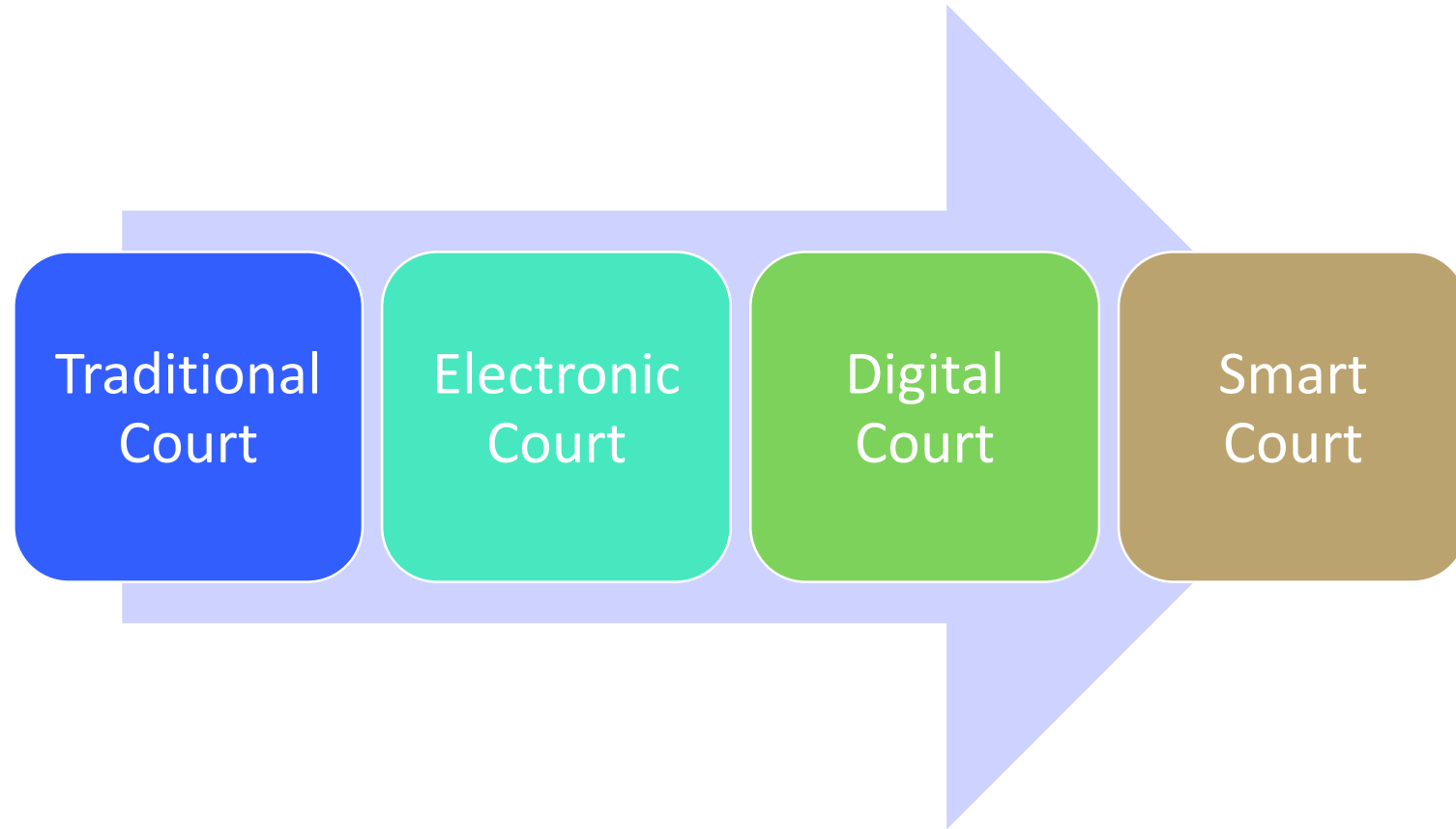


COJ

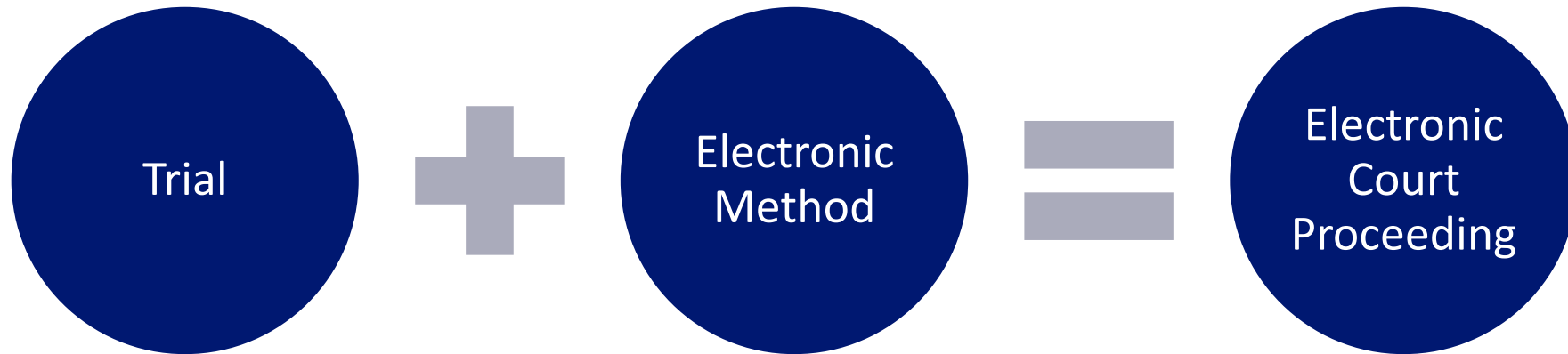
ศาลยุติธรรม
COURT OF JUSTICE


Pre-Covid-19 Situation

Technological Development of Court



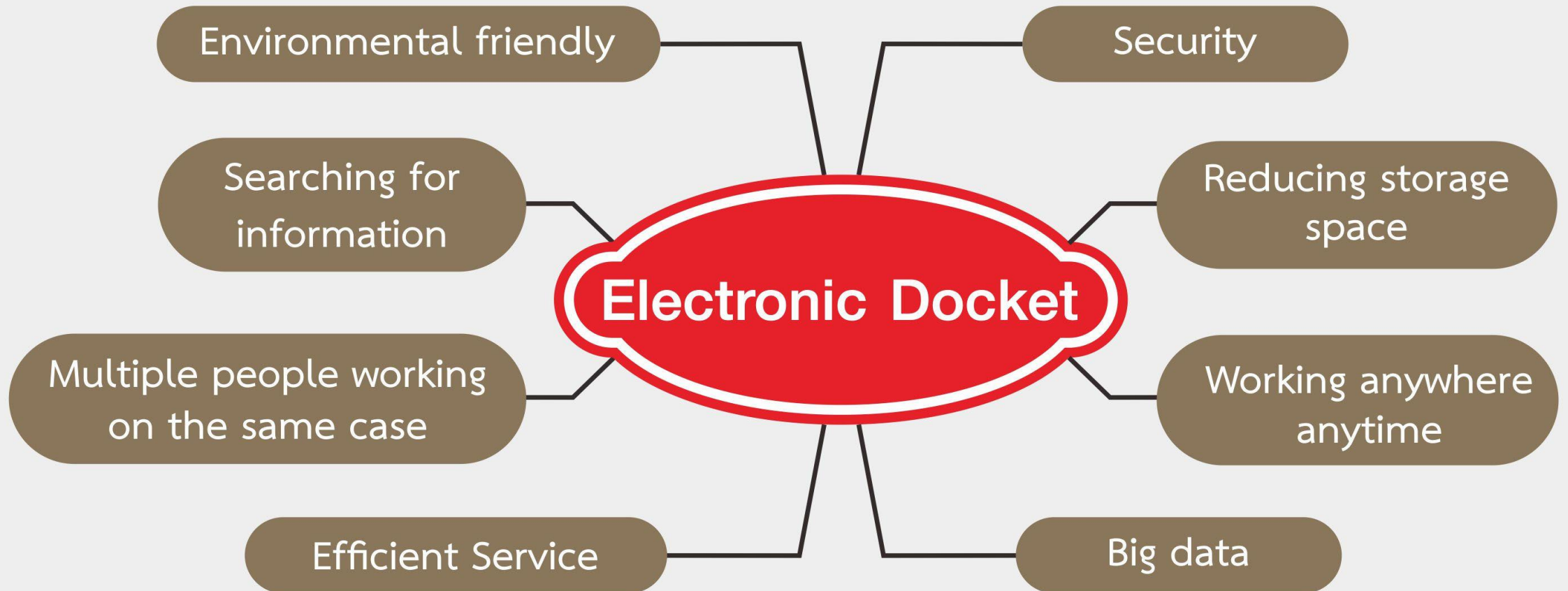
Electronic Court Procedure



A photograph of a grand, classical building entrance, likely a court of justice. The image shows a wide set of light-colored marble steps leading up to a row of tall, fluted columns. The lighting is dramatic, with strong shadows and highlights, emphasizing the texture of the stone. On the right side of the image, there is a black rectangular area containing white text and a white horizontal line.

Why do we need
to develop
electronic system
for Court of
Justice?

The Benefits of the Electronic Docket





The Laws on Electronic Procedure

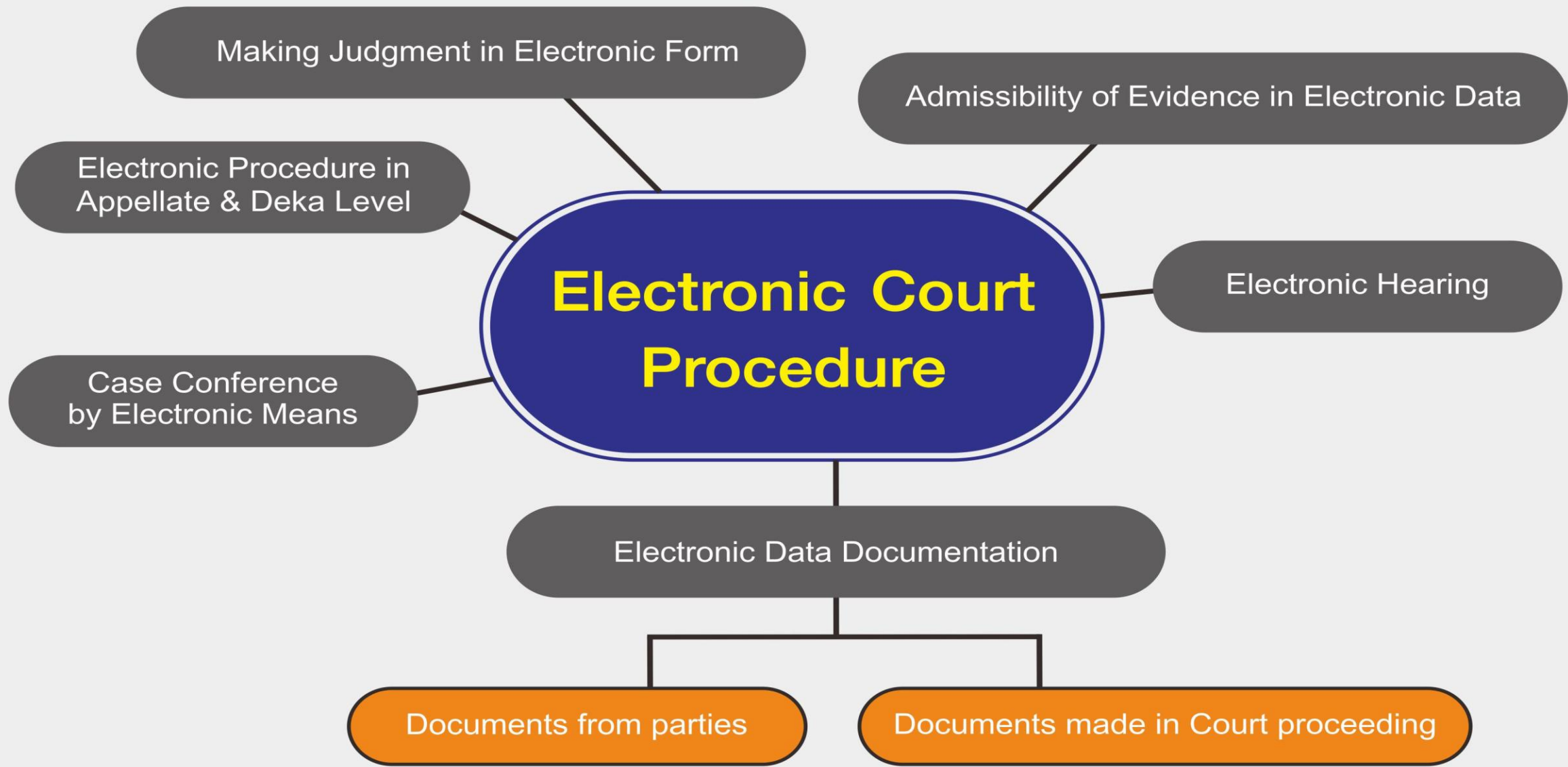
The Regulation of the President of the Supreme Court

- On Submitting, Serving, and Receiving of Pleadings and Documents via the Electronic Fililg System B.E. 2560 (2017)
- On the Directory of Cases, Directory of Judgments, and Compilation of Documents in Electronic Data Form B.E. 2562 (2019)
- On Electronic Procedure B.E. 2563 (2020)

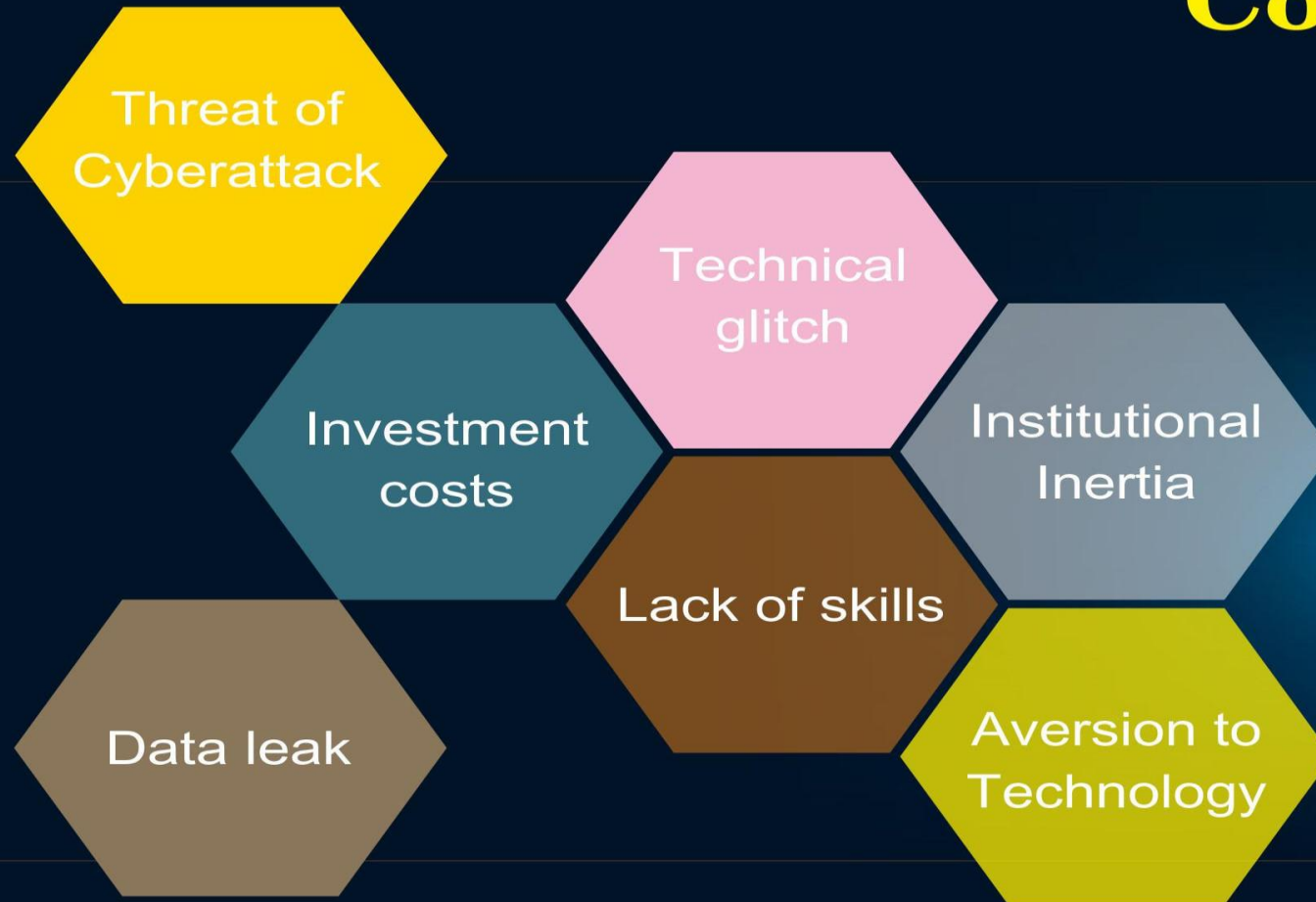
2015 Amendment to Civil Procedure Code (No.28)

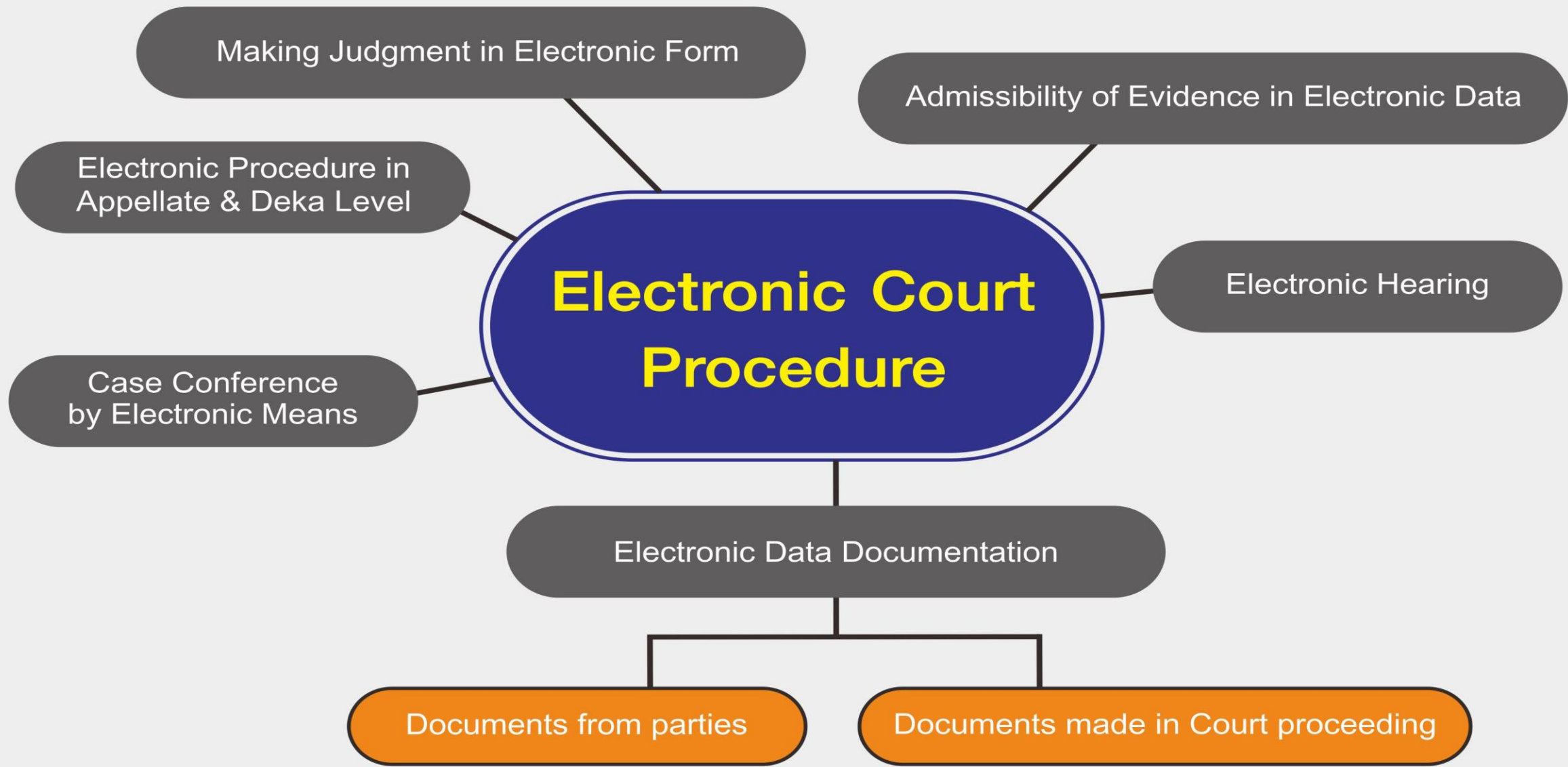
- Addition of Section 34/1
- Addition of Section 51 Paragraph 2
- Amendment to Section 68





Obstacles for Digital Transformation of Court of Justice





General Criteria for Conducting Electronic Court Procedures

Article 4. To make the court proceedings convenient, fast and fair, **when appropriate or by parties' request**, the court may require the proceedings conducted in accordance with this Regulation by taking into account **the convenience and savings for parties who may not access to technology.** Types of cases, and methods shall be proceeded according to the announcement of the Office of the Judiciary.



Criteria for Electronic Trial

Article 13 The Court may require that the trial and testimony shall be conducted in **all or part** by electronic means to make the trial convenient, fast and fair provided that it must **not diminish the parties' right to defend the case.** Rules and procedures shall be proceeded according to the Announcement of the Office of the Judiciary



The Limit on Electronic Court Procedure

Impact of the use of technology on the Parties' right to defend the case

Technology Accessibility

Hardware

Software



b





COJ

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Challenges posed
by Covid-19

Pandemic

Challenge posed by Covid-19

- **Travel restriction**
- **Social distancing and safety measure**
- **Surface transmission**
- **Hearing postponed due to the viral infection among parties and court personnel**
- **Cluster in court**





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Innovation and Technologies Developed to Address the Challenges

Improvement of E-Filing System and CIOS



E-Filing system

- Electronic based
- Lawyers, officers and judge required to use the system.

CIOS

- Paper based
- Printout from the system

02 OVERVIEW

(e-filing journey)



★ e-Filing key concepts were designed by

- Simple UX/UI with **seamless experience** between services to services
- Secure verification process with advance technology eg. **DOPA verification and OTP**
- Using e-Application, e-Document and e-Payment with **legally acceptable Digital Signature**



Lawyer

- Registration
- Filing case
- Attachment
- Appointment
- Payment



Court staff

- Verify document
- Add a comment
- View report
- Send to Judgement



Judge

- Search case
- Sign to receive the indictment



Business Admin

- Verify financial document
- View financial transaction



03 COMPENSATION



100%
Coverage



24 hrs.
a day



Up to
50 cases / file



Online
payment



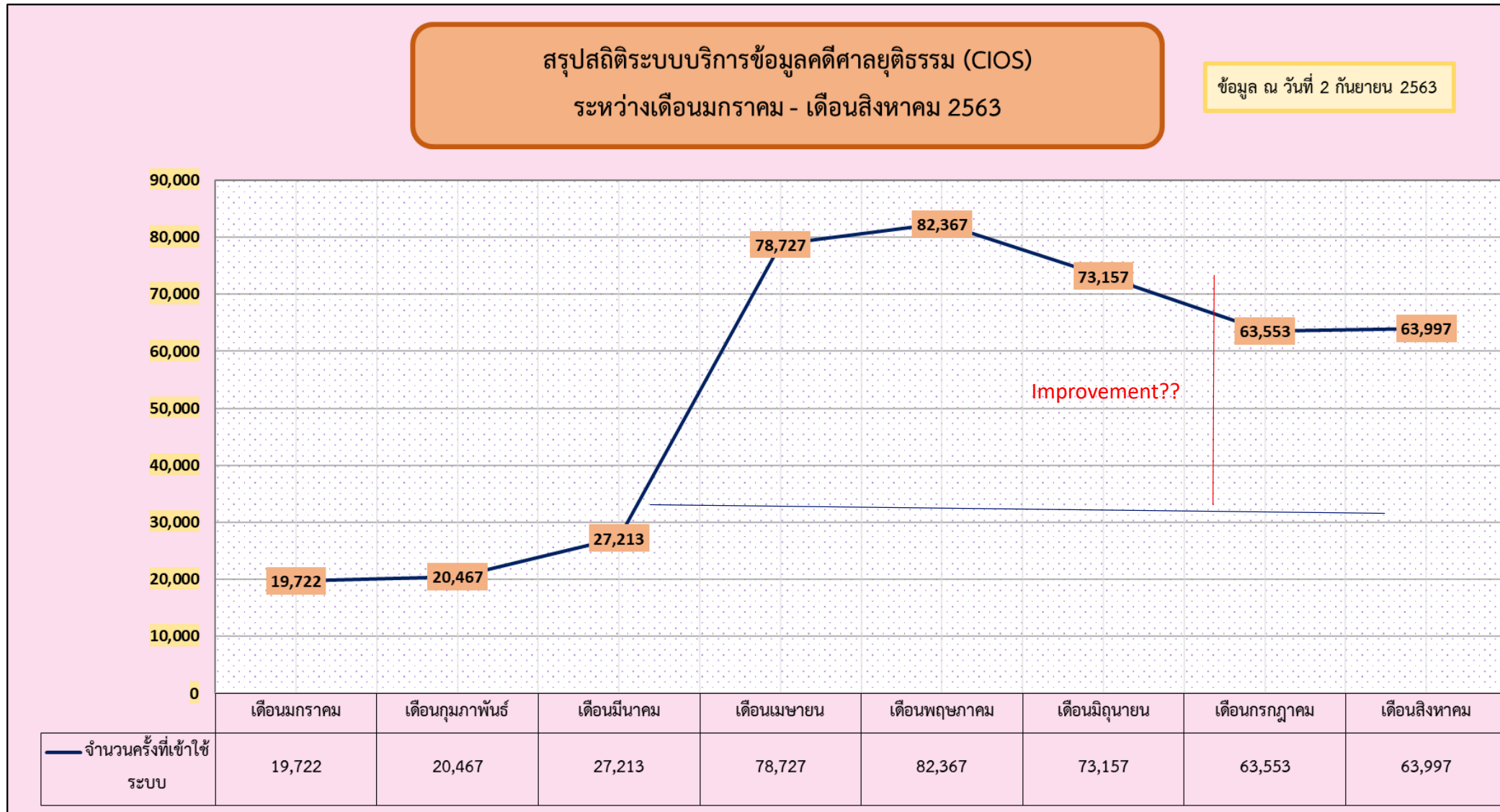
No
traveling



Real-time
tracking



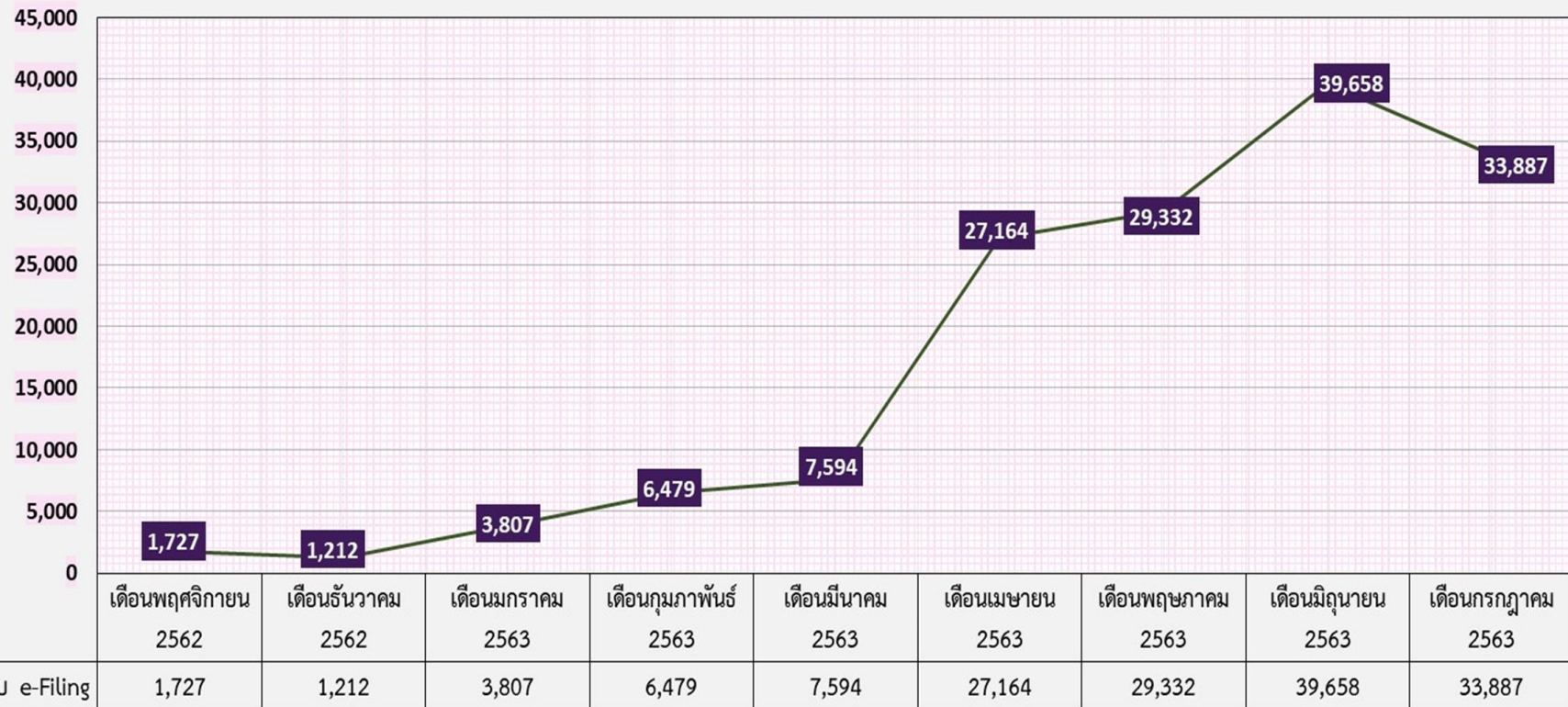
How does Covid-19 change the user's behavior?



How does Covid-19 change the user's behavior?

สรุปสถิติระบบ e-Filing version 3
ระหว่างเดือนพฤศจิกายน 2562 - กรกฎาคม 2563

ข้อมูล ณ วันที่ 5 สิงหาคม 2563

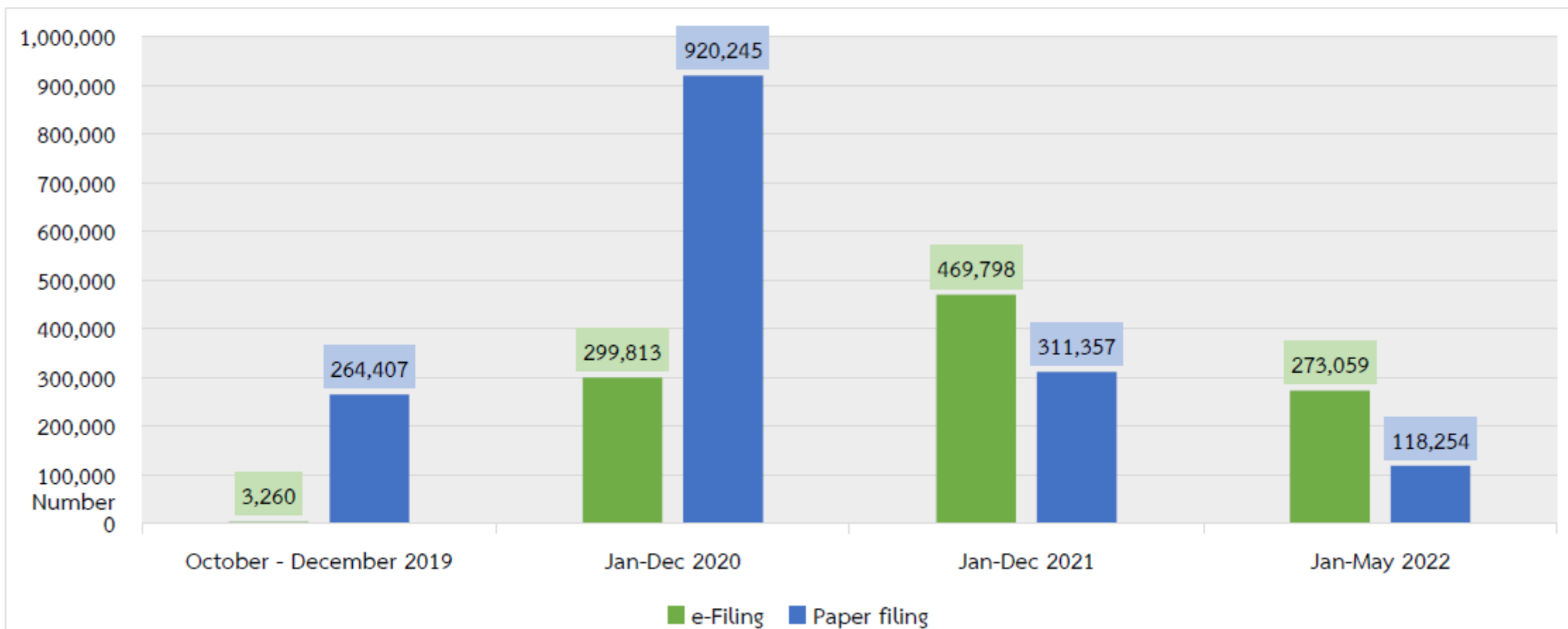


— จำนวนคดีที่มีการยื่นผ่านระบบ e-Filing



The Number of Electronic Filing and Paper Filing (Oct 2019 – May 2022)

Updated on 5 July 2022





Online Hearing





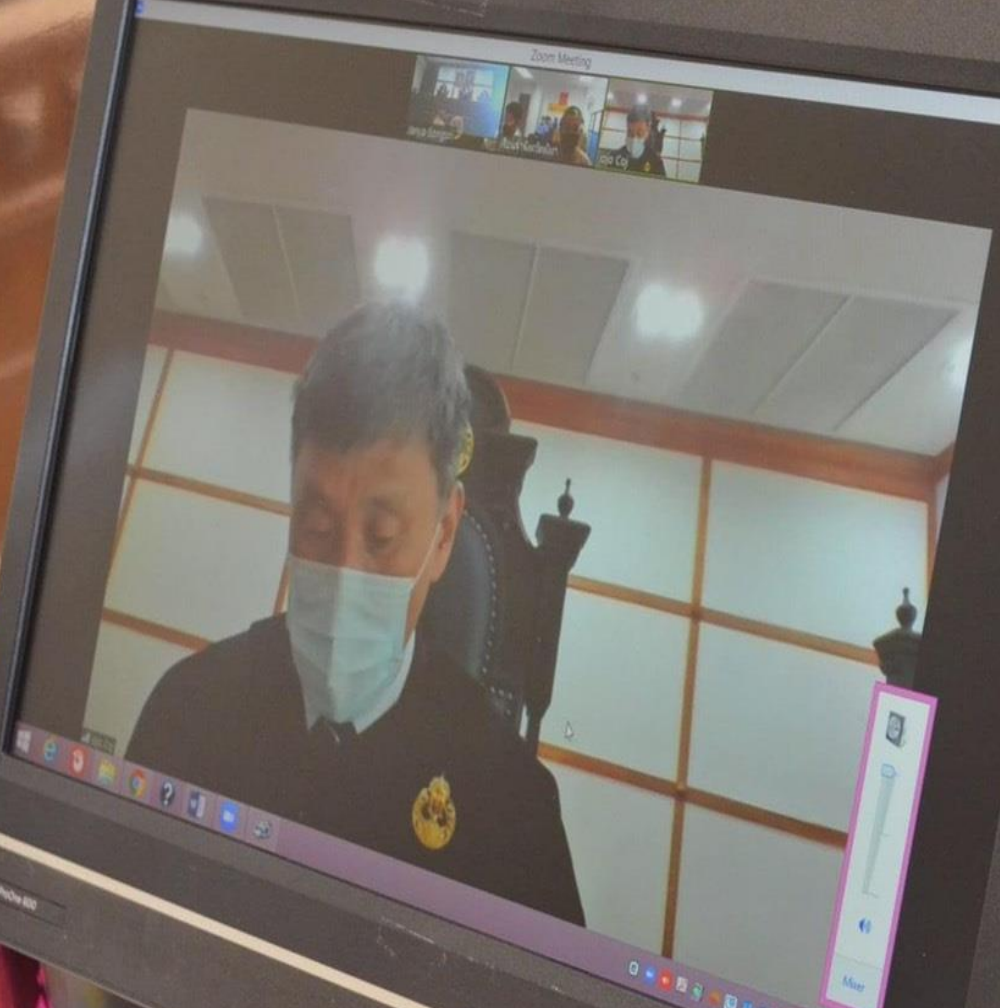






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Zoom Meeting





Place of online proceeding (Clause 8)

1. Not the public place
2. Private
3. No other person without permission from the court can enter and exit the area.

Judges and officials must be in the courtroom. The video and audio of the parties or witnesses outside the court must be broadcast openly in the courtroom.



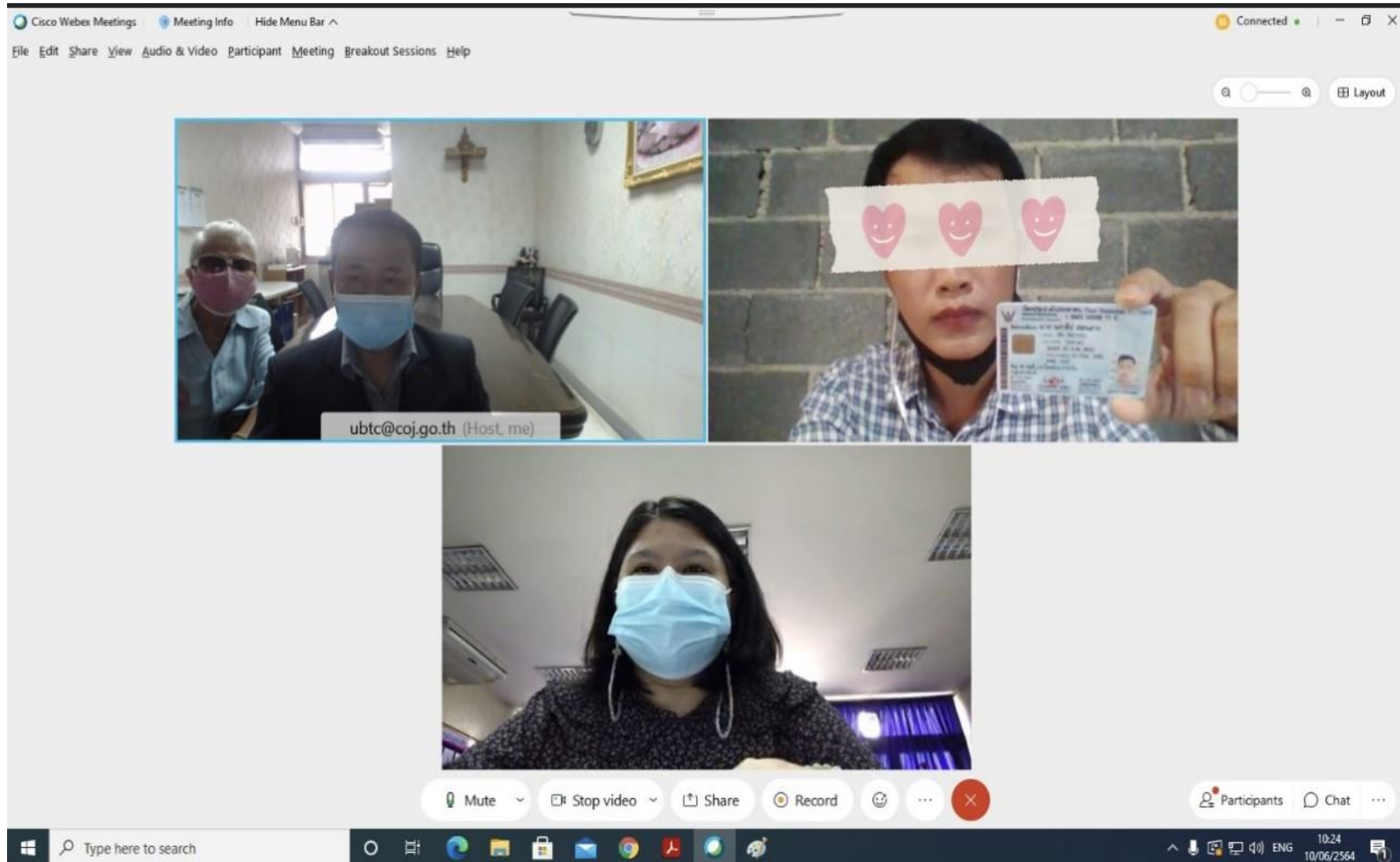
Authentication

Method of Authentication (Clause 10)

1. The officer examines the identity card of the parties or witnesses.
2. Have the person present their ID card to appear on the screen.
3. Check whether it matches the identity of parties or witnesses in the case.
4. Take a picture of the person's face with the ID card so that the information on the ID card is clearly displayed.



Example of Authentication Process



Suspicion examination

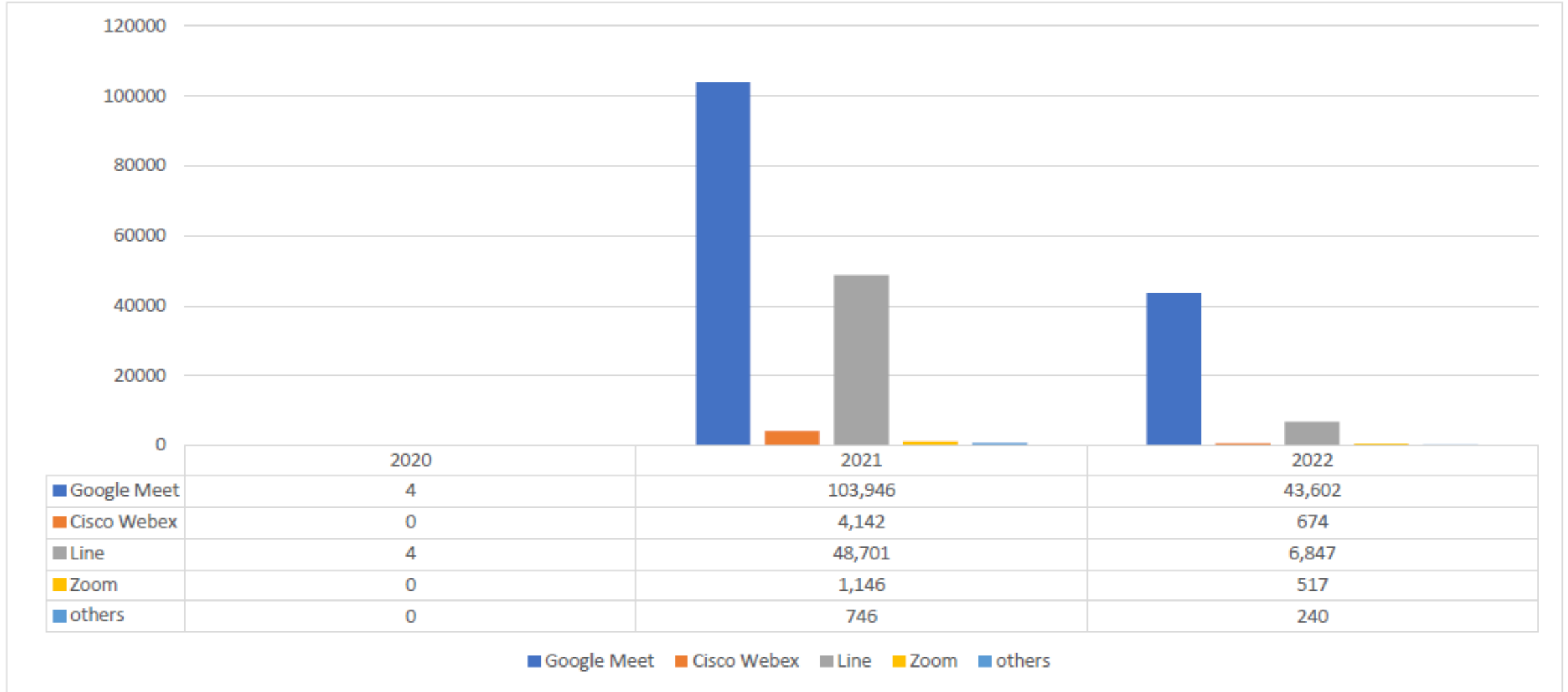
Suspicion examination of parties and witnesses (Article 15)

- If there is any reason to suspect that
 1. Parties or witnesses using the system may be at risk, such as witnesses being threatened.
 2. The proceedings may be conducted dishonestly, such as someone secretly telling a witness.

The court may order an inspection of the premises. or have any other orders as appropriate



The Applications used in the online hearing



Online Sale Transaction Case Division in Civil Court

แผนกคดีซื้อขายออนไลน์

Online Sale Transaction Case Division



Obstacles for the Online Sale Consumer

- Jurisdictions based on the defendant's domicile or where the cause of action arises.
- Consumers do not know the identity of the seller
- Cost burden --- lawyer, court fee, travel expenses
- Electronic filing as an option for parties---- double case files (electronic and paper)
- Not Fully Electronic system
 - Service of Plaintiff is conducted by registered mail or court officer
 - Parties are required to come to the competent court.

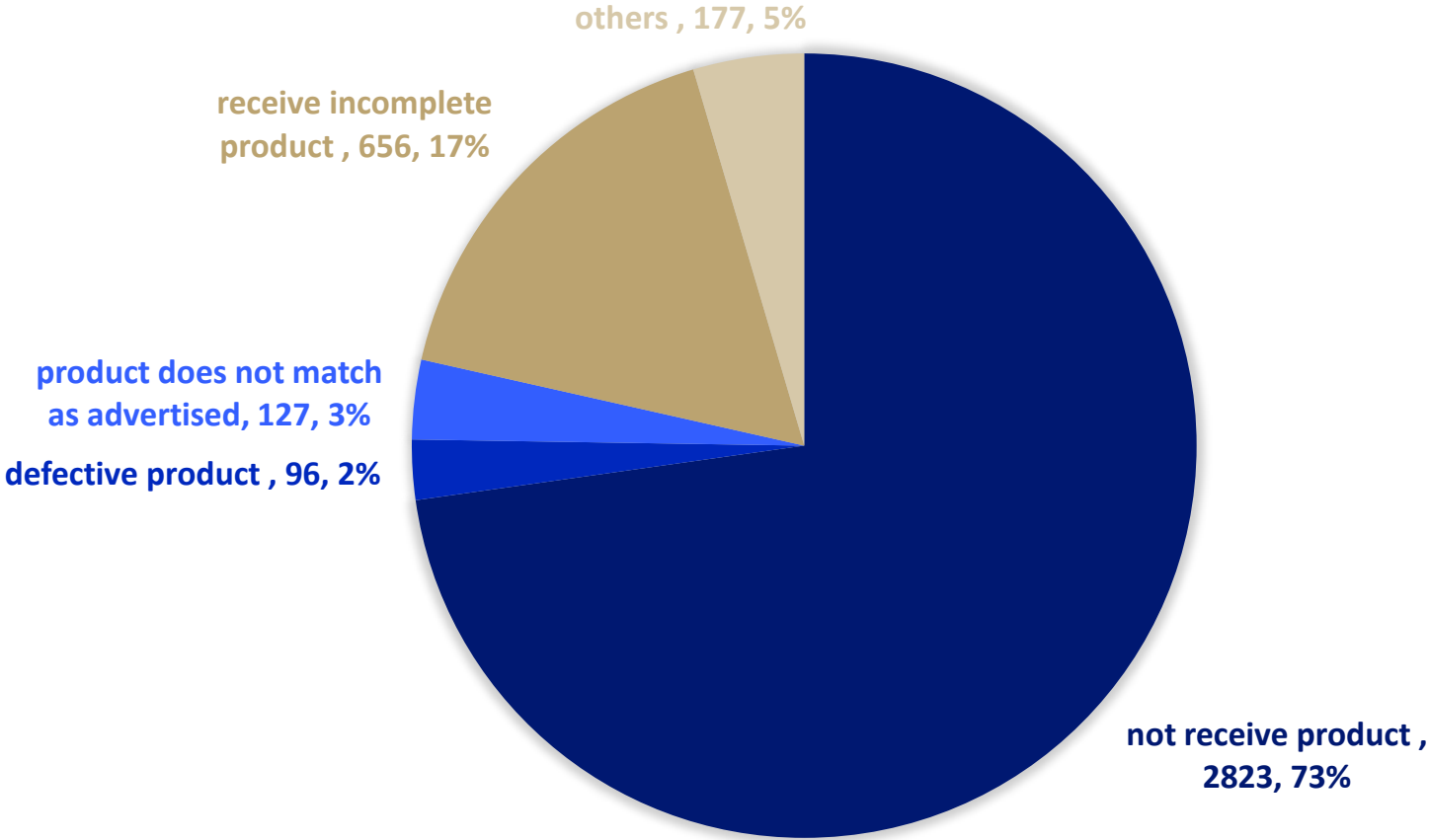


Division of Online Sale Transaction Case

- Buyer can bring lawsuit against seller at the Division regardless of the seller's domicile or the place where the sale arises.
- Consumer case officer helps the buyer to draft the complaint and identify the seller's identity and the address.
- Consumer can file the case electronically with free of charge
- Fully Electronic system e.g. Service of Complaint by email, parties are required to attend online hearing



ONLINE SALE TRANSACTION CASES: 3879 CASES
(FROM JAN, 27 – JULY, 11 2022)





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Lesson learned...

Lesson learned



Flexibility

The answer is not online or offline. We still need to conduct both online and offline hearing. Physical presence is still necessary for court proceeding. The issue is what types of case is appropriate for online hearing.



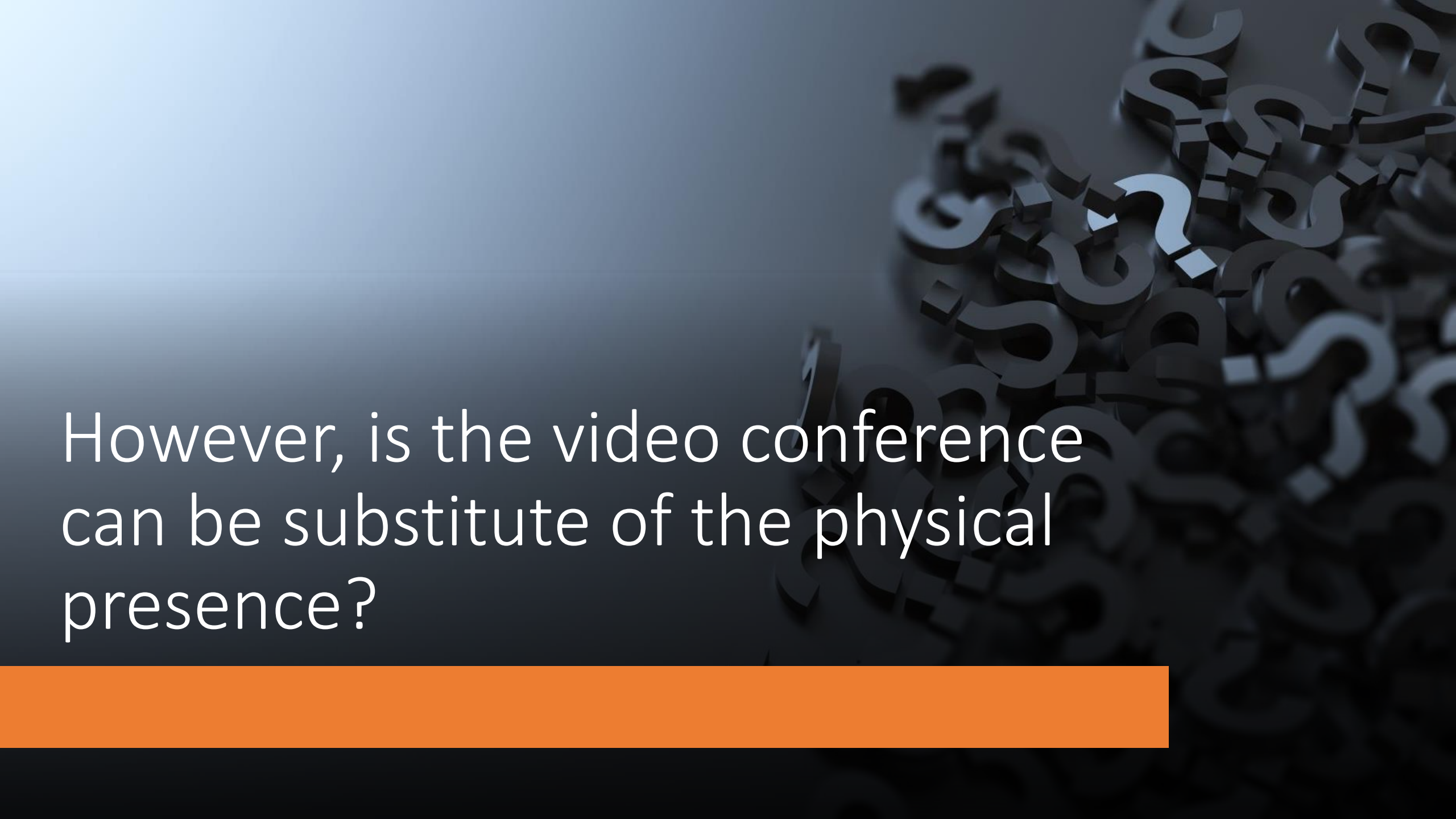
Fairness

The use of technology shall not affect the parties' right to defend the case. The technology accessibility is still the key for delivering justice. The COJ can leave no one behind.



Friendly

- The system should be designed in user-friendly manner. Once the user use the system, they cannot stop using it.
- We need to continuously develop the technology and innovation in court



However, is the video conference
can be substitute of the physical
presence?

Electronic Communication v In-person Communication

The nature of electronic communication is distinct from that of in-person communication leading to various concerns about electronic procedure.

Negative Impact

- when hearings were conducted via video conference, the court significantly raised the value of bond compared to cases in which bail hearings were still conducted in person; suggesting that criminal defendants who are portrayed through the screens **are negatively perceived**.

(Diamond et al., 2006)

Positive Impact

- Child or vulnerable witnesses
- In the context of covid-19 pandemic, it has been suggested that online testimony might be preferable as, without the need for face mask, a witness's facial clues, and thus credibility, can be observed and assessed.

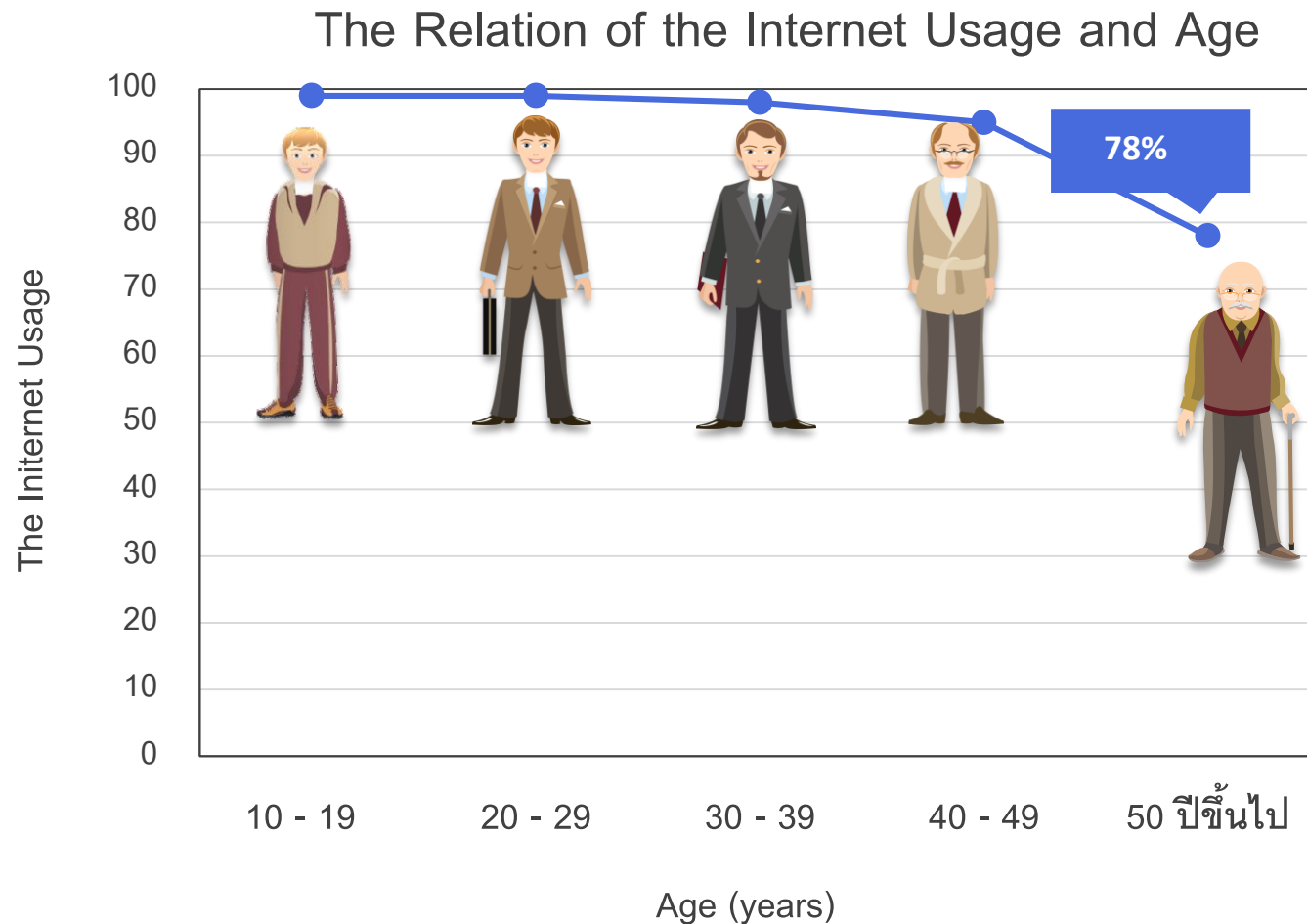


Court Etiquette

- While in a courtroom, the role of trial participants is clear due to **pre-determined seating** (judge, prosecution, defence, witnesses and translators), this is not the case in a videoconference hearing.
- Rather, most software allocates images and thumbnails randomly, or by order of joining. Moreover, the position on the screen may change if a participant drops out and re-joins or changes the setting on their screen or camera. The roles of court participants may be confusing for parties as a consequence.
- Court etiquette may need to be re-evaluated accordingly for remote hearings, including **appropriate dress codes and screen backgrounds for judges and other participants** in order to ensure the seriousness of proceedings is upheld.



The Relation of the Internet Usage and Age



the Internet Usage and Age
>50 yrs old is
the least usage
of the Internet

78%

10 - 19 ปี

99%

20 - 29 ปี

99%

30 - 39 ปี

98%

40 - 49 ปี

95%

50 ปี ขึ้นไป

78%

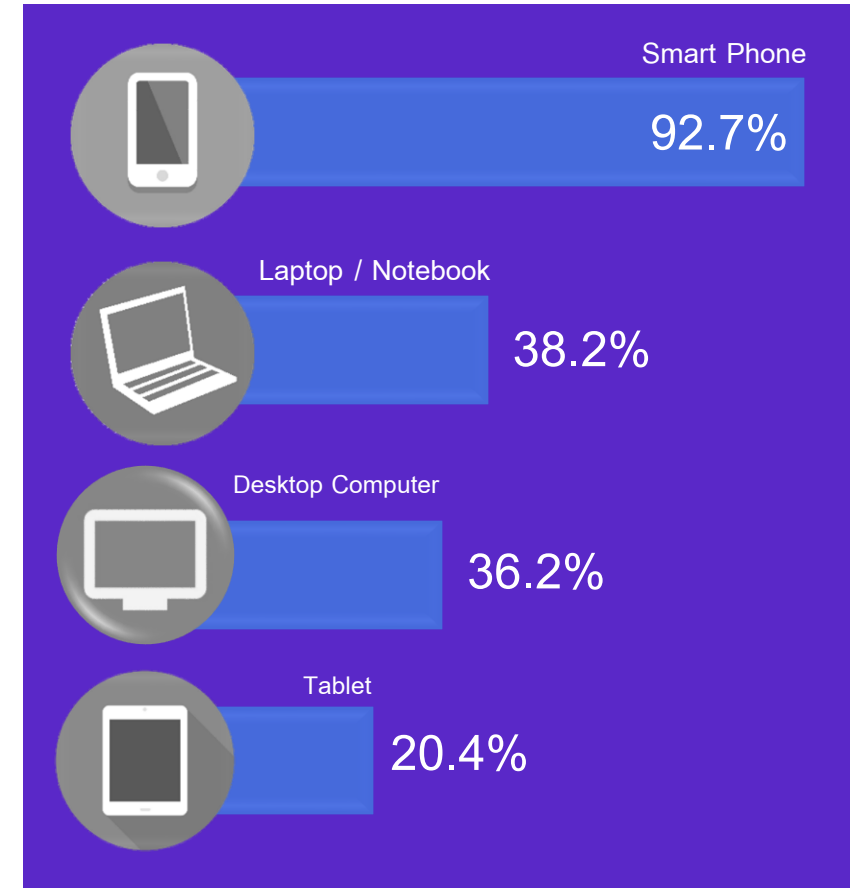


The use of electronic devices



The Use of Electronic Devices

95%





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