

Turkish e-justice project “UYAP”

ABSTRACT:

UYAP is an e-justice system as a part of e-government project, which has been developed in order to ensure fast, reliable, and accurate judicial system. UYAP is developed by IT Department of the Ministry of Justice of Turkey by using the most updated technology and methodologies. As a central information system it covers all of the judicial institutions and other governmental departments. All judicial units were fully equipped with computers, case and document management software and other updated hardware. Each judicial unit connected to others by a secure network and given access to legal sources such as legislation, case law, bulletins and circulars. UYAP has been designed in order to improve the functioning and efficiency of the judiciary and to create an effective and less bureaucratic judicial system for the concerned institutions and individuals. All of the judicial units and agencies currently make use of ICT in their daily lives as all processes and transactions were transmitted into electronic environment.

KEY WORDS: less bureaucracy, transparent and efficiency

1 National Judiciary Informatics System (UYAP)

The Ministry of Justice of Turkey has prepared a “National Judiciary Informatics System (UYAP)”, which is to implement a very ambitious information system between the Courts and all other institutions of the Ministry. UYAP equipped these institutions with computers and network and also gave them access to all the legislation, judicial records, and judicial data of the police and army records. It is an e-justice system as a part of the e-government, which has been developed in order to ensure fast, reliable, soundly operated and accurate judicial system¹.

UYAP not only integrated judicial units with each other but also with concerned institutions. So it is possible to reach every kind of data which is needed during processes. In the trials, judges can access criminal records online according to their authority. The judicial record database has been integrated with database of UYAP. The birth certificate registrations can also be accessed online and current by the courts and procedure’s offices. All cases in Turkey’s courts can be accessible on line by the judges, prosecutors and lawyers provided that taking online approval from the judges who deal with case. Land registries and driver registers can be retrieved instantly at the beginning of the trials².

1.1 Phases

The project was started in 2000 and completed by the end of 2007. UYAP has been planned in two phases. First, the central organization in Ankara: The first phase’s objective is automating the procedures of the central organization of the Ministry and its subordinate units. This stage has been completed in 2002. Second, the countrywide organization Automation of the UYAP Provincial Units: Second phase of the project were completed by the end of 2007, after then the project has turned out to be a system rather than a project. All of the judicial units and agencies make use of ICT in their daily processes.

¹ UYAP, www.uyap.gov.tr/english/ (accessed date 28.06.2009)

² UYAP, <http://www.uyap.gov.tr/english/index.html> (accessed date 28.06.2009)

1.2 UYAP consists of these sub-systems:

- Penal and civil Law System
- Administrative Law System
- Public Prosecutors Services System
- Court of Cassation System
- Probation System
- Verdict Support System
- Lawyer Information System
- Enforcement-Bankruptcy System
- Convict-Arrest Management System
- Citizen Information System
- Personal Management System
- Financial Management System
- Supply and Procurement Management System
- Training Management System
- Document Management System
- Forensic Medicine System
- General Support System
- Inspection Management System

1.3 Training of staff

When the project came to a certain phase, education effort was started by our Ministry. In this context, in order to let all the judges, Public prosecutors and other personnel learn using computer in the scale of Turkey, education was given using the institution's resources, in regions where it was inadequate. Within the project of UYAP e-learning, a central control system for distance training was established for all users according to their roles and duties. 52.605 personnel have been given opportunity to train themselves through internet by using distance learning facilities until now

1.4 Citizen and Lawyer Portal:

Citizens can reach and examine their case information via Internet and learn the day fixed for the trial without going courts. They can be informed via web site about their cases or hearing dates. They can submit their claims to court by using their electronic signature and examine their files through internet. Lawyers can file a suit, submit any document to courts and pay case fee from his office by use of their electronic signature through internet. They can litigate a claim or dispute to court through electronic means; review his cases via electronics means; submit his petition online via UYAP³. On line cases have just started in Turkey, as some lawyers has begun to submit their claims on line by using their e-signature.

1.5 Decision Support System

In every stage of investigations, especially during the hearings, the system may suggest some proposals to the users whenever they request or may warn the users in order to prevent basic judicial errors. Notices in labels on the screen can suggest some proposals or recommend some jobs to the users whenever they want or at important situations by evaluating data files. Warnings can also be done in order to prevent basic judicial errors. Owing to this it is expected that there can be 80 % decrease in the number of cases returned from Supreme Court because of proceeding error. For example many fugitives were caught thanks to this system.

1.6 Document Management System

The Document Management System (DMS): Exchange of the electronic documents between the provinces and centre has been started. At present, all kinds of data, Information, documents flow in documentation management system between MoJ and other units electronically.

³UYAP Lawyer portal, <http://www.uyap.gov.tr/avukatport/avukat.htm> (accessed date 28.06.2009)

Announcements, circulars, opinions, resignation and employment letters of the personnel, in addition the data flow and all sorts of communications of the Legal Jurisprudence, Administrative Jurisprudence and Justice Commissions with the Ministry are realised with the UYAP. With document management software, all documents are just a few clicks away. Judicial units use that system to get documents online and to store and manage them. All bureaucratic procedures and formal writings are made in the electronic environment, thereby avoiding delays and reducing mistakes, especially those related to codes of procedures, as well as ensuring some degree of transparency.

1.7 Structure

The UYAP system has been implemented using JEE2 on the client-side and runs on an Oracle database. Availability to open code sources and standard technologies for end users allow the Turkish judiciary to develop independent, integrated and cost effective solutions. Judges can reach to the system by VPN technology from their houses with their laptop, facilitating their preparation and research for trials and the writing of judgments. Central database was set up in order to collect and share all data effectively and economically to be called up by judges and court staff when needed rather than local ones which can cause data duplication and discrepancies. UYAP has disaster recovery procedures in place and the system is fully backed up each night. A new system centre is currently being built to upgrade hardware and to enhance the overall disaster recovery strategy. The system has numerous Quality Certificates assigned to it including TS-EN-ISO 9001, AQAP-150, AQAP-110 SW CMM Level 3 and soon hope to obtain ISO 17799 and ISO/IEC 15408 CC Standard. The system is protected by a firewall and anti-virus software. The other important development is the establishment of “video recording” and “video conferencing systems”, set up in 225 heavy criminal courts all over the Turkey. Thanks to this system any of the witness, victim or offenders who live far away from the court, even in different continents can be questioned

1.8 Electronic Signature

Since 2007, the usage of e-signature has been started and increased significantly. MOJ has reached an agreement with the public e-signature provider, for the delivery of the e-signatures to all judges, prosecutors and staff. Since September 2007, 41669 personnel have applied for the e-signature and 35400 of them have been given their e-signature, and now 24098 of them actively use it in their daily work. It was also issued a regulation that documents will no longer be circulated physically among the judicial units after 01.07.2008. All the documents are required to be sent in the electronic environment, which are signed by e-signature. The usage of electronic signature paves the way for saving from costs, time and labour force in judicial processes. At the end of 2007 all of the registry books and cartoons have been abrogated and started to keep in electronic environment.

1.9 SMS Information system

The SMS judicial information system provides an outstanding service for the citizens and lawyers which enables them to receive SMS messages containing legal information such as ongoing cases, dates of court hearings, the last change in the case and suits or dept claims against them. Therefore, they can be instantly informed by SMS about any kind of legal event related to them without going to courts. SMS information system has reduced the communication costs which would otherwise be incurred in a paper-based system. Lawyers and citizens can access every kind of legal information by using their mobile phones anytime anywhere enabling utmost transparency in the judiciary. This system has transformed the vision of judicial organs from a conservative state demanding information from individuals to a modern state swiftly providing information to them so as to prevent unjust treatments and irregularities. It also increases the quality of legal services by reducing the usage of sources of budget and ensuring utmost availability of getting information, preventing red tape⁴.

⁴ <http://www.adalet.gov.tr/english/sms/> (accessed at 28.06.2009)

1.10 Benefits Of Uyp

Speed and efficiency of operations: UYAP created fast, secure and efficient information system enabling the appropriate sharing of information across the wider Turkish judicial services by transferring key business processes of the judicial system into central electronic means. Instructions to other courts in order to collect evidence can be instantly sent and received on line. Access to information and make transaction online, instant and secure.

All documents, processes and files are standardised: Before UYAP, courts and other judicial units have being written the writs one by one. After UYAP similar writs are being written through stencils. That is the one of the significant impact of the case in terms of benefits and costs. So the employees save time and effort, courts and other units save personnel. Due to standard and ready forms, all the data are filled automatically into the documents like instructions, indictments, hearing minutes, decision and others so as to finish cases faster and more efficient and not to wait for days.

Economical judicial services: UYAP reduced the clerical, administrative and communications costs which would otherwise be incurred in manual and paper- based system. With the on-line connection of courts, expenses of bureaucracy and postal costs are removed. UYAP reduces in staffing and uses the personal most effective.

Obtain central financial control: The payments of the experts and taxes can be controlled in a more reliable way. Now the budgets of the judicial units are prepared by UYAP and budgetary control is made via UYAP online and momentary. Determination, audit and expenses are pursuit on a central database with the accounting system in UYAP.

Transparency in terms of accountability and data accuracy: All takeover files from previous year can be prepared within instantly. Easy and fair dispatch of the files and works of courts and enforcement units is ensured. For example, in the courts taken into operation, delivery bureaus have been taken into operation and collection of charges and duty distributions which are carried out hand by hand before are now carried out by the system as to the objective criteria determined in an electronic environment.

Performance management through integrated management information: To provide the capability to measure performance and report on the effectiveness of Turkish judicial services in terms of such performance indicators are defined by Government and stakeholders. The data required for this would be captured and made available through the operational UYAP system. The performance of the personnel can be followed via the electronically environment.

Inspections by electronic means: After UYAP, inspection of the judicial units can be done by online. That possibility will be bring in time, costs etc. Government will be save from travelling expenses which are made by inspectors and staff number who are work as a inspector. Provision of Clear Evidence on performance and quality for inspectors, every processes are logging by system

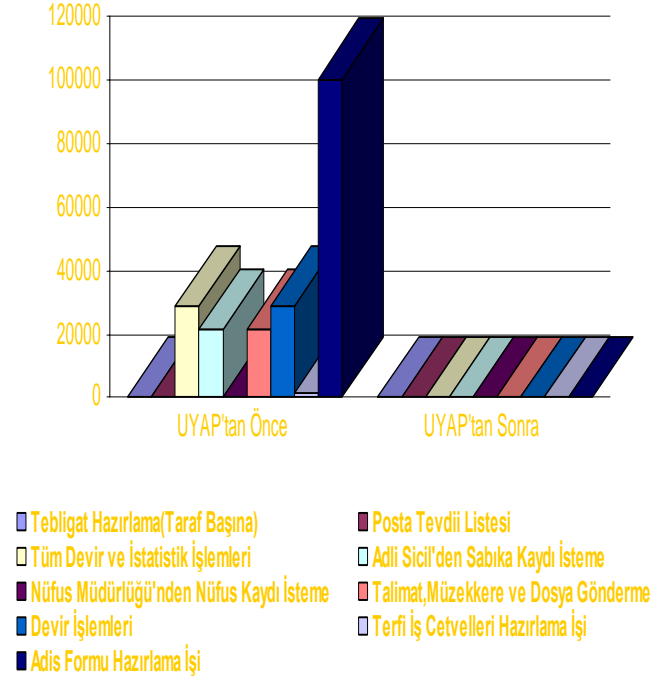
Data mining in judicial field: Data mining means that collection and dissemination of aggregated data for future plans. By this way it became easy to provide a research capability, to evaluate the impact of offender-crime assessment tools and programmes and to assess the effectiveness of interventions designed to reduce crimes. Evaluation of statistics (papering crime maps, data mining) will be possible. The users, who have the authority to gain access to these data, can see those data simultaneously and currently and can make processes.

Simplify process: Before UYAP promotion (being raised to a higher rank) of the employees are being notified with one by one arranged notifications. After UYAP that notifications are notified to relevant units with in a single copy which in a one list arranged. The processes that take hours or days can be done only in minutes by UYAP. Furthermore, the figures as to the files, selected specific crimes and the workload of units can be obtained in much more swift way nationwide. Despatch of the files and works of courts and enforcement units are being done and monitored easily and fairly by UYAP

1.11 Comparison tables before and after uyap

PROCESS	BEFORE UYAP	AFTER UYAP
Writing edits	3-5 mn.	3 mn.
Post lists	10-20 mn.	1 mn.
Statistics	15-20 day	15-20 mn.
Criminal record	1-15 day	1 mn.
Birth Certificate	1-15 mn.	1 mn.
Take over files	7-15 day	1 dk
Transferring files	15-20 day	2-3 mn.
Promotions	1 day	0-1 mn.
Annual statistics	1 week	0-5 mn.

Ceza Mahkemeleri İşlemlerinde Zaman Durum Grafiği(dakika)



1.12 Awards and Quality

UYAP has won many prizes both in Turkey and in abroad because of making significant breakthrough in Turkish judiciary. In Turkey, UYAP was awarded for annual e- Government rewards in 2004, 2005 and 2008 organised by TÜSİAD and Turkey Informatics Foundation. In 2008, UYAP has received a special mention in "Crystal Scales of Justice" awards which is presented by the European Commission and the Council of Europe in the context of the European Day of Civil Justice. This European prize rewards innovative practices contributing to the quality of civil justice in every two years. Uyp has received its gold medal because of being selected as a laureate in the computerworld honors program held in Andrew w. Mellon auditorium in Washington dc in 01.06.2009 and honoured as one of the most successful five finalist in the area of e-government projects in the world. In addition it has become the only e-justice project among the finalists.

1.13 Interoperability opportunities

The UYAP database can be connected to the databases of the other states and can form a broadened network. Achieving this goal will result in secure and swift transition of international requests such as rogatory letters, extradition matters and transfer of sentenced persons. Apart from these, UYAP case and document management system and word processor software were designed to be independently used by other judicial systems. So, it is completely possible to import these main components to other countries as they have already been transferred to other related institutions in Turkey.

1.14 Conclusion

UYAP has enhanced the quality of services provided to citizens and the effectiveness of justice. As a result public confidence has been achieved in justice services thanks to transparent and rapid justice, aiding stability and peace in society and growth in the economy. These developments mentioned, in terms of their consequences represents progress that augments the confidence of citizens in the judiciary and shows ongoing improvements. UYAP has transformed an old-fashioned, paper based Judiciary into a smooth functioning organization, which is assessed by some the biggest revolution in Turkish Judiciary throughout the history. Last but not least, UYAP is the biggest and most outstanding electronic justice system in Europe in terms of number of users, abilities of software, capacity and magnitude of the system and many of unique features such as lawyer and citizen portal, SMS projects, the scope of using electronic signature, intelligent warning and decision support systems and nationwide statistics skills. As John Hunter says, (Head of the IT Department of European Court of Human Rights), who examined the system in 2008 for 3 days, "UYAP is probably one of the most advanced nation-wide court justice systems in the world and an excellent example of best practice for national courts"⁵.

⁵ (<http://www.adalet.gov.tr/duyurular/2008/kasim08/ENExpertReportUYAP.pdf>)