

A New Paradigm Applied: The Justice Sector

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We are facing a new paradigm driven by a discontinuity induced by technology change, i.e. the separation of information from physical goods driven by information technology diffusion.

To recap, the new paradigm has the following factors:

1. enables a massive growth in wealth
2. reduces transaction costs
3. requires trusted custodians of information
4. enables new forms of organisations
5. changes the boundaries between organisations and the market
6. creates the self-interest for people to own information defining their person
7. requires maximum storage of data to realise maximum returns

So, what does this mean for the justice sector, and the way people can seek redress from injustices?

The first point is that a massive growth in wealth in society changes the demands for justice. The greater penetration of the market economy increases the scope for disagreement, while the increased wealth enables greater resources to be used for seeking justice and for applying retribution.

The second point is that an Information economy reduces transaction costs. The application of law and regulations is often an application of standards to a context. The automation of this application process dramatically reduces the costs of accessing a judicial system and seeking redress for wrongs, with human judicial elements being focused decisions that are beyond the experiences of an automated system.

The third point is that justice can only be effective if both parties recognise the impartiality in the system. The automation of the application of justice requires a party who is trusted as a custodian of the information required to apply justice and is free of any potential conflict of interest.

The fourth point is that the information economy enables new organisational forms. The application of justice can take new forms, including new punishments taking advantage of new organisational types. Specialised temporary organisations are likely to appear, combining sets of skills for the situation and then disband once the task is complete. These new forms enable the application of justice with greater flexibility and effectiveness.

The fifth point the boundaries between the judicial system and the rest of society will become increasingly blurred. The increased judicial information and automation of the process reduces the need for judicial experts, enabling non-experts to participate more fully in the application of justice.

The sixth point is the recognition that it is in the self-interest of people to own information relating to themselves as individuals. The automated collection of information and recording of their surroundings, through use of cameras,

microphones, etc, enables an individual to prove an alibi against accusations, but also creates the potential for abuse by parties for their own benefit and the potential for conflict of interest with other people's reasonable expectations of privacy. The collection of evidence enables automated application of justice, while the automation enables this information to be applied without the need to reveal information to other people. The person with the greatest interest in protecting this potentially damaging information is the individual, and ownership provides an ideal mechanism for them to exercise control.

The final point is that the more data is collected the more effective a justice system. The extending boundaries of discovery are requiring all information created by an organisation and in the future a person to be archived in a manner where it can be used by the parties in a future judicial process. The greater the data that is collected, the greater the certainty with a judicial finding and thus the greater the benefit to society.

These changes can all be predicted by applying a new paradigm of an Information economy, but probably represent only a portion of the real benefits, many of which will become apparent only in the context of the new paradigm once it is entrenched. These changes can evolve into a fairer society where justice is more evenly applied and accessible by everyone.