

IMPLEMENTATION OF INFORMATION SYSTEM OF ENFORCEMENT IN BULGARIA, ACCORDING TO THE LAW ON PRIVATE ENFORCEMENT



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ABSTRACT

In 2008 the Council of the European Union has developed and adopted a multi-year action plan for the period 2009-2013 in the European e-Justice. The European e-Justice must fulfil three basic functions in terms of access to information in the field of justice, electronic communication between the court and the parties concerned, and to simplify and promote the exchange of information between judicial authorities in the Member States. In view of this development and implementation of an information system of enforcement is crucial, not only the expected effect on the affected public relations internally, but also as a means of fulfilling the obligations imposed as a result of Bulgaria's membership in the EU. No doubt the importance of the reform is based on the consistent application of a number of measures, the result of which should give the public a quick, transparent and effective functioning justice system.

Key words: *Information system, e-Justice*

1. INTRODUCTION

E-Justice is not a single act or a state of the judicial system - this is a process that involves a set of measures associated with the reorganization of the judicial system of using modern information technologies - legal, technical, organizational, financial and educational.

In accordance with the Law on the Judicial System Act (JSA) and the Private Enforcement Agents (Agents Act), the Ministry of Justice (MOJ) together with the Inspectorate of the Ministry of Justice, the Judiciary Act are required to monitor the activity on the formation, movement and closure of enforcement cases of public enforcement of private bailiffs. These institutions are ought to summarize and analyse the performance of these cases, check the operation of private bailiffs and to perform monitored control of proper calculation and determination of private bailiffs' fees.

The officials from the Inspectorate collect, compile, storage and supply different users with considerable amount of statistical information, they perform considerable amount inspection activities of the state and private enforcement.

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The necessity for implementation of "e-enforcement - Gateway to the enforcement" by the means of information system of enforcement (ISSI) is justified by the fulfilment of legal requirements and the potential effect this Gateway e-enforcement may have had.

2. CHALLENGES IN THE IMPLEMENTATION OF E-JUSTICE IN BULGARIA. NECESSITY OF A GATEWAY E-JUDICIAL EXECUTION

The implementation of the reform for the transition to e-justice could not be achieved without a clear normative rules established by the law.

There are requirements for the judiciary in terms of interfaces and how to exercise procedural rights electronically. There were introduced rules for identifying persons in the electronic environment, there rules implemented for the adoption of procedural statements of the parties conducting electronic works issuance of documents in electronic form, and other general aspects of the exercise of procedural rights of the parties and of the judicial system.

As far as technologies develop provision for a regulatory framework with which to regulate the dynamic relationship, that is not subject to permanent regulation – these formats requirements for submitting electronic documents, interface requirements for electronic submissions, requirements for the design of the public interface of the Internet pages of the judiciary and others.

The implementation of the reform in the implementation of the e-justice is impossible without the presence of certain conditions and the possibility of conducting proceedings in electronic form. In connection with these new opportunities certain rules are created to require the judiciary to use uniform rules, procedures, technology and functional parameters in ensuring opportunities for conducting proceedings in electronic form and in the course of certification statements in electronic form. Special regulations are developed for conducting proceedings in electronic form.

Pursuant to the requirements of Article 77 of the Law on private enforcement (Agents Act)¹, the obligation and responsibility of the Minister of Justice are to establish, maintain and develop the information system of enforcement (ISSI), which leads to the modern service provided by the administration and justice system. All these initiatives lead to better facilitating operational processes, improved administrative capacity for higher volume services, and promoted information security.

3. NECESSITY TO BUILD AN ELECTRONIC PORTAL ENFORCEMENT

Since the entry into force of the Law on private enforcement (2007) till present the obligation for functioning information system of enforcement is not completed. Establishing and implementing of a portal for law enforcement is essential to the Inspectorate of the Ministry of Justice on JSA.

The need for the implementation of electronic portal enforcement is justified both by the implementation of legal requirements and the potential effect it had. For reference, in 2011 in Bulgaria at the state and private enforcement there are around 650 000 enforcement cold cases (compared with district and regional courts in 2011. When there were 65,000 civil cold cases of first instance). In cases before DUI and PEA are enforceable claims for about 8.2 billion lev, without interest. For these enforcement cases Inspectorate carried out annually about 300 legal and financial checks on specific complaints and inquiries about 40 planned and thematic inspections.

Creating Portal enforcement will increase operability and transparency and will increase collections, while facilitating the work of the employees and will take much of their passive duties.

¹ Art. 77a. (New - SG. 31 of 2007) (1) The Minister of Justice shall establish, maintain and develop the information system of enforcement.

(2) Department of Justice shall charge fees for the use of the information system in an amount determined by a tariff approved by the Council of Ministers.

(3) Access to information systems through official channels to the state authorities, local government and the local administration and the persons charged with the exercise of a public function, is free.

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The main objective of ISSI is this modern service of the administration and the judiciary through: facilitating operational processes, improving the administrative capacity for higher volume services, promoting information security.

Implementation of ISSI will significantly enhance the analytical capabilities of the administration, it will facilitate management decisions, it will improve significantly the efficiency and transparency of the enforcement authorities and administration, and it will meet most of the growing interest in accessing public information and the provision of electronic services. In this sense, ISSI will reduce direct and current budgetary expenses of the administration of consumables, communication and human resources.

Through the realization of the project proposal the Ministry of Justice will also increase its own revenues by charging a tariff item 62 of № 1 to the Stamp Duty Act in relation to Article 77, paragraph 2 of the Agents Act, amounting to 100 / one hundred / BGN on user annual basis, in view of the fact that at present there is unfinished about 650 000 enforcement cases, with about 1.3 million potential users of the portal, potential revenue would be substantial. This existing legal provision will ensure financial sustainability of the project results and activities.

Enforcement portal ISSI is needed and should be built in a way that allows the participants in the enforcement process (bailiffs / JI / - public and private, creditor, debtor, creditor country as connected on the required public state receivables joined others in different qualities and supervisory bodies - the Ministry of Justice, the Chamber of private Enforcement Agents NRA PIFCA etc..) to perform certain actions according to their powers, as follows:

1. **Enforcement bailiffs** - to reflect any single act in relation to an enforcement action in ISSI, ISSI serves as a business record pursuant to § 1 paragraph 3 of the Supplementary Provisions of the Ordinance on official archives of the PEA (for PEA) and § 3, item 4, Proposal 3 of the final provisions of the Ordinance on official archives of the PEA (DIS);
2. **Creditors** - to consult on cases, to be able to perform actions after proper identification, to monitor the movement of their complaints;
3. **Debtors** - to consult on the cases, to be able to perform actions after proper identification, to monitor the movement of their complaints
4. **State** - to receive information about executive cases, to exercise the power of connected creditor on the required public receivables;
5. **Third party** counterparts in enforcement cases - to consult on the case in question, be able to perform actions after proper identification;
6. **Ministry of Justice and the Chamber of Private Enforcement**, according to their powers to be able to carry out a full inspection of an enforcement action;
7. **NRA and PIFCA** – with opportunity to perform electronic revisions;
8. **Portal** should be integrated with existing information systems and digitized databases, having attitude towards forced execution, including: The various information systems of NRA; The systems for management of court cases (CCMS); Register of private enforcement contractors; the Commercial register; the Property register; Information System insolvency proceedings (ISPN);
9. **Portal enforcement** should be integrated into the portal e-justice;
10. **The portal** should be certified according to the standards for interoperability and information security.

4. DEVELOPING INFORMATION SYSTEM OF ENFORCEMENT (ISSI). PURPOSE AND SCOPE

Requirements to ISSI: The system should cover all the quality of statistics and analytical information and security standards and confidentiality set by the Ministry of Justice and other institutions. It should provide the experts from the Inspectorate and the Ministry of Justice the opportunity to define new input and output statements and reports, calculations and processes, and outputs and publications.

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ISSI is to be implemented as a single technological environment with common functional subsystems (modules) and sub-types in accordance with Agents Act and regulations acts. This technological environment should allow for easy addition of new modules with minimal involvement of the developer.

Range: ISSI should provide to the utmost automatically all activities related to the work of bailiffs in Bulgaria. It should serve all flows of information in each phase, ensuring consistency and integrity them to follow the process of inspections and generate different types of analytical information. The system will consist of three separate modules:

- module of private enforcement;
- module of state enforcement;
- modulus of inspections;

The scope of information, provided data and services must comply with all legal requirements of the Republic of Bulgaria (JSA Agents Act, the Regulation on e-government services, etc.).

The aim here is to align and simplify the relevant procedures without substantially alter their nature and optimizing the outcome. It is expected to develop new methods for automated electronic exchange of information while ensuring the protection of the data and the inability to be subject to unlawful actions by unauthorized entities, including within the same host or store of the administration.

5. TECHNICAL SPECIFICATIONS

1. **Integration.** ISSI must provide the following:
 - Single entry of data
 - Follow-up (of the actions)
 - Unification of the client workplace
 - Systemic transparency
 - User authentication
 - High speed of information retrieval
2. **Modularity.** Heterogeneous architecture based on component technology that is used to build new applications with existing assemblies / components. Is made up of individual parts which model functionality. This allows staging in the development and implementation of the various functional parts and the ability to prioritize the implementation of tailored solutions and requirements of the client.
3. **Unification of the data.** When recording all data objects that are logically possible to use data from already established businesses with the ability to correct and complete.
4. **Distribution of functions.** The system covers all relevant institutions and organizations with the ability to include additional structures by providing functions for distributed administration of information units of the same type occurring in different units.
5. **Flexibility.** ISSI should adequately reflect environmental and internal organizational environment and to be able to react to changes in the function and structure of the entity, and to integrate new businesses, organizations and institutions.
6. **Openness.** ISSI should be integrated with popular office applications and should work on grassroots base operating software. To provide an opportunity for further development if necessary and to organize input/output to external applications and databases.
7. **Adaptability.** Input and output are ought to be parameterized, allowing them to adjust depending on the specific conditions and requirements. When displaying the information certain filters and criteria should be used by which the user would be able to sort the information.
8. **Maximum range of participants.** The system must provide automated operation with key partners and correspondents based on the use of Internet-based technologies, in combination with means for group work. The users can have strictly controlled access and

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authentication to work in real time with parts of the system detected and interpreted them with a suitable interface. Their every action to be automatically registered and their processes (input, reports, etc.) to follow standard procedures.

9. **Modern communications.** The choice of communication medium to maintain the functionality and security of job: Internet, Extranet, dial-up access.
Communication and coordination of the users of the system is achieved by means of integrated client / server communication system.
10. **Intuitive user interface.** The user interface should be intuitive for users who are not computer experts. This is especially important quality that will ensure smooth and perception in different consumer groups/units of the Ministry of Justice, DUI PEA officials in the judicial system and external users/. Users should focus their efforts towards the fulfilment of their direct functions and receive quality administrative services.
11. **Users access to all resources.** Ability to finely control access rights and action to all users objects at all levels - field (domain) server, database, records, documents and even field.
12. **Data transfer between distributed objects and main database.** Opportunity to exchange and synchronization of distributed databases without claim against the connection method. The data exchange is carried out automatically at a pre-configured hierarchy of servers, replication intervals, items and types of modifications of the bases for updates.
13. **Communication functionality.** The specifics of the information communication system functions determine the need for fast and effective communication between system users and their access to relevant information in real time. Highest standards for service activities due to their dynamic nature and require quality planning, flexible content management and rapid response to emerging events.

IP communication environment must meet the following functionalities:

- IS is **built on Client / Server and Internet / Intranet technologies to access information and databases.**

Information databases created by IP modules to be able to administer and operate over the Internet and the level of access is regulated precisely.

IS to support the core Internet protocols and provide Internet services: HTTP (Hypertext Transfer Protocol); POP3 and SMTP (Post Office Protocol Version 3 and Simple Mail Transfer Protocol); IMAP (Internet Message Access Protocol); NNTP (Network News Transfer Protocol) ; MIME (Multipurpose Internet Mail Extensions); LDAP (Lightweight Directory Access Protocol)

- **IS to be independent**

14. **Integrity.** Integrity of IP largely determined the applicability, usability, and the effects of its implementation. The heterogeneous structure of the system should be built on a single unified platform with unified development tools. This will provide full integration between modules and subsystems for effective exchange of information, centralized administration; it will generate management reports and flexible levels of access. Besides the main indicators of integration, already cited in the exhibition (single data entry, follow up, unified client workstation, system transparency and speed of information retrieval) system must meet the following criteria:

- **To be based on an open platform capable of integration with other applications and databases;**
- **To be able to interact through standard formats with other databases from external systems;**
- **To ensure performance on accepted and circulated within the administration and the judicial system platforms;**
- **To provide means of control and centralized administration;**

Integrated feature for definition and management of administrative processes, allowing any application at the time of its establishment to maintain a common definition of processes for centralized management of

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all data for a dynamic process and establishing rights of access to any information object according to the process status.

- **To provide an opportunity for connection to the System in the structures without disturbing logic functionality and security of the system.**
 - **To provide multi-platform database with an integrated communication.**
- 15. Interface.** The interface of ICs must be typified to the different levels of information provision and, accordingly, to impersonate functional user groups according to the information sections to which they relate. Interface users to a system is determined by their access rights to different levels of information, which in turn is determined by the internal rules corresponding regulatory and functional structure defined by the Act. The system must provide means for flexible design of the interface, based on established data structure and its functionality. The interface should be intuitive and easy to use by the user and model as fully as possible the logic of his work.
- 16. Protection information.** ISSI must protect the information on the following three levels:
- **Modules** - The protection restricts user access modules of the system, which are outside the functional prerogatives.
 - **Features** - security level functions is to implement a system of permits to modify certain data, and tools for creating, modifying and deleting of information allowing the exclusion of access to some information in dialogues and controlling the possibility / impossibility to switch to other related functions by defining level security menus.
 - **Fields** - security level fields limit the rights of a person to appear, change, or gain access to protected information by assigning control attributes of the data fields of the specified screen / dialogue. This allows information to be restricted and therefore provided only to authorized users.
- 17. Information backup.** The system must use partial and full backups.
- **Partially** - The system to create archive database on a different machine that would refresh for a given period to keep the log - file of all processes relating backup, whether initiated or set to take place automatically.
 - **Complete** - system using a storage device that periodically backs up the information generated from it.

6. FUNCTIONS

- 1. Access.** Access to the system to become encrypted client server channel. To allow access in hard client (encrypted access, users have the private key for authentication to the system), or through a web browser (connection via SSL and https).
- 2. Users.** Identification by private key, user name and password. According to various user groups should have different rights to the system, and to be able to use different functions.
- 3. Data Import** - The system allows for importing .Xls files, open integration via XML with external systems.
- 4. Integration with the website of the Ministry of Justice.** The system to be able to collect, summarize and present different types of information from public enforcement, private enforcement - the system to summarizes the data on predefined parameters and make them available in different shapes /graphs, tables and so on/ to Page of MJ on the internet.
- 5. Automate business processes within the Ministry of Justice /module inspections/**

The system to monitor the movement of the signals and complaints within the competence of the employees in the Inspectorate of the Ministry of Justice, JSA, each person to whom they are assigned, they should have systematic electronic signature that can be identified and recorded in the system set elements - input number, country swing of the signal and/or the appeal result, deadlines and more. In compliance with the requirements for handling personal data, the system needs to generate various

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statistical reports on preset criteria - /composition of legislation relevant entity result (recommendations, suggestions for disciplinary proceedings) and others/.

6. **Data Export** - Export data entered into the system. Xls and XML format.
7. **References** - Automatically generate reports on predetermined criteria by users. References should be integrated with Microsoft Office.
8. **Settings** - The system should provide a wide range of settings that the user can change, if necessary access rights. You do not need programming or special administration to change the settings. This should be done from a pre-built module.
9. **Search** - The system must provide full text search of information entered into the system, as well as attachments.
10. **Templates** - Enables users to create their own templates or imported ones (in. Xls file format).
11. **Nomenclatures** - Management module nomenclatures in the system - to enable all nomenclatures change.

7. CONCLUSION

The use of information technology in the judicial system improves the efficiency and transparency of the administration of justice and the goal is to continue the process of integration of information systems and ensuring their full applicability in the courts, the prosecution and investigation.

The effective functioning of the judiciary is essential to ensure free access to and exchange of information between the judiciary, public administration and civil society and business.

The introduction of many different information systems in the judicial system requires the provision of reliable connectivity between institutions and upgrading the skills of working with them.

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