

INFORMATICS SYSTEM FOR USERS OF JUDICIAL SERVICES

The “informatics system for users of judicial services” comprises the whole range of systems which have been developed for citizens, lawyers, legal entities and expert witnesses in order to facilitate access to justice and ensure more effective use of judicial services. The systems targeting these different groups of users as parties of judicial proceedings allow electronic performance of all judicial procedures and transactions. Within this scope, there are several portals in Turkey for citizens, lawyers, institutions/companies and expert witnesses. The services are not limited specific regions or judicial activities. They cover the whole population of the country (i.e. more than 70 million inhabitants) and all judicial activities with more than 15 million ongoing cases and enforcement files/proceedings.

1- UYAP Lawyer Information System (Lawyer Portal)

The UYAP Lawyer Information System provides online judicial services to lawyers. By using the UYAP Lawyer Portal, lawyers can, depending on their level of authorization, examine the files of the cases they represent in (they can also examine files they are not involved in upon permission of the judge), they can print out copies the files and, after mid-2008, they can add documents to a file. They can open a new case file and pay court fees online if they have an account in Vakıfbank. Again, lawyers who have an account in Vakıfbank can pay judicial costs (stamp and file fees) online (after 24.12.2010). Instructions for the payment of fees and costs are given under the title UYAP Payment Systems for Lawyers and Citizens.

In addition, the “e-Enforcement Program” was developed for lawyers to create electronic petitions for enforcement proceedings. The software is downloadable at (<http://www.uyap.gov.tr/destek/avukatport/etakup/etakup.htm>) for free. Lawyers can also find instructions for download and use. Lawyers can submit the petition for enforcement proceedings to the execution and bankruptcy offices in an electronic medium such as a CD or flash drive and the offices forward the petition to UYAP electronically. This procedure speeds up the process of preparing a petition for enforcement proceedings as execution and bankruptcy offices include petitions in UYAP without adding further data.

“e-Enforcement” was designed as a temporary solution when UYAP was launched. The main objective is to introduce petitioning for enforcement proceedings on the UYAP Lawyer Portal by using e-signature or mobile signature. This has been the case for lodging civil cases. The phases of needs assessment, software development, design and coding of the “Online Enforcement” which were started in mid-2010 have been concluded and testing of the system is ongoing. The existing “e-Enforcement” program will be removed when the new system is in place.

The Lawyer Portal which is limited to lawyers alone is accessible at:

- the “Lawyer Portal” button on the website of the Ministry of Justice,
- <https://avukat.uyap.gov.tr/index.html>,
- <https://giris.turkiye.gov.tr/Giris3/> on the e-Government Gateway (after February 2010).

In order to be able to access the UYAP Lawyer Portal, lawyers need to be defined in the system by authorized personnel of the IT Department or they need to have one of the following after being registered by a Bar Association as lawyers in UYAP:

- A Qualified Electronic Signature from an Electronic Signature Service Provider in Turkey (e-signature), (after 17.07.2008.)
- Mobile signature from TURKCELL or AVEA, (after February 2010.)
- e-Government Gateway password (after February 2010)

The Lawyer Portal can be used only by lawyers. When a person logs in the Lawyer Portal;

- Their ID is authenticated by the e-signature or m-signature,
- UYAP records are checked to authenticate whether the person is a lawyer.

Until mid-2008, lawyers accessed UYAP by using the unqualified SSL certificates provided by the IT Department. 45.000 out of 65.000 lawyers in Turkey were given these certificates. This certificate allowed lawyers to access registered files and get copies. However, e-signature was necessary to initiate a case or add a petition or document in the file. Since mid-2008, lawyers access the UYAP Lawyer Portal using their e-signatures. The IT Department does not generate unqualified certificates anymore. However, lawyers continued to access the Portal using unqualified certificates until expiry.

The UYAP Lawyer Portal has become more secure after the introduction of the e-signature which can be obtained from any Electronic Signature Service Provider. Lawyers can now carry out all procedures and follow cases with an e-signature with the only exception of attending hearings. The number of lawyers who used e-signatures to access the Lawyer Portal was 14.474 in the end of 2009 and nearly 23.000 by the end of 2010, 31.000 by the end of 2011.

Integration activities with GSM operators for access to the Lawyer Portal by using mobile signatures started in before 2008 and continued through 2009. Technical work carried out together with TURKCELL and AVEA has been completed. Mobile Signature Integration Protocols were signed with TURKCELL on 09.02.2010 and with AVEA on 15.02.2010 and the mobile signature application was launched. Lawyers can now use m-signatures to log in to UYAP. The Lawyer Portal was integrated into the e-Government Gateway (www.turkiye.gov.tr) in February 2010. As a result, lawyers can access the UYAP lawyer Portal over the e-Government Gateway using the e-Government Gateway password provided by PTT offices, e-signature or m-signature.

Before 2008, lawyers had to complete the information form for lawyers developed by the IT Department, get the form approved by the Bar Association they were affiliated with and apply for the local Civil Judiciary Commission in order to be recognized as a lawyer in UYAP system. Afterwards, the IT Department registered the lawyers in the system using the information in the form. In February 2009, a designated screen (Management Screen) was created on UYAP for all Bar Associations in order to register lawyers in UYAP. This allows registration of lawyers in the system by the most relevant and competent authority and keeping records up-to-date and in line with the Bar records.

The Lawyer Portal Distance training module was launched on 29 April 2010. The module which includes audio-visual and practical material about how to use the portal is accessible at the Lawyer Portal.

2- UYAP Citizen Information System (Citizen Portal)

The UYAP Citizen Information System (Citizen Portal) provides online judicial services to citizens. The Citizen Portal is accessible at:

- the “Citizen Portal” button on the website of the Ministry of Justice,
- <https://vatandas.uyap.gov.tr/index.html>,
- <https://giris.turkiye.gov.tr/Giris3/> on the e-Government Gateway (after 2009)

Citizens need to have one of the following in order to access the Citizen Portal:

- TR ID (citizenship) number and the serial number of the ID Card,
- A Qualified Electronic Signature from an Electronic Signature Service Provider in Turkey (e-signature), (after January 2009),
- e-Government Gateway password (after February 2009)
- Mobile signature from TURKCELL or AVEA (After February 2010).

The aim of UYAP Citizen Information System is to provide rapid access to justice and efficient utilization of judicial services. Since UYAP was launched, citizens can use their TR ID numbers to access summary information concerning the administrative and civil cases they are concerned with such as hearing dates and the outcome of appeals to the Court of Cassation. However, the system does not disclose all details of the files for the purpose of security. Therefore, activities were started in 2008 to integrate functionalities into the citizen portal similar to the properties of the Lawyer Portal such as lodging a case, fee payment, examination of the details of the case files, adding documents to the file and printing out copies of the file by using e-signature or m-signature.

Access to UYAP Citizen Portal with an e-signature was launched in January 2009. Citizens can perform the same transactions and procedures as lawyers by using e-signature.

Integration activities with GSM operators for access to the UYAP Citizen Portal by using mobile signatures started in before 2008 and continued through 2009. Technical work carried out together with TURKCELL and AVEA has been completed. Mobile Signature Integration Protocols were signed with TURKCELL on 09.02.2010 and with AVEA on 15.02.2010 and the mobile signature application was launched. Citizens can now use m-signatures to log in to UYAP.

The Citizen Portal was integrated into the e-Government Gateway (www.turkiye.gov.tr) in March 2009. As a result, citizens can access the UYAP Citizen Portal over the e-Government Gateway using the e-Government Gateway password provided by PTT offices, e-signature or m-signature.

The Citizen Portal Distance training module was launched on 29 April 2010. The module which includes audio-visual and practical material about how to use the portal is accessible at the Lawyer Portal or <http://www.uyap.gov.tr/destek/uzaktanegitim/vatandasportalegitim/>.

The UYAP Citizen Portal was the winner in e-Service and e-Government (en-tr) categories of the Stars of IT e-Transformation Contest organized by the Turkish Informatics Foundation on 25 November 2010.

3- UYAP Institutional Portal

One of the main objectives of UYAP is to facilitate access of real and legal entities to justice and efficient utilization of judicial services. The UYAP Institutional Portal was designed and launched to serve this objective. The phases of needs assessment, software development, design and coding of the UYAP Institutional Portal were completed in 2007. Testing started in 2008. It was launched in 2009 after developing new interfaces and incorporating new functionalities.

Institutions can access the Institution Portal at:

- <https://kurum.uyap.gov.tr/index.html>,
- <https://giris.turkiye.gov.tr/Giris3/> over the e-Government Gateway (2009).

Institutions need one of the following in order to access the Institutional Portal:

- A Qualified Electronic Signature from an Electronic Signature Service Provider in Turkey (e-signature), (after January 2009),
- e-Government Gateway password (after 2009)
- Mobile signature from TURKCELL or AVEA (After February 2010).

Institutions can use the UYAP Institutional Portal in two ways.

In the first method, an institution which is willing to use the UYAP Institutional Portal needs to be authorized by the IT Department. Only limited number of employees of the concerned institution can access the Portal in order to follow the cases which concern the institution. Authorization to access to case files is limited to viewing. Institutions may not use such information for any purpose.

In the second method, the IT system of an institution is integrated into the UYAP Institutional Portal whereby information in the UYAP System on the enforcement and bankruptcy cases and case files are copied into the IT system of the concerned institution. Therefore, an institution opting for the second method can access and process such data in its own system.

The UYAP Institutional Portal allows institutions to follow the cases which concern themselves as a whole. Institutions in particular which have many enforcement and bankruptcy cases can follow all cases over a single Portal without having need to gather separate information from the lawyers or authorities. They neither have to input additional data using different software nor expend additional human or financial resources to maintain such software. Moreover, employees or lawyers of institutions do not need to go to the courthouse to follow the case files or to obtain information, which saves considerable amount of effort and time. This Portal is now used by 113 public or private institutions .

The UYAP Institutional Portal provides institutions with access to the information they need about the case which concern themselves. Therefore, judicial staff can focus more on their core tasks rather than spending a lot of time for providing information or copies of documents to employees or lawyers of institutions or examining files. This also reduces the crowd in the courthouse and judicial staff can work in more peaceful settings. The Institutional Portal contributes to transparency and serves a supervisory function, too. Because any information on the procedures or proceedings regarding a case file is recorded in UYAP and it is instantly accessible to the concerned institution(s).

4- UYAP Lawyer and Citizen Payment Systems (e-Payment)

Activities are ongoing to completely establish the UYAP Lawyer and Citizen Payment Systems. When the systems are in place, lawyers and citizens will make payments of all judicial fees and costs online. They will also execute all payments and collections involving the judicial units. The systems will allow the lawyers and citizens to;

- make online payments over the Lawyer and Citizen Portals,
- use debit or credit cards for the payments,
- make payments through all banks and financial institutions.

When UYAP Payment Systems are in place;

- payment of judicial fees and costs will be easier for lawyers and citizens,
- transactions will be performed quickly,
- the systems will contribute to activities to prevent informal economy and tax evasion,
- judicial staff will be able to focus more on their core tasks,
- automatic supervision of financial transactions will contribute to the prevention of corruption,
- the physical crowds in courthouses will be reduced.

Within this scope, a protocol was made on 06.09.2006 with Akbank which had cash office accounts of the courthouses in order to enable lawyers to pay judicial fees online over the UYAP Lawyer Portal. UYAP and Akbank IT systems were integrated. As a result, lawyers who had accounts in Akbank were able to pay judicial fees online.

Afterwards, the cash office accounts of the courthouses were taken over by Vakıfbank. After a similar protocol was made with this bank on 31.12.2008, technical work was completed on 24.12.2010. As a result, lawyers who had accounts in Vakıfbank were able to pay judicial fees online. The system was later updated to include online payment of stamp and file costs over the Lawyer Portal when a case is lodged online. When a new case is opened over the Lawyer Portal, the case is included in the task list of the case distribution director who completes distribution merely by pressing the “Distribute” button. When a case is opened at a law firm, the system sends the judicial fee to the online fee account of the relevant judicial unit and the costs to the online costs account. However, the cash office of the courthouse where the case is lodged with needs to define the account numbers.

5- E-Application for Examinations

The activities for integration with the Central Population Management System (MERNİS) and the Student Selection and Placement Center (ÖSYM) for the “e-Application for Examination” functionality were started in 2009 and completed in February 2010. Candidate judges and applicants for the administrative officer, clerk, guardian etc. positions can use their e-signature, m-signature or the e-Government Gateway password to apply for examinations online. When a candidate logs in with the e-Government Gateway password, e-signature or m-signature, they can access and obtain all civil and address information needed for the application so that they do not need to report physically to make an application.

6- UYAP Module for Elimination of Co-Ownership and Asset Sale

In 2010 a separate UYAP module was developed to allow enforcement officers who are assigned to implement the decisions to sell assets in the cases of elimination of co-ownership. For this purpose a “sales office” was defined in the module for each court of peace. Enforcement officers responsible can now execute the decisions over UYAP.

7- E-Sale

The needs assessment, software analysis and design phase of the planned “e-Sale” application was started in 2010 and is ongoing. E-Sale will be used to perform the compulsory sales of property seized by the enforcement offices over the internet in a competitive setting so that the property will be sold based on real value.

The aim is to make the whole process transparent and fraud-proof. The application will allow submission of offers and concluding transactions online. As not many participant could participate in compulsory enforcement sales due to different reasons, the goods are sold undervalue. Reasons of rumours regarding enforcement sales should be removed. To ensure that the good is sold at a rate to its appreciated value by increasing the number of participants in compulsory enforcement sales, and to protect the rights of both debtor and the claimant.

At the first stage of the project, it was intended that announcement of the goods to be sold is made and the proposals are given on the electronic environment, and in the following stages, it was intended that bidding is made at the time of sale and post-sale transactions (payment of the necessary fees as cargo delivery of the good, VAT, stamp duty and legal fee on electronic environment) are realised. Project has not been completed yet. After completion of software and tests, it will be applied at pilot areas and then will be put into application at all units.

As a result of putting the project into effect, to make the sales done through enforcement more transparent, to ensure sale of the good at the appreciated value, to enable any person who would like to enter to the sale to buy any good he wants from any Enforcement Office in line with his need independent of time and space. It is aimed to have sales of movables and immovable done by Enforcement Offices displayed over internet and to enable proposals for these sales to be given; to have sales of movables and immovable done by Enforcement Offices displayed over internet and to enable proposals for these sales to be given; to enable persons to obtain information on sales done at a place other than where they are and to enable them to participate in tenders by giving proposals; to enable persons to put their desired declarations on virtual environment without being under pressure by removing the pressure put on the people who wanted to participate in the tender

8- E-Announcement

E-announcement is an e-government application that enables the information and documents prepared by the judiciary units and are obliged to be announced in accordance with the legislation to be announced on the internet. The project was completed approximately in 4 months between 10/12/2009 – 30/03/2010. It became operational in March 2010. After the project became operational, it was started to be used in Enforcement module as of the date of 17/06/2011, and is still applied.

Judiciary judgments that are necessary to be published in national or local newspapers in accordance with different provisions of the legislation do not reach to all the target user mass when published. This is because it is not possible for the citizens to follow each and every newspaper announcement and to access them after publication date. This causes serious victimisation of the persons and institutions that will be affected from the announcement and the result to be obtained. In order to remove drawbacks stipulated above and prevent loss of right and victimisation by providing access to judiciary announcements over internet as time independent and from a single point, the electronic announcement project was into effect.

Within the context of the project, when judiciary units and enforcement offices create a document on UYAP to send any decisions to Press Release Agency to be published in accordance with the legislation, the same decision is transferred to internet environment and opened to access automatically. The period of an announcement on electronic environment can be extended by the user and similarly, the announcement can be removed before its due date. For e-announcement, no fee is collected from the parties and this service is delivered free of charge. Announcements can be published by courts, commissions, bailiffs and sale offices. Among the announcement published on citizen portal page, searches on the basis of word, unit, city, person and time can be done, and the results can be seen on the second stage.

This project ensured that victimisation of the relevant persons due to being unaware of the results of judiciary and enforcement judgments that could have legal result to the detriment of the persons is prevented, that the confiscated goods to be sold are announced to more buyers and that loss of right of the debtors is prevented by selling the goods with their normal prices.

9- Law Enforcement Portal

Law Enforcement Portal digitizes all correspondence, exchange of data and documents and all other processes between the judicial units and security units (i.e. Turkish National Police, Gendarmerie General Command, Coast Guard Command, Directorate General for Customs Enforcement and Forest Security Department). Law Enforcement Portal, which transfer all the manually operated judicial writing by the law enforcement to electronic environment, makes it possible for security officers (law-enforcement officers) to prepare their judicial jobs related documents and send to judicial units with electronic signature.

By the Law Enforcement Portal Project software work of which is continued by our Department and carried out in consensus with the law enforcement units, there will be serious relief in work volume of the judicial units due to transfer of all judicial events submitted to the law enforcement units directly to UYAP (National Judiciary Informatics System) Informatics System through UYAP screen presented to them and the processed ones falling directly to the work list of the relevant Public Prosecutor's Office after being signed by electronic signature and by this means as well as speeding investigation processes up, having all processes transformed to electronic environment and having person/party information entered by the law enforcement and having the necessary material documents transferred to the system by the law enforcement after being scanned. By this means, all the correspondence between law enforcement units and judiciary units will be carried to electronic environment; investigation processes will be sped up; all processes will be realised on electronic environment and serious relief will be provided in work volume of the judiciary units as all the necessary material documents will be transformed to the system by the law enforcement after being scanned.

The project includes Security, Gendarmerie, Coastguard, Customs, Forest and Juvenile Monitoring Centres and will enable realisation of all preparation processes on electronic environment before they come to the Public Prosecutor's Office as signed electronically by use of software screens prepared within this project and between law enforcement units and judiciary units just like between Prosecutor's Office and Court over UYAP. With this project, correspondence with law enforcement units will be realised on electronic environment

10- UYAP Mobil Search Information System (MABS)

MABS Project allow law enforcement forces rendering mobile service (at sea, borders or in mobile patrol car) to make online inquiry of apprehension-arrest decisions that are taken by judicial units and are in UYAP over mobile phones without a further investment. Until 11/08/2008, in order to execute apprehension and arrest decisions taken by the judicial units, these decisions were submitted to law enforcement units by mail which caused serious mail costs, personnel costs for entering the submitted data into the systems of law enforcement units, and most importantly, loss of right and misuse during the time passed between. In order to remove this problem, integrations that would remove the flow of document between UYAP and law enforcement units and enable the law enforcement to instantly access apprehension and arrest decision to be taken by the judiciary units online were engaged and put into use.

Although these integrations met the need substantially, problems were encountered in practice as law enforcement officials in mobile service at coastguard, border posts and law enforcement officials at small counties did not have the possibility to access internet and these data coming through the integration. High costs of mobile terminals for the use of these units also prevented the application to become widespread.

In order to provide the law enforcement units access to all apprehension and arrest decisions instantly and to ensure mobility, MABS Project was initiated to enable this inquiry to be done on mobile phones, the cheapest and most common technology used today, and all the mobile law enforcement units were included in the system without the need for hand

terminals. The most important result is that the efficiency of proceeding is increased and important progress was made in fight against crime. Access to judicial decisions at any area even without internet connection became possible.

11- UYAP Expert Witness Portal

Expert Portal is an informatics system through which experts receive and examine their files on internet environment without going to courthouse, prepare their reports and deliver them, are informed by SMS, realised their fee processes and do expert application processes. Where special or technical knowledge is needed for solution during proceedings, expert report is acquired by applying to experts on their fields. As expert report effects the outcome of proceedings directly and as expert report is taken for most of the processes subject to conflicts today, it holds importance.

Today informatics show itself by UYAP in proceeding activities. However, in the institution of expertise, informatics did not show itself. Therefore, it became indispensable to benefit from informatics in expert processes that are used in proceeding activities but are left out of informatics. Prior to expert portal, experts used to go to courthouse in person and received the file and its annexes, after examining them, they used to prepare their reports and presented their reports to the judicial authority in paper and these reports used to scan and transferred to UYAP system.

Expert portal is a project through which expert examine the files without going to courthouse, prepare and deliver their reports on internet, collect their fees after having them calculated over this portal, do expert application processes, can receive briefing on files by SMS, produce their reports over the system on paperless environment, and which will accelerate proceedings.

The Expert Portal can be accessed by only natural persons with electronic signature. With this project, there will be no need to send letter rogatory from a judicial locality lacking expert to another judicial locality for appointment of expert. It will provide the opportunity to complete content search on expert reports based on word, subject, expertise field, unit, file number and expert. Statistical information regarding experts will be reached faster and more accurate result will be obtained. Number of people visiting courthouses will decrease, and saving will be made on paper, toner and energy sources. It is considered that about 130.000 persons will benefit from this project.