

The digitalisation of Belgian labour courts: the case of JustRestart for over-indebtedness cases

RCSL Conference Lund 2023

Marie Gerrienne, PhD student
University of Liège, Belgium

Presentation outline

1. Introduction
2. The JustRestart project
 - 2.1. What is collective debt settlement (CDS)?
 - 2.2. History of the project
 - 2.3. The steering committee
3. Research questions
4. Methodology
5. First observations
 - 5.1. Four types of concrete problems
 - 5.2. An innovation process
6. Conclusion

1. Introduction

- Digitalisation of justice in general : 2 main objectives
 - Working simpler, faster, cheaper
 - Promoting the legitimacy of the justice system
- In Belgium:
 - The failure of the Phenix project
 - Smaller initiatives : the Bar Associations as key actors
 - => JustRestart

2. The JustRestart project

2.1. What is collective debt settlement (CDS)?

- Labour courts
- Restoring the debtor's financial situation while granting human dignity
- Designation of a debt mediator, who keeps a part of the person's income and gives it to the creditors according to a plan that has been approved by the court
- 5-7 years

2.2. History of the project

- 2016-2018 : initial digitalisation work on the CDS
- 2018 : no funding + fall of the Belgian government
- 2020-2021 : resumption of the project
 - The two Bar Associations as administrators
 - Hiring of a project leader
 - Designation of an IT firm => Aginco

2.3. The steering committee

- Representatives of different groups:
 - Judges, court clerks, debt mediators (field experience, legal expertise)
 - Aginco's representatives (technical issues)
 - Minister of Justice's representative (legislative and financial issues)
 - Bar Associations' representatives + the project leader (management)
- Topics for discussion :
 - Planning, communication, progress of the project
 - Budget available, future funding
 - Technical priorities, technical possibilities
 - Compliance of the platform with the law

3. Research questions

- How did the platform gradually take shape?
- How do the different organisational, legal, political, and technical logics fit together to bring such a project to fruition?

=> Practical problems instead of theoretical problems

4. Methodology

- 16 semi-directive interviews
 - Members of the steering committee
 - Labour courts' presidents
 - Platform testers
- Observation of a training course on JustRestart
- Documents

5. First observations

5.1. Four types of practical problems

- Legal problems: How to define a legal framework for the platform within existing legislation?
- Budgetary problems: How will the platform be financed once it is up and running?
- Technical problems: How can testers' comments be taken into account? Which features should be prioritized?
- Organisational problems: How can practices be harmonised?

5.2. An innovation process

- These problems were resolved through the **mediation** of the steering committee
 - Representatives in the steering committee as **spokespersons** of divergent interests (Callon, 1986)
 - Innovation => progressive inscription in codes (judicial/computer)
- => hybridisation of knowledge

6. Conclusion

- The JustRestart study showed a concrete process of mediation between different types of knowledge through the choice of representatives. The innovation represented by JustRestart has been incorporated into the IT and legal codes through the resolution of various problems.
- Answers to localised problems => consequences for broader issues?
 - Independence of judges (standardisation of judgments)
 - Separation of powers (consultation of judges on legal issues)

References

- Callon, M. (1986). Éléments pour une sociologie de la traduction: la domestication des coquilles Saint-Jacques et des marins-pêcheurs dans la baie de Saint-Brieuc. *L'Année sociologique (1940/1948-),* 36, 169-208.
- Callon, M. (2006). Sociologie de l'acteur réseau. *Sociologie de la traduction. Textes fondateurs,* 267-276
- Dubois C., Mansvelt V. et Delvenne P. (2019), « Entre nécessité et opportunités. La digitalisation de la justice belge par l'Ordre des avocats », *Droit et société,* 103 (3), p. 555-572, <https://doi.org/10.3917/drs1.103.0555>
- Dubois, C., & Pelssers, L. (2022). Saisir la socio-matérialité du droit administratif : juridiDict et l'infrastructure juridico-technique du Conseil d'État belge. *Revue interdisciplinaire d'études juridiques,* 88(1), 5–28. <https://doi.org/10.3917/riej.088.0005>
- Yavuz, N., Karkin, N., & Yildiz, M. (2022). E-Justice: a review and agenda for future research. *Scientific Foundations of Digital Governance and Transformation,* 385-414.