ORGANIZATIONAL IMPLICATIONS OF TECHNOLOGY ADOPTION AT THE MALAYSIAN CIVIL COURTS

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ABSTRACT

Technology is increasingly adopted in various aspects of life including for the management of judicial matters at the courts. This study seeks to examine the organizational implications of technology adoption at the Malaysian civil courts. Engaging in qualitative research approach involving four case studies in Malaysia, the research found numerous organizational implications of technology adopted at the courts. Firstly, such adoption gives rise to improved organizational structure at the courts. Secondly, the productivity and efficiency of the court routines increased following the constant and increasing use of such technology. Thirdly, the technologies also lead to transparent court processes and proceedings. Fourthly, it was found that the re-skilling of human resources and training are also promoted with the use of such technologies. Intended as a catalyst for future research, the paper concludes by recommending that future direction should focus on empirical data to further corroborate the findings of the present study.

Keywords: Organizational Implications, Technology Adoption, Civil Courts.

INTRODUCTION

Technology is increasingly being adopted in various aspects of life, ranging from standard information seeking to highly complex medical treatments, and from social media communication to highly technical governmental exchange of information. One of the emerging areas of technology adoption is the judicial business involving courts in various parts of the world, such as United Kingdom, Italy, Australia, Singapore and Malaysia. In line with the theories of "*information society*" (Garnham, 2000) and "*network society"* (Hampton, 2007), these courts have gone through tremendous changes within the organizational context, implicating the users particularly the judges, court officers, technology officers and the lawyers.

Nevertheless, there is scarcity of literature and past research which has examined the impact of technology to the courts respectively. Ideally, the main issue at hand is how technology adoption at the courts actually changes the organizational behavior of members and officers of the courts. Focusing on one of the developing nations in Asia Pacific Malaysia this paper seeks to examine the organizational implications of technology adoption at the Malaysian civil courts.

Divided into multiple segments, beginning with literature review on technology adoption in the courts and its relative organizational implications. The next part outlines the discussion on

the methodology adopted in this research, followed by the discussion on the findings of this research. The paper concludes with some recommendations for future research in the area of technology adoption in developing nations.

LITERATURE REVIEW

Within the Malaysian context, various technological applications are in place and being adopted by the judiciary. At present, the technologies that are adopted within its courts include the basic technologies used in the work routine of court officers such as computers, printers, scanners, the Internet connection and various softwares to facilitate their works (Bhatt, 2005). Other than that, technologies for the administrative members of staff and for the support of judges are also adopted, such as the E-Filing System (EFS), the Case Management System (CMS), the Queue Management System (QMS), the Court Recording and Transcription (CRT), as well as the Audio and Video Conference System (AVCS).

In the broader context, extant literature pointed out that technology introduces numerous organizational implications in terms of enhanced efficiency into the judiciary, delay reduction, improvement to the economy, and promotion of confidence in the justice system through the use of technologies (Hamin et al., 2012). In addition, Walker (2000) advocates that technologies would lead to an improvement in the quality of the judicial process, improved transparency of the way the judiciary works, increase in the citizen's level of access to the judiciary and increase in the confidence of the citizens and businesses in the judicial system. In this context, Velicogna (2007) contends that technologies are used to enhance efficiency, access and timelines given that with the use of technologies, the court records are digitized and kept in the court's database, as opposed to the manual way of handling the records. Essentially, the work routine of the court's staff is simplified when the records could be reached at the click of a button, and eventually, courtrooms would become geographically accessible, anywhere and anytime, omnipresent and available to all (Bhatt, 2005).

The transformation from a conventional system of judiciary into the adoption of modern technologies inevitably raised the issue of acquisition of skills or reskilling and readiness of the court officials and legal practitioners in actually adopting these technologies (Lupo & Bailey, 2014). Accordingly, there is definitely a need for effective training for judges, court staff and practitioners. As such, it is imperative that the need for a close liaison and good communication between courts and law firms to ensure successful implementation of technologies in the courts (Macdonald & Wallace, 2004).

Based on this literature examination in other parts of the world, there is scarcity of resources within the Malaysian jurisdictional setting, particularly the technology adoption in the Malaysian courts. In addition, it seems pertinent to examine the Malaysian context by providing real-world evidence comprising the actual users of the technologies at the courts. Hence, it is the aim of this research to investigate the implications of such technology adoption within the context of Malaysian courts from the organizational perspective.

METHODOLOGY

Engaging in full qualitative approach, the research involved the collection of both secondary data. Secondary data generally comprised textbooks, journal articles, guidelines,

practice directions and circulars issued by the courts as well as the bar. On the other hand, the collection of primary data involved multiple-embedded case study design in four courts physically located at different states in Malaysia. Case study was chosen because it enabled the researchers to probe deeply into each of the organizational settings of the courts (Yin, 2017). Aiming to identify the various organizational implications arising from the technology adoption at these courts, semi-structured interviews were conducted involving sixteen respondents. The interview respondents were purposefully chosen based on their respective occupational roles given that they were the individuals directly involved with the operations of the technological applications in their respective courts. These individuals are the judges, the courts administrative officers, the technology officers and the lawyers. The computer-assisted qualitative data analysis software ATLAS.ti version 7.5 was used to analyze the data (Friese, 2014). ATLAS.ti was chosen because it was adequate for the researchers; purpose, being easier to manage and speedier compared to manual analysis (Mohamad, 2014).

RESULTS

Overall, the technology adoption at the courts gave rise to numerous organizational implications on the part of the judges and the court members of staff, that is, the officers of the court. The data from the study have revealed four major implications of technology adoption at the courts, namely:

1. Improved organizational infrastructure of the court
2. Increased productivity and efficiency
3. Enhanced transparency of the court processes and procedures
4. Re-skilling of human resources and training

Each of the implications would be discussed in detail in the following section.

DISSCUSSION

Improved Organizational Infrastructure

At some points in time, the organizational and technical infrastructure improves the work routine of the court officers. This was rightly applicable in the case of technologies in the Malaysian courts when the highest authority in the judiciary, i.e., the former Chief Justice of Malaya, Tun Zaki Azmi (as he then was), encouraged the use of technologies in the courts way back in 2008. Technologies were increasingly being adopted in the courts of Malaysia, with the appointment of IT officers and hardware vendors to install the hardware and software in the courts, and the funding obtained from the Federal government. In this regard, most of the interview respondents claimed that the technical system was in place for the operational purpose of carrying out their work. In similar vein, a number of interview respondents expressed their general overview of the setting up of the technological applications in the courts. On this note, a respondent maintained that the formulation of the technological applications was a result of contributions of both the top management and the lower ranked members of staff, suggesting the involvement of participatory input from the users of the technological applications in the courts.

Increased Productivity and Efficiency

The investigation of the use of technological applications in the courts found that there had been increased productivity and efficiency of the courts on the part of the judges, court administrative officers and lawyers. It is a known fact that backlog of cases is one of the major problems facing the Malaysian judicial system. Accordingly, this is admitted by the respondents in the case study. With the adoption of technological applications such as the EFS and the CMS, all the respondents agreed that there had been a significant decrease of backlog of cases since implementing the technological applications. As such, the evidence has shown the important role of technologies in addressing the problem of backlog of cases in the judiciary.

Following the backlog of cases, another problem faced by the courts is the increasing number of ageing list of cases, which essentially refers to cases which have been left unresolved over a certain period of time. The longer the case takes to settle, the longer the case stays in the ageing list. A long ageing list evidently indicates the poor performance of the judicial system in handling the cases. With the adoption of technological applications such as the e-filing system and the CMS, the majority of the respondents agreed that there had been a faster system for the disposal of cases since implementing the technological applications.

Transparent Court Processes and Proceedings

As discussed earlier, the literature has suggested that the transparency of the court process and procedures is an important contribution that the technologies could offer to the courts (Carnevali, 2009; Walker, 2000). Right from the moment a case is registered into the court's system, the monitoring is made possible with ease as the court administrators could simply access into the system to obtain any information on the matters handled by each court under its supervision. On the part of the judges who were monitored by the system, they were made aware of the monitoring tool which came with the technological application, and hence they would always be reminded to follow the correct timelines and responsibilities from time to time. Accordingly, since everything would be stored in the court's database, then the court's process and handling of matters would become transparent in the sense that nothing would be hidden. In return and in the long run, the public's confidence in the justice system could be enhanced.

Re-skilling of Human Resources and Training

New technological applications being used in the courts means users would need to undergo specific training sessions to build their skills in actually using these technologies. All the respondents admitted that they had to undergo training sessions on how to use the technological applications in the courts. In undergoing the training, some respondents were not satisfied with the quality of training given for being inadequate (Yin, 2017). In this respect, the respondents welcomed the initiative by the Federal government and the judiciary to introduce technologies into the courts, but they suggested that prior to such introduction, proper training was needed to be in place for the users so that the entire system could be utilized to the fullest extent. In addition, the users also wish that they could contribute to the decision making of the technological applications at the courts.

CONCLUSION

The findings of the present study have revealed that there were a considerable number of implications on the part of the organization, beginning with the users' participation in the formulation of the organizational infrastructure for the technologies in the courts. The findings have further revealed the different organizational implications, particularly in the increased productivity and efficiency of the courts. Such implication was indicated by numerous situations revealed from the research data, for instance, the decrease in the backlog of cases, the reduction in the ageing list of the cases in the courts, the reduction in time consuming works on the part of the judges and court administrative officers, the reduction in the manual work routines, and the savings in court resources and members of staff. On the outset, another organizational implication of the technologies implementation in the courts would be the promotion of transparent court process and procedures. In addition, the re-skilling aspects of the human resources and trainings were also found from the research findings.

In this regard, this research is intended to be a catalyst for future research in the area organizational implications of technology adoption in the courts. Hence, the direction for future research is suggested to be one empirical in nature so that the findings of this study could be further corroborated with empirical data particularly on the respective organizational implications. Another suggestion is to do a comparative examination on the experience of technology adoption in the courts in some other jurisdictions. Such comparison would shed considerable contribution to the subject matter of technology adoption in the courts, as it would help in generalizing the findings of this study to some other jurisdictions other than Malaysia.

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