

Aki Hietanen

E-Justice in Finland – Trends and Challenges

Finland has a long traditions in e-Justice. The first e-Justice applications were developed in the 1970s. In mid-1980s the Court Decision system and Real Estate information system were established. The trends in the development of electronic applications have followed European trends, but there have been some original tailor-made solutions, as well. The reform of legacy systems in courts has been a long-term challenge.

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1. E-Justice in Finland – From Mainframes to Linked Data

[Rz 1] E-Justice is still a fairly fresh concept, although different electronic systems and tools have been used in the justice sector of most European countries for more than three decades. Probably the first European expert meeting on E-Justice was «E-Justice: Interoperability of systems. The 15th Colloquy on Information Technology and Law in Europe», held in Magglingen, Switzerland in April 2002.

[Rz 2] What used to be electronic legal communication (elektronischer Rechtsverkehr) and court databases is now a much broader concept. Since the European e-Justice Action Plan of 2008 and the opening of the European e-Justice portal at e-justice.europa.eu, the concept European e-Justice has been used to describe the cross-border aspect of electronic justice and the interoperability of national registers in the justice sector.

1.1. Similarities in the Finnish and Austrian approaches to e-Justice

[Rz 3] Finland and Austria are not neighbouring countries and the legal system of these countries is not identical. Nevertheless, there are similarities in the development of e-Justice in Finland and Austria.¹ Especially the following aspects can be discerned:

- Long tradition in e-Justice (over three decades)
- Emphasis on the electronic communication between courts and parties to the case
- Emphasis on the Real Estate information system
- Emphasis on free access to case-law
- The use of mainframes and Lotus Notes applications
- The extensive use of videoconferencing in national and cross-border cases
- The challenges of legacy systems

¹ Cf. SCHNEIDER, 2010.

1.2. Trends of e-Justice in Finland

[Rz 4] The use of information technology in the courts in Finland dates back to the pre-history of e-Justice, to the year 1973 when the first court database, including summaries of the precedents of the Finnish Supreme Administrative Court, was opened. That database was later a central ingredient in the legal data bank Finlex, which was introduced in 1980. In 1986, some courts implemented the new Court Decision System (in criminal cases). On the same year, the information on real estates was transferred from paper files to electronic form in the Real Estate Information System. Furthermore, in 1986 some courts began to use the first docket or case management systems. By the end of the 1980's all courts in Finland had installed personal computers, used mainly for word processing and for accessing the mainframe systems.

[Rz 5] The 1990s was a decade of development of strong case management. Since 1999, the emphasis changed to the new infrastructure – secure network, standard software, case management using Lotus Notes, digital audio recording and videoconferencing. The last five years have been a period of focussing on the services for the citizens (electronic claims for uncontested debts, electronic application for legal aid and electronic transaction of real estates).

[Rz 6] As regards the implementation of the EU level instruments on European payment order and small claims, both the payment order and small claims have been processed in Tuomas case management system, without any major changes made in the system itself. The number of cases has been small, in the first year approximately 40 cases and after that slightly more. As to the insolvency register, there has been since mid-1990s a register on bankruptcies and reorganisations of companies and another register of the restructurings of debts of private persons.

[Rz 7] The history of e-Justice is forty years long. Here are the major steps in the use of electronic systems and tools

- 1973: first court database (Supreme Administrative Court) established
- 1980: opening of FINLEX Legal Data Bank (Supreme Court, Case Law in Legal Literature, Labour Court, International Treaties)
- 1986: Court Decision System and electronic Land Register
- 1989-1992: redesign of the civil case management system (Tuomas, with client-server solution, graphical user interface (GUI), TCP/IP protocol, redesign of databases and applications)
- 1993: legislation on electronic communication with courts (Act on Electronic Data Interchange and Automatic Data Processing in the General Courts 594/1993)²
- 1994: automation of post delivery (e-letters)
- 1996: design of the criminal case management and workflow (Sakari)
- 1997: redesign of FINLEX (free access on the Internet)
- 1999: new IT infrastructure: Justice Network PCs, Internet/Intranet, standard software, case management systems based on Lotus Notes
- 2001: digital recording of court sessions
- 2002: videoconferencing (national and cross-border)
- 2005: A-mail – secure e-mail for advocates
- 2009: European payment order and small claims in electronic system
- 2010: electronic claims for uncontested debts

² See the text of the Electronic Communication Act in Finlex, <http://www.finlex.fi/en/laki/kaannokset/1993/en19930594>.

- 2010: electronic application for legal aid
- 2011: new project started for replacing Tuomas and Sakari case management systems
- 2012: case management for criminal proceedings (RITU), as a supplement to Sakari
- 2013: electronic transaction of properties (real estates)
- 2013: legal information as Linked Open Data

2. E-justice for Courts and Citizens in Finland

2.1. Case Management in Civil Proceedings

[Rz 8] During the planning of the new civil procedure in Finland which entered into force in 1992, it was realised that the most numerous civil cases would be effectively dealt with through written proceedings. As the decision given by the court in the written proceedings would in most cases be based on the fact that the defendant does not contest it, the decision could be rendered summarily by the clerks in the court; a judge would not be needed. With 35 0,000 summary cases pending before the reform, it was deemed essential to install an automated case management system for the new procedures. The procedure was adapted to take full advantage of the possibilities of automation and electronic communication.³

[Rz 9] This technological adaptation made it possible to use IT extensively in written preliminary hearings. In this framework two systems were developed, the Tuomas case management system and the SANTRA electronic transfer system. These two systems worked in combination as follows:

[Rz 10] The courts received applications electronically by way of the SANTRA system or through electronic mail and fax. Plaintiffs using SANTRA transferred the data on all their applications to the common «mailbox» of the courts. The SANTRA system then forwarded the applications to the individual mailboxes of the courts. The courts then updated their own Tuomas systems on the basis of data in their mailboxes.

[Rz 11] The court summons the defendant, typically through the postal system. The Finnish Post operates an electronic posting service (EPS), which the court can use, as the court is not required to receive signed summons and the court need not send the original document of the application in most cases. The Tuomas system produces the documents or files required for summonses. Sending the files to the Finnish Post has been automated both in Tuomas and in SANTRA. Tuomas will track the deadlines given to defendants for contesting. If the deadline has passed, Tuomas will produce the decision of the court based on the data in the application and summons. In many cases the court will contact the plaintiff by email or fax if the plaintiff has informed the court that the address to send the message is an electronic mail address. The court will use electronic mail and calendar software in later phases of civil proceedings to schedule hearings and summon parties. In most of the contested cases, the judge makes a summing-up at the conclusion of the preliminary stage. Tuomas stores and tracks all the documents in a case, forming an electronic database for future use. Testimony received in the main hearing is usually audiotaped (using digital recording and audio servers). Minutes of the hearing are produced, but the court no longer uses verbatim transcripts of hearings. Instead, the court indicates what has transpired during the hearing. If a person wants to know what a witness has said, he or she can listen to the tape. Naturally, the

³ HIETANEN, 2002.

court decision is still a written document. The judge can use the texts of the application and the summing-up in writing the decision if stored in the Tuomas system.

[Rz 12] It is worth noting that the document submitted to court does not need to be physically signed as long as there is sufficient information in the message to enable the court to contact the sender if it doubts the originality of the message.⁴

[Rz 13] Since 2010, the SANTRA system has been replaced by a new web application at asiointi.oikeus.fi. The new system is being used in claims on uncontested debts (so-called summary cases).

2.2. Case Management in Criminal Proceedings

[Rz 14] Case management systems in criminal cases are more complicated as more parties and public authorities are involved; the police, the prosecutor, the injured parties and the courts. The Finnish case management system for criminal proceedings, Sakari, covers the workflow of the prosecutors and the courts, with link to the system that police use. The new system has roughly the same case management features as the Tuomas system in civil cases, but more emphasis has been given to the management of the cases in the court. Since late 1999 the new Sakari system has been utilised in some 70% of all criminal cases. In Sakari, a uniform registration procedure is an instrument to improve comparison between different units (in prosecutor or district court) in the amount of caseload and workload for the purposes of supervision of work, statistics and control management. Criminal cases based on the Criminal Code constitute the main part of the recorded cases in the Sakari system.

[Rz 15] Several features of Sakari case management system are the same as the Tuomas case management system for civil cases due to the similar history. Sakari case management dates back to 1990s, when the prosecutors» office and the district courts had to implement case tracking system to provide information about basic data of the person involved in the crime, suspected crimes committed as well as issuance of the related decisions. This case tracking system was implemented before the criminal reform – the uniform penalty system. This reform established that all the possible criminal offences committed by one suspect would be considered as one single case and will be processed by one judge.

[Rz 16] The subjects benefiting from the Sakari system have been the police, the prosecutors, the district courts and the prisons. The system manages documents relating to a criminal case electronically as well as the editing of documents needed for a trial.

[Rz 17] The information flow goes into the following direction: police → prosecutor → court. After the decision is made, it goes the other way around – from the court to the prosecutors» office. After investigation is completed, the information figured out is being processed from police electronically managed system into Sakari case management system in standard structured document, which a prosecutor can use or edit in.

[Rz 18] In the District Court Sakari contains important information along the whole case such as all possible dates, phases of handling, parties, contact details, representatives, methods of service, decisions and final judgment, notice of discontent to the judgment, secrecy.

⁴ HIETANEN, 2009.

[Rz 19] In Sakari, office automation functionalities have been developed to allow the user to automatically fill standard documents, (e.g. notification tickets), extracting data directly from the database, (e.g. the date of the event that is notified, names and addresses of lawyers and parties). In most cases, once generated, these documents are printed, signed and sent by mail or by other means of transmission. In Finland, the documents are sent electronically to the post office in the area where the addressee lives, then printed and delivered physically.

[Rz 20] Using the separate Court Decision System, notifications processed in that system are sent electronically to the prison administration, the enforcement service for collection of fines, the criminal record, the motor vehicle authority (in charge of withdrawing the right to drive), the customs and the Statistics Finland. Some of this information is also passed to the police for recording into their systems. What is interesting is that the Court Decision System has also been used in the production of the hard copy of the court decision at the same time the notification is produced.

2.3. Towards a new integrated System for Civil and Criminal Proceedings

[Rz 21] As the lifecycle of the existing case management systems for civil and criminal proceedings is closer to the sunset, two new projects have been established. The objective of RITU (RITU = RikosTuomiosovellus, Criminal Justice Decision) is to replace the old Court Decisions System. Due to the delays in RITU project, there is a risk of overlap with the new case management project, AIPA.

[Rz 22] The comprehensive project called AIPA (AineistoPankki, i.e. Material bank) aims at replacing the old case management systems in civil justice (Tuomas) and criminal justice (Sakari) with one single system. AIPA was started in 2011 and it will continue until 2017–2018. AIPA is an ambitious project, combining case management, document management, electronic archiving, electronic legal communication and the renewed processes in civil and criminal proceedings. In the first phase of AIPA in 2015, the flow of information coming from the police to the prosecutors will be in electronic structured format.

2.4. Citizen's Account

[Rz 23] In Finland, every citizen can create a personal service account, while dealing with local or state authorities. Using Citizen's Account, a citizen can view the status of his/her affairs in process, electronically receive decisions and notifications concerning him/her, submit electronic documents to the authorities and manage his/her contact information.

[Rz 24] Citizen's account is a secure method for electronic communications, decisions and messages between the authorities and the citizens. The use of Citizen's account requires the citizen's permission. Identification to the service is done using either personal online bank identifiers or an electronic certificate card. Citizen's account enables citizens to:

- Receive in electronic form official decisions and statements concerning him/her;
- Deliver electronic documents to authorities;

- Maintain his/her own electronic contact information.⁵

[Rz 25] Through the Citizen's Service of Finland (www.suomi.fi), a service of Finnish public administration for citizens, the Finnish citizen can do the following actions electronically:

- Download the form for claim for compensation (based on the Act of Compensation for Crime Damage), complete the online form and submit it to the Compensation Services of the State Treasury to the address mentioned on the form.
- Download the Legal Aid application form, complete and submit it. Legal aid extends to all legal matters including criminal cases. Under certain circumstances in criminal proceedings a defendant is guaranteed a publicly funded defense attorney, regardless of his or her financial standing. Victims of serious crimes of violence and sex crimes may be awarded publicly funded legal counsel, regardless of their income.

[Rz 26] From March 2010, it has been possible to apply for legal aid electronically. The electronic application, in Finnish and in Swedish, can be found through the Ministry of Justice website (www.oikeus.fi) at the page Oikeusavun asiointipalvelut (Legal Aid e-Service) or directly on the address <http://asiointi.oikeus.fi>.

[Rz 27] The applicant needs a Finnish online bank user ID to apply electronically. If the electronic application is inaccessible to the applicant, he or she may apply for legal aid at a Public Legal Aid Office. Contact information for the Legal Aid Offices can be found on the web link of the Ministry of Justice.

3. Land Register – Old and New

[Rz 28] When the Real Estate Information System was brought into operation in the courts in mid-1980s, it was also necessary to carry out legislative amendments concerning the handling of the applications to register title or mortgage. The pertinent court decision was made by making an entry into the Real Estate Information System. Direct access to the system has been available for banks, insurance companies, real estate agents, lawyers, etc. already before the Internet era.

[Rz 29] From the very beginning of the Real Estate information system, the District Courts updated the system as they registered titles or mortgages over real property. A person who applied for the registration of his/her title had only to render the deed to the court, which would then obtain all the other information required from the Population Register and the Real Estate Information System. Since 2010, the register of titles and mortgages is maintained by the local registration authorities of the National Land Survey of Finland.

[Rz 30] Information about the owner of a property can be obtained from the register of title.

[Rz 31] The title and mortgage register, which nowadays is a public register of registration issues incorporated into the Land Information System, contain following information:

- information on property owners (titles),
- mortgages
- and special rights concerning properties based on applications

⁵ <https://asiointitili.suomi.fi/Home/Faq>.

[Rz 32] The register also includes reminders on rights and easements concerning properties such as various restrictions on the administration of property.

[Rz 33] In November 2013 the National Land Survey of Finland opened the Electronic Property Transaction System.⁶ The Electronic Property Transaction System is directed at owners, sellers, buyers of property as well as real estate agents and banks. Using the Electronic Property Transaction System it is possible to:

- authorise someone to act on your behalf
- make a preliminary purchase agreement
- write a bill of sale or a deed of gift
- apply for a mortgage on a property
- apply for transfer of electronic mortgage deeds, and
- submit a notice of change of the holder of mortgage deeds on paper (as opposed to electronic mortgage deeds)

[Rz 34] The buyer and seller involved in a sale of property identify themselves in the system and sign any documents related to the conveyance through authentication provided by their respective online banking services. The system offers templates for documents such as bills of sale, and after a bill of sale has been signed, the registration of title is automatically initiated. It is no longer necessary to apply for registration of title at a District Survey Office. Public purchase witnessing is no longer necessary, either.

[Rz 35] The system serves the entire process of buying and selling property. When all parties that are involved in buying and selling property are also a part of the system, information about particular conveyances will be transferred electronically in real time between banks, real estate agents, sellers, buyers and registers.⁷

4. Videoconferencing

[Rz 36] In Finland videoconferencing may be used

- in Finnish trials for conferences between courts,
- in handling of matters concerning coercive measures, so that the defendant or the suspect for an offence does not need to be present in person in court and
- in cross-border trials in compliance with the provisions in international treaties.

[Rz 37] In addition to the court, also a party or his/her counsel, a witness or the person who is to be heard in the case may propose the use of videoconferencing in the trial. The chairman in the case decides if videoconferencing may be used. Inquiries concerning the use of videoconferencing in court proceedings can be addressed to the court in question.

[Rz 38] If the person who is to be heard in the case is located in another locality or abroad, videoconferencing may be the best solution for all parties. Videoconferencing may be used both in connection to the main hearing and the preparatory hearing.

⁶ The system is available at <http://www.kiinteistoasiat.fi> (in Finnish and in Swedish).

⁷ For further information see National Land Survey www.nls.fi.

[Rz 39] All the district courts, administrative courts, courts of appeal and the Supreme Court as well as all the prisons have videoconferencing equipment with high definition technique. The court rooms in the district courts are equipped with two mobile cameras, microphones, a plasma screen and the required data communications equipment.

[Rz 40] Witnesses can, for example, be heard in courts and prisons in connection to trials that are held in some other locality.

[Rz 41] The cross-border use of videoconferencing has been expanding ever since the videoconferencing pilot project between Finland and Estonia in 2003. Nowadays there are 50-80 cross-border videoconferencing sessions every month. For the use of videoconferencing in court proceedings with the Russian Federation, a user booklet is available.

5. Access to Law and Case-Law

[Rz 42] Judges and prosecutors in Finland have had since the 1980s access to a number of databases and other reference material from which to draw information in the drafting of judgments. The most important of these are Finlex, Suomen Laki, Edilex and SanomaPro. The three last-mentioned are commercial databases. All these services are also available to citizens.

[Rz 43] The Finnish Ministry of Justice is responsible for the Finlex legal data bank. Until April 2002, the Finlex system has consisted of two parts, the original Finlex with user fees and the new Finlex Legal Data Bank, which is free of charge. The first part of Finlex was established in 1980, while the first database (decisions of the Supreme Administrative Court) was opened already in 1973. The Finlex database service has been available on the Internet since May 1996. The new Finlex Legal Data Bank is a public system available on the Internet, with the Internet address <http://www.finlex.fi> and it currently consists of over thirty databases.⁸

[Rz 44] *Case-law databases*

- Database of the precedents of the Finnish Supreme Court
- Database of the precedents of the Finnish Supreme Administrative Court
- Cases of the Courts of Appeal and Administrative Courts
- Cases of special courts (Labour Court, Market Court, Insurance Court)
- Decisions of some administrative institutions and organizations (e.g., the Data Protection Board)
- Summaries of cases of the European Court of Human Rights

[Rz 45] *Legislative databases*

- A comprehensive reference database of Finnish legislation with a list of amendments on any law or decree published in the Statutes of Finland (the official gazette) since the year 1734
- A document database with all laws and decrees published in the Statutes of Finland since 1995, the electronic Official Gazette (Statutes of Finland) has been authentic since 2011.
- Translations of Finnish laws into other languages (mostly English)
- Database of international treaties (mostly in the Finnish language, from 1999 also in the original languages as PDF documents)
- Database of administrative acts (secondary legislation)

⁸ HIETANEN, 2009.

[Rz 46] The databases on case-law and legislation have been supplemented by two unique databases, one on Case-Law in Legal Literature and the other on References to Legislation in Legal Literature.⁹ These databases include a massive collection reference data, collected manually since 1970s.

[Rz 47] Finnish Ministry of Justice has been participating in the Linked Data Finland (LDF) project, coordinated by Aalto University.¹⁰ In the project, the first version of Semantic Finlex has been published in October 2013 as Linked Open Data at www.ldf.fi. The website includes both legislation and case-law. The project will continue with additional legal databases.

6. Concluding Remarks

[Rz 48] The complete story of e-Justice in Finland remains to be told. In the first forty years, there has been a drastic transformation in the working methods and working environment of the courts. Some clear trends can be distinguished. The first two decades were about computerization and transfer of data from paper to electronic format. The 1990s was a decade of renewing the case management and processes. In the new millennium, emphasis changed to the new infrastructure of secure network, standard software tools, case management with Lotus Notes, audio recording and videoconferencing. The last five years have been a period of «Citizens first» – with focus on the services for the citizens, such as electronic claims for uncontested debts, electronic application for legal aid and electronic transaction of real estates. This trend will continue in the coming years.

[Rz 49] The greatest challenge of e-Justice has been the reform of the legacy systems (Tuomas, Sakari, Real Estate Information system, old Criminal Records system, old Finlex) into user friendly web based applications.

7. Literature

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⁹ On Case-Law in Legal Literature see <http://www.finlex.fi/en/oikeus/foki/>.

¹⁰ On Linked Data Finland see <http://www.ldf.fi>.

AKI HIETANEN, Chief of Information Services, Ministry of Justice, Finland, PO Box 25, 00023 Government, Finland, aki.hietanen@om.fi, <http://www.finlex.fi>.