



**THE INFLUENCES OF THE CRIMINAL DATABASE
MANAGEMENT SYSTEM ON THE EFFECTIVENESS OF
CAMBODIAN COURTS OF FIRST INSTANCE'S
ADMINISTRATION**

KEA Meymey

ABSTRACT

Understanding that fair and efficient justice is pivotal for Cambodia to be fully integrated into ASEAN Economic Community, the government has focused on legal and judicial reform. Because an unnecessary delay in the judicial process was substantially caused by weak case management, the Criminal Database Management System (CRDBMS) supported by OHCHR was launched at 12 courts of first instance's administration since 2015, and planned for national roll-out by the end of 2019. The project consists of installing the system at court administration, training officers, and compiling and managing data. Due to the lack of related empirical study, this research aims to discover influences of the CRDBMS on the effectiveness of court administration by doing the survey of 80 participants including judicial professionals, court users, and non-judicial professionals to assess the CRDBMS and study people perception toward the system. The study found the usefulness of the system on the court administration and the public support on the system extension and firm belief in its relation to judicial services.

Keywords: *judicial reform, judicial process, case management, court administration, judicial services*

INTRODUCTION

Cambodia is a small country situated in the heart of Southeast Asia.¹ Historically, Cambodia had experienced under French colonization of almost a century from 1963 to 1953.² During the colonization, the French system was wholly applied in Cambodian legal and judicial system, and its influence has remained substantial in Cambodian system until now; the current legal system can be considered as the hybrid one combining both the civil law and common law system.³ Its judiciary composes of the Supreme Courts, the Courts of Appeal and the Courts of First Instance according to the Law on the Organization of Courts 2014.

After over three decades of civil war, Cambodia reconstructed the whole country with the national reform program covering legal and judicial reform in 1993; the judiciary was seen to be weak in its credibility and capacity to play its role in ensuring justice for people as it faced the criticism of inadequate qualified judicial professionals, corruption and political intervention, the ill-paid salary of judges and non-existence of regulations addressing the appointment and promotion in the judiciary following the end of war.⁴ In responding to this unfavorable criticism, in 2004 the government issued the Rectangular Strategy⁵ which included the legal and judicial reform policy. As a legislation term was insufficient to undertake the action plans and achieve the goals set in the Rectangular Strategy, the Rectangular Strategy Phase II and Phase III was adopted to carry on in the following two mandates. Over a decade of legal and judicial reform, the number of regulations in relation to the judiciary was promulgated consecutively to complement the gap in legislation such as the Law on the Organisation of Courts 2014; the Royal Academy of Notaries Public, of Bailiffs and of Court Clerks were established to produce qualified judicial professionals, and the capacity and duties of the judges and prosecutors were enhanced.

Regardless of this significant progress, the case backlog and delay issue still prevailed in Cambodian judicial system. The delay in litigation bears the high cost for both parties and the judiciary as parties suffer from distress, time and expense, which crowds out the

¹ Jeffrey Hays, *Geography in Cambodia* (May 2014) <http://factsanddetails.com/southeast-asia/Cambodia/sub5_2e/entry-2928.html> accessed 18 August 2018; Tourism of Cambodia, *Cambodia Geography* (2018) <<https://www.tourismcambodia.com/about-cambodia/geography.htm>> accessed 18 August 2018.

² Phallack Kong, *Overview of the Cambodian Legal and Judicial System and Recent Efforts at Legal and Judicial Reform*. <http://khmerlex.com/Site/images/library_file/10-Overview%20of%20the%20Cambodian%20Legal%20and%20Judicial.pdf> accessed 18 August 2018; Tourism of Cambodia, *Cambodia History* (2018) <<https://www.tourismcambodia.com/about-cambodia/cambodian-history.htm>> accessed 18 August 2018.

³ Phallack Kong, *Overview of the Cambodian Legal and Judicial System and Recent Efforts at Legal and Judicial Reform*. <http://khmerlex.com/Site/images/library_file/10-Overview%20of%20the%20Cambodian%20Legal%20and%20Judicial.pdf> accessed 18 August 2018.

⁴ The World Bank, *Cambodia Legal and Judicial Reform Project* (2011) <<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN004695.pdf>> accessed 18 August 2018.

⁵ The Rectangular Strategy of Growth, Employment, Equity and Efficiency Phase III is a policy instrument adopted by the Royal Government of Cambodia of the Fifth Legislature of the National Assembly in September 2013.

public credibility on the judiciary⁶ as British Prime Minister William Gladstone said “justice delayed is justice denied”. Everyone has the right to access justice without undue delay according to article 14 of International Covenant on Civil and Political Rights 1966. On top of the increase in number of judges, prosecutors, court clerks and other legal experts, the information technology is the key to facilitate the court administration as well as smoothen the litigation procedure. To be specific, information technology has been employed into case management to facilitate the day-to-day operation of court. Singapore is a country successful in utilizing the information technology to optimize its resource usage and maximize efficiency and productivity in its judiciary since it allows the court to monitor the cases from filing to disposition in timely-manner and decreases the backlog sharply.⁷ The case management system could expedite the litigation as it is convenient and speedy in case tracking, planning and management.⁸ The case management in Singapore was introduced to manage only civil cases before expanding to cover criminal cases at Subordinate courts.⁹

In Cambodia, case management system is a new concept towards judges as well as court administrators. Understanding the benefits of this system, the Ministry of Justice of Cambodia (MoJ) launched the Criminal Database Management System (CRDBMS) as the pilot project under the technical and financial support of the Officer of the High Commissioner for Human Rights (OHCHR). The CRDBMS covers only a few stages of criminal procedure namely prosecution stage, investigation stage and trial stage. This system aims to assist case management, facilitate report drafting, enhance transparency, increase public access to case information, and improve court service provision.¹⁰ The CRDBMS was firstly installed at Phnom Penh Municipal Court in 2010 and extended to other 5 provinces in 2015 and 6 more provinces in 2017 before planning for the national roll-out by the end of 2019.¹¹ Markedly, nearly a decade since the introduction of this system, there is no empirical study conducted to assess the CRDBMS. Thus, this research aims to:

- measure people experience in relation to helpfulness and efficiency of the CRDBMS, challenges of the implementation and factors contributing to the success of the CRDBMS

⁶ Jeffrey Pinsler, ‘Reforms in Civil Procedure: An Analysis of the Amendments to the Rules of Court’ in Singapore Academy of Law (ed), *Review of Judicial and Legal Reforms in Singapore Between 1990 and 1995* (Butterworths Asia 1996) 1-112.

⁷ Dory Reiling, *Technology for justice: How information technology can support judicial reform* (Leiden University Press 2009).

⁸ Waleed Haider Malik, *Judicial-Led Reforms in Singapore: Frameworks, Strategies, and Lessons* (The World Bank 2007).

⁹ Waleed Haider Malik, *Judicial-Led Reforms in Singapore: Frameworks, Strategies, and Lessons* (The World Bank 2007).

¹⁰ OHCHR, *a Follow-up to the Joint Project on the Installation of a Computerized Criminal Case Management Database* (Letter 15 May 2017).

¹¹ The Department of Court Administration, *a Report on the Update of Computerised Criminal Case Management Database in 2015, 2016 and 2017 of the Courts of First Instance: Phnom Penh Municipal, Preah Sihanouk, Kompong Cham, Battambang, Prey Veng, Siem Reap, Kompong Chhnang, Takeo, Kampot, Kratie, Banteay Meanchey, and Koh Kong* (Letter 17 April 2018); the Ministry of Justice, *Continuing Cooperation with IT Consultant of OHCHR for the Installation of Computerised Criminal Case Database* (Letter 5 June 2017).

- study the public perception towards the CRDBMS extension to cover all stages in criminal procedure and handle other kinds of cases, and the system correlation to the improvement of the access to information, increase of the adjudication rate, reduction of the waiting time and increase of public confidence in judiciary.

I. RESEARCH METHODS

This research aims to explore in depth the favourable impacts of the CRDBMS on Cambodian court administration in relation to the improvement of court services. It is a case study particularly focusing on the CRDBMS applied in Cambodian court administration of the Courts of First Instance and based on the literature review as well as the primary data collection. The literature will be constructed on the foundation of wide-ranging document including the published papers, peer-reviewed journals, government's published reports, library catalogues, bibliographical databases, the previous study in the related topics, the government's reports, the institutional reports and the internet search.

Since there is hardly any documentation recording how people work at the court administrator before and after the introduction of the CRDBMS, interviewing people involving in this task is the only feasible option to construct the general background on the operation of the court administration in Cambodia. Therefore, I will interview the director of the Court Administrator Department, the MoJ officers in charging of the relevant work and two court administrators to understand how people record data at the court administration.

As the CRDBMS project is new to Cambodia, there is no empirical research previously conducted on this project yet. Therefore, the primary data is required for the feasibility of this study. On top of the literature review, the research will be undertaken by collecting the primary data for the survey. The questionnaires in the survey were designed to test the level of satisfaction of the participants on the current system, the challenges the system facing, and the improvements needed on the system. Hence, the questionnaire was designed accordingly. First, the questionnaire starts from the participant's occupation to identify whether they are judicial professionals and court users, which are classified into group one or they are non-judicial professionals, which are in group two. Second, the questionnaire intends to assess the current system to identify its helpfulness to court administration, its efficiency, its challenges, and its supportive bodies. The third part of the questionnaire is specifically addressed to the court administrators to see their time spent on data input, manual record, data collection and document search in order to discover the effective ways to optimize their time usage. Fourth, the questionnaire identifies the important factors connecting to the success of the CRDBMS including management commitment, ongoing assessment, ongoing support, and the trust on the system. As the CRDBMS is the incomplete project, the questionnaire seeks to see people's view on its extension to cover all the criminal procedure, cover all sorts of cases, and carry the national roll-out as well as the establishment of centralised

network. Also, the questionnaire includes the average time of case processing from filing to decision making at the Courts of First Instance. The questionnaire studies the helpfulness of the CRDBMS on court information assessment, adjudication rate, waiting time reduction, and public confidence. Lastly, the questionnaire allows the participants to share their view towards the CRDBMS on top of the above questions. Almost all the questions in the questionnaires are quantitative, except a few questions which are qualitative to allow the participants share their relevant experience as well as express their personal opinion on the system. All the questions covered in the questionnaire aims to look for the answers to the research questions as detailed earlier.

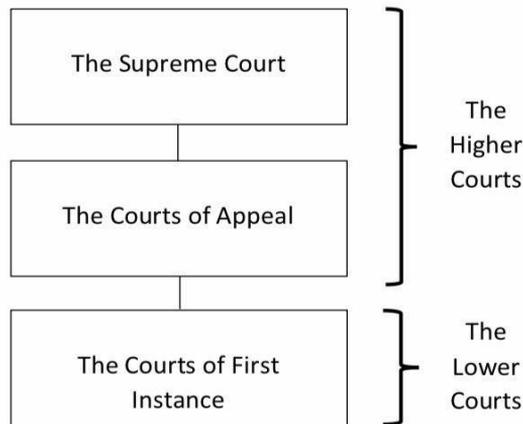
The questionnaires are distributed electronically via Survey Monkey over a month to the targeted participants who are considered as professional workers. To analyse this research, we divide the participants into two groups based on their first-hand experience with courts. The first group composes of people with court experience including the court service users and judicial professionals such as MoJ officers, court administrators, lawyers, judges, prosecutors, bailiffs, notaries, court clerks, and court service users. This group of people possesses either the first-hand or indirect experience with the CRDBMS as they involve in court administration. The second group consists of non-judicial professions both in public and private sector who are aware of the court administration, but have no experience with it, such as bankers, consultants, auditors, and civil servants. The second group represents the general public who has no hand-on experience with the system, but they possess the general knowledge of how the IT system works in general. The reason that only the professionals rather than people with all kinds of occupations are randomly selected to participate in this research is due to the fact that it is irrational to seek the perception from people who have no idea of what IT looks like. The classification of the two group of participants can be seen explicitly in their response to the first questions in the questionnaires. As all the judicial professions and court users are outlined as options, all the participants choosing those options are considered in the first group and the participants selecting “others” as their profession are categorised in the second group.

The data set will be generated from the result of the survey. The data will be classified into three categories including the first group’s, the second group’s, and all participants’ response. The study will look into the first group’s answer to analyse the feedback of the people experiencing the system and the second group’s response to see the public perception toward the system, and lastly the whole data to develop the overall picture of people’s view towards the system and test whether the hypothesis constructed in the literature review is true to what extent. Finally, after the questionnaire collection and data analysis, two administrators will be randomly selected for the interview to validate the survey result.

II. CAMBODIAN JUDICIAL SYSTEM

In pursuant to article 3 of the Law on the Organization of Courts 2014, Cambodian judiciary is divided into two levels of courts, the lower courts and the higher courts. The lower courts comprise of the Courts of First Instance, and the higher courts consist of the Courts of Appeal and the Supreme Court as illustrated in the figure 1 below.

Figure 1: The Organisation Chart of Cambodian Courts



Source: The Law on the Organization of Courts 2014

The Courts of First Instance refer to the first-level courts situating in Phnom Penh and all provinces of Cambodia according to article 12 of the Law on the Organization of Courts 2014; however, the Court of First Instance in a province, Kep, has not been established as Kep is a small province with few cases, and Kampot Court of First Instance has the territorial jurisdiction over the cases occurring in Kep. The Courts of Appeal consist of Phnom Penh Court of Appeal and regional Courts of Appeal.¹² Only Phnom Penh Court of

Appeal has been established to handle all appeal cases, and the regional Courts of Appeal have been delayed its physical establishment due to shortage of budget and human resources. However, Royal decrees was recently issued on 17 August 2019 to establish additional three regional courts of Appeal including Tboung Khmom Regional Court of Appeal, Battambang Regional Court of Appeal and Shihaknu Regional Court of Appeal, and those 3 three courts will begin handling appeal cases in those regions from 1 April 2020.¹³ The Supreme Court is the only highest court which is situated in Phnom Penh.¹⁴

In accordance with article 14, 36 and 56 of the Law on the Organization of Courts 2014, all courts have the same composition which consists of a president, vice-president, judges, clerks, administrative officials, and other legal experts. All courts consist of four specialized chambers including the commercial, the labor, the civil and the criminal chambers,¹⁵ and the civil chamber also has the jurisdiction on the administrative cases. However, there are only the civil and criminal chambers at courts, and the civil chamber covers all the other types of cases in this sense due to the restrictive resources.

¹² The Law on the Organization of Courts 2014, Article 35.

¹³ Royal Decree NS/RKT/0819/1300 (17 August 2019); Royal Decree NS/RKT/0819/1301 (17 August 2019); Royal Decree NS/RKT/0819/1302 (17 August 2019); Royal Decree NS/RKT/0819/1303 (17 August 2019).

¹⁴ The Law on the Organization of Courts 2014, Article 55.

¹⁵ The Law on the Organization of Courts 2014, Article 14, 37 & 57.

In Cambodian judiciary, there is always a prosecution office attached to a court, such as the Prosecution Office attached to the Court of First Instance, the General Prosecution Office attached to the Court of Appeal, and the General Prosecution Office attached to the Supreme Court. The Prosecution Office plays a significant role in criminal cases as it is in charge of bringing criminal charges and law enforcement requests to the investigating and adjudicating jurisdiction.¹⁶ The Prosecution Office has the similar composition comparing to the court as the Prosecution Office attached to the Court of First Instance consists of a prosecutor, deputy prosecutors, court clerks, administrative officials, and legal experts, and the General Prosecution Office attached to the Court of Appeal as well as to the Supreme Court include a general prosecutor, deputy general prosecutors, prosecutors, court clerks, administrative officials, and other legal experts under article 29, 49 and 68 of the Law on the Organization of Courts 2014.

On top of the two levels of courts as mentioned above, Cambodia judiciary consists of another body named the Supreme Council of Magistracy (SCM). It has a major function in requesting appointments, transfer, discharge, suspension and removal of titles of all judges, providing recommendations on promotion of grade and rank of all judges and prosecutors in pursuant to article 18 of the Law on the Organisation and Functioning of the Supreme Council of Magistracy 2014 and article 39 of the Law on the Status of Judges and Prosecutors 2014. SCM also acts as the Disciplinary Council regarding the disciplinary actions against judges and prosecutors.¹⁷ Under Royal Presidency of His Majesty the King, SCM is comprised of the Minister of Justice, the President of the Supreme Court, the Prosecutor General of the Supreme Court, a member designated by the Minister of Justice, and other six members which each of them elected by the Senate, the National Assembly, the Constitutional Council, all the judges of High Courts, all the prosecutors of High Courts, all judges of the Courts of First Instance, and all prosecutors attached to the Courts of First Instance.¹⁸

III. CAMBODIAN JUDICIAL REFORM

Following over two decades of civil war, Cambodian judiciary suffered from destruction, which required reconstruction of the whole judicial system, and it was accused of failing to fulfill its role in serving justice for people because of its limited capacity and resources.¹⁹ In responding to this acute issue, the Rectangular Strategy of Growth, Employment, Equity and Efficiency in Cambodia was promulgated in the beginning of the third legislation of the National Assembly in 2004. This Rectangular Strategy comprises of public administration reform as well as legal and judicial reform. The legal and judicial reform aims to promote independence and neutrality of judiciary, strengthen national and international credibility on the judiciary, enhance rule of law,

¹⁶ The Law on the Organization of Courts 2014, Article 30.

¹⁷ The Law on the Organisation and Functioning of the Supreme Council of Magistracy 2014, Article 20.

¹⁸ The Law on the Organisation and Functioning of the Supreme Council of Magistracy 2014, Article 4.

¹⁹ The World Bank, *Cambodia Legal and Judicial Reform Project* (2011)

<<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN004695.pdf>> accessed 18 August 2018.

promote social justice, minimise corruption, root out the culture of impunity, and promote the culture of peace and primacy of law. To accomplish these objectives, the government planned to finalise the relevant draft laws including the Criminal Code, the Criminal Procedure Code, the Civil Code, the Civil Procedure Code, the Law on the Organisation of Courts, the Law on the Status of Judges and Prosecutors, the Law on the Organisation and Functioning of Notaries Public, the Law on the Organisation and Functioning of Bailiffs. According to the Rectangular Strategy 2004, the government planned to establish the specialized tribunals such as the Commercial Tribunal, the Juvenile Tribunal, the Labor Tribunal and the Administrative Tribunal as well as the institution in charging of training court clerks, bailiffs and notaries public, strengthen the capacity and responsibilities of judges and prosecutors, expand legal aid to the poor, and promote alternative dispute resolutions.

To continue the implementation of the Rectangular Strategy, the National Assembly has adopted the Rectangular Strategy of Growth, Employment, Equity and Efficiency Phase II and Phase III in the Fourth and Fifth Legislature of the National Assembly in 2008 and 2013. There is a noticeable progress in legal and judicial reform plan. For instance, all the draft laws above have been promulgated except the Law on the Organisation and Functioning of Notaries Public, and the Law on the Organisation and Functioning of Bailiffs. Under the umbrella of the Royal Academy of Judicial Profession, the three subsidiaries of the Royal Academy of Court Clerks, of Notaries Public and of Bailiffs were established in addition to the existing Royal Academy of Judges. The Law on the Organisation of Court has established the specialized civil, criminal, commercial and labor chamber, but due to the budget and human resource constraint, those chambers have not put into function yet. Moreover, the budget allocated to the judiciary was raised gradually as mentioned in the Rectangular Strategy Phase III 2013. Therefore, the salary of judges, prosecutors and court clerks also rose accordingly. All in all, although the legal and judicial reform in Cambodia has been in a good progress, it is still a long way to go to achieve its goals.

IV. CAMBODIAN COURT ADMINISTRATION

The interview with the court administrators reveals that before the establishment of the court administration units, court clerks were responsible for court administration work in addition to assisting in adjudication work, and the work was monitored and approved by the court president. The court clerks had to orderly register all submitted cases by classifying into criminal and civil cases, and the head of courts assigned cases to the responsible judges sequentially. In this case, the court clerks had to record each procedure of all the cases manually. Therefore, judges, prosecutors, lawyers and parties had to refer to court clerks' manual record for the case information, which took quite long time. Markedly, this administration task consumed a considerable time of court clerks. Therefore, judges, prosecutors and lawyers had to wait for the relevant files requested from the court clerks before being able to proceed the case further. As a consequence, the clerk clerks had less time for assisting judges and prosecutors in

adjudication work, and simultaneously judges and prosecutors also wasted time for waiting, which should be spent on studying the case files. Thus, this poor court administration management irrefutably had a significant contribution to the delay in court decision and case backlog. Moreover, the court clerks had no expertise in administration and finance as they were recruited on the foundation of their educational background and experience in law only. Hence, it might be burdensome for them to handle administration and finance work due to their limited time and expertise in the field.

To tackle the issue of less capable court administration, the court administration unit was introduced to all courts. In July 2014, Law on the Organisation of Courts was promulgated, which indicates the establishment of court administration units including the Administrative Secretariat at the Court of First Instance and the General Administrative Secretariat at the Courts of Appeal and the Supreme Court functioning to provide courts the assistance on personnel, administrative, financial, public relation and technical work.²⁰ To facilitate the operation of the court administration, three Sub-Decrees on the Organisation and Functioning of the Administrative Office of the Supreme Court, of the Courts of Appeal and of the Courts of First Instance were promulgated, and the Administrative Offices of the Supreme Court, the Courts of Appeal and the Courts of First Instance were physically established in 2016.

V. CRIMINAL DATABASE MANAGEMENT SYSTEM (CRDBMS)

Before the launch of the CRDBMS, the cases were recorded manually in the separated registration books of criminal and civil cases by classifying into many stages of proceeding. The manual record took longer time to record, and the recording was varied from one to another court. In another word, the manual case management was time-consuming, burdensome and inconsistent, which made it hard for compiling and tracking the cases. Therefore, the CRDBMS was introduced in Cambodian court administration under the cooperation and support from OHCHR. In the letter from the OHCHR to the MoJ, it is said this system aims to assist case management, facilitate report drafting, enhance transparency, increase public access to case information, and improve court service provision to the people, and the project includes the installation of the computerized criminal case management database at each court, training court administrators in data entry, the database usage and maintenance, and database evaluation.²¹ This database was initially installed only in Phnom Penh Municipal Court of First Instance in 2010.²² Then in 2015, this pilot project was implemented in five more provincial Courts of First Instance including Preah Sihanouk, Siem Reap, Battambang,

²⁰ the Law on the Organisation of Courts 2014, article 32, 52 & 71.

²¹ OHCHR, *a Follow-up to the Joint Project on the Installation of a Computerized Criminal Case Management Database* (Letter 15 May 2017).

²² The Department of Court Administration, *a Report on the Update of Computerised Criminal Case Management Database in 2015, 2016 and 2017 of the Courts of First Instance: Phnom Penh Municipal, Preah Sihanouk, Kompong Cham, Battambang, Prey Veng, Siem Reap, Kompong Chhnang, Takeo, Kampot, Kratie, Banteay Meanchey, and Koh Kong* (Letter 17 April 2018).

Kompong Cham, and Prey Veng.²³ Following the database installation, the OHCHR and the MoJ conducted the joint monitoring on the case database in Phnom Penh Municipal Court of First Instance and Kompong Cham Court of First Instance and other Courts of First Instance to evaluate the database, the installed equipment and the further needs for the improvement of the system; thus, they identified the need to add some specific modules on the database such as violence against women and child justice.²⁴ In 2017, the database was extended to other six provincial Courts of First Instance including Banteay Meanchey, Kampot, Kompong Chhnang, Kratie, Takeo, and Koh Kong.²⁵

The system template permits the criminal case data to be computed into three main headings including the stage, the report and the setting. The stage heading consists of prosecution stage, investigation stage, and trial stage, and other significant information such as imprisonment in lieu of payment, sentence execution monitoring, and evidentiary recipient. The report heading highlights child justice report and violence against women report which includes statistics of victims and defendants, justice services and case log of violence against related women. The last heading, setting, demonstrates the information of court and court officers. The CRDBMS permits the record of the detailed information of each case such as the case number, the date, the procedure, the source, the involving parties, the judges and the court officers in charge, and the related document uploaded. All the information allows the court administrators to follow up and monitor the cases, and produce a consistent report for MoJ. Hence, it is more convenient for judges, prosecutors, lawyers and parties in the respective cases approach the court administrators for the relevant information. The current system allows to access data from the internal administration office only. As the CRDBMS is a pilot project and new to the court administration, the court administrators still keep the manual record together with this computerized system for the purpose of data verification and as a back-up plan as well before they are entirely familiar with and confident in the system. MoJ and OHCHR plan to roll-out the CRDBMS nationally by the end of 2019.

²³ The Ministry of Justice, *Continuing Cooperation with IT Consultant of OHCHR for the Installation of Computerised Criminal Case Database* (Letter 5 June 2017).

²⁴ OHCHR, *a Follow-up to the Joint Project on the Installation of a Computerized Criminal Case Management Database* (Letter 15 May 2017).

²⁵ OHCHR, *a Follow-up to the Joint Project on the Installation of a Computerized Criminal Case Management Database* (Letter 15 May 2017); Ministry of Justice, *Continuing Cooperation with IT Consultant of OHCHR for the Installation of Computerised Criminal Case Database* (Letter 5 June 2017).

VI. DISCUSSION

A. Helpfulness of the CRDBMS to the Court Administration

The survey result shows that the majority of participants have a strong belief on the helpfulness of the CRDBMS in improving the court administration as about 73% of participants gave the high scores of 8-10 while 22% of participants express moderate view, and only 5% of participants show the least confidence in the CRDBMS (see figure 2). Therefore, people seem more optimistic on the effect of the CRDBMS on the court administration.

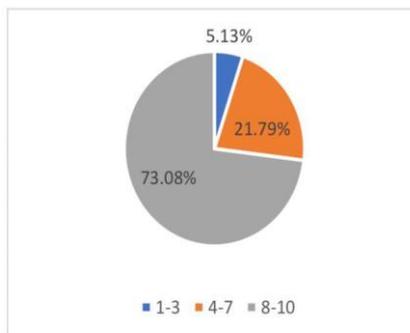


Figure 2: Helpfulness of the CRDBMS on Court Administration (All Participants)

B. The Level of Efficiency of the Current CRDBMS

Figure 3 above demonstrates that almost half of the participants moderately rated the level of efficiency of the current CRDBMS, and the remaining participants expressed the opposite view on the system. Markedly, the judicial professionals and the court service users are very positive on the level of efficiency of the CRDBMS comparing to the non-judicial professionals since the percentage of participants highly rated the CRDBMS efficiency in the first group is almost 50% whereas it is only 10% in the second. It illustrates that people with the experience of using or involving in the CRDBMS believe in its efficiency more than the general public who only heard of it but have never got involved. This could possibly be due to the fact that people tend to underrate the system when they have not had the first-hand experience with it.

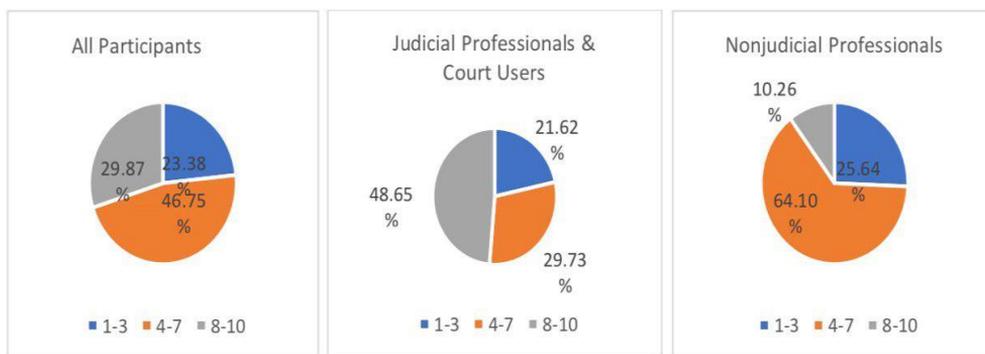


Figure 3: Level of Efficiency of current CRDBMS

C. The Challenges of the CRDBMS Implementation

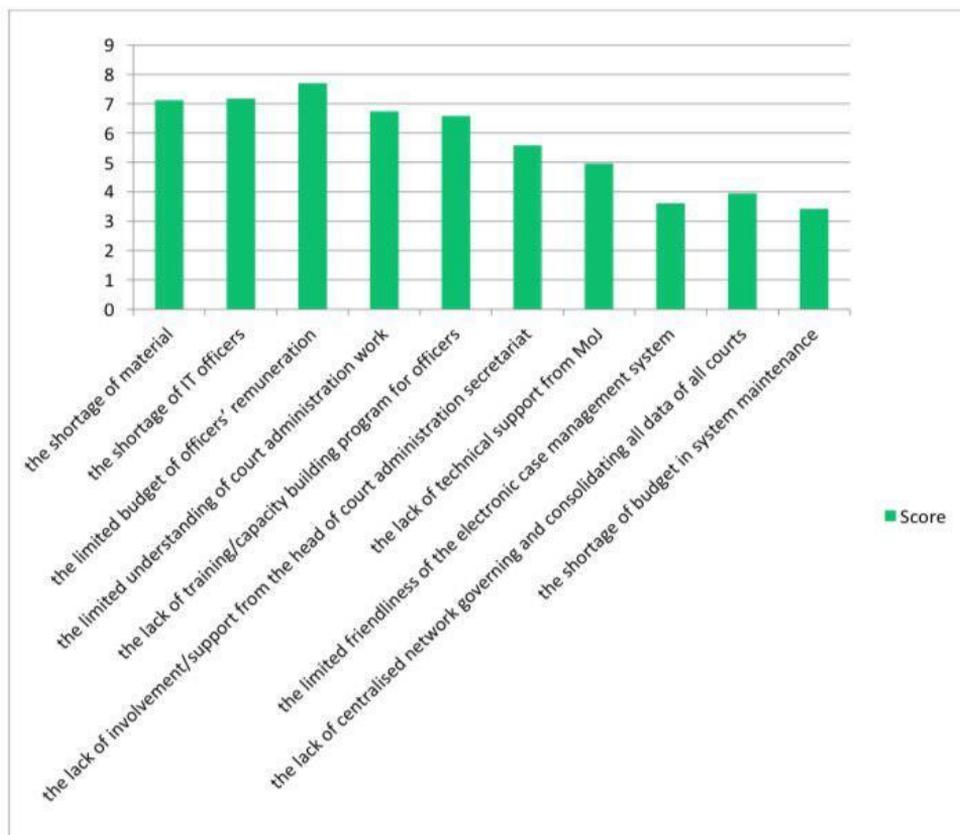


Figure 5: Challenges of the CRDBMS Implementation (All Participants)

Among all the 10 challenges of the CRDBMS implementation, Figure 4 reveals that the limited remuneration for court administrators is the top challenge followed closely by the shortage of materials and IT officers, and the inadequate knowledge and trainings as well as other supports. On the other hand, people gave the least emphasis on the system itself as the challenge of the implementation as demonstrated in Figure 4. There is no significant difference in the response among the judicial professionals, court service users and nonjudicial professionals. In case of limited budget, the government should allocate the available budget in the prioritized fields ranging from incentive for officers to other supports including increasing the number of IT officers, material, training and other technical supports before adding more budget on the system itself. It implies that although the system is important, the supportive material to implement it is even more vital to make the implementation possible.

D. The level of Support on the CRDBMS

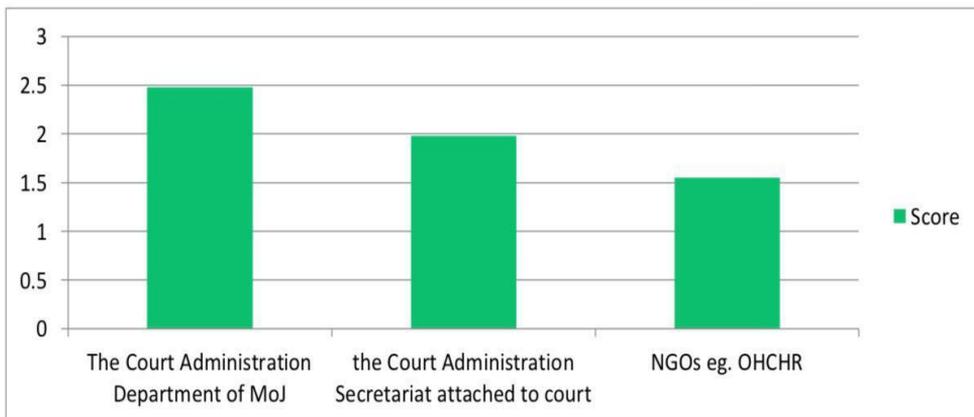


Figure 6: The Order of the Level of Supports (All Participants)

As indicated in figure 5, the CRDBMS obtained the most supports from the Court Administration Department of MoJ, and secondly from the Court Administration Secretariat attached to court and the least support from NGO such as OHCHR. This finding is in alignment with the fact that the officers from Court Administration Department of MoJ set-up the system, as well as follow up and monitor the system operation. Although OHCHR funded the CRDBMS, it does not have much direct contact with the court administrators, and most of the cooperation is conducted or coordinated by the Court Administration Department of MoJ. That is why, the court administrators as well as the public are not widely aware of the support from OHCHR.

E. The Importance of the Ongoing Assessment of the Implementation, MoJ Support and the Trust on the System to the Success of the CRDBMS

In addition to commitment of the management, there are several deciding factors of the success of the CRDBMS as illustrated in Figure 7. The result of over 83% response selecting ongoing assessment of the implementation proves its strongest correlation with the accomplishment of the CRDBMS, following by the other two main factors including trust on the system and the ongoing MoJ support. This data is helpful for a decision maker to allocate resources to the right place when resources are scare or inadequate for all in order to drive the success of the system.

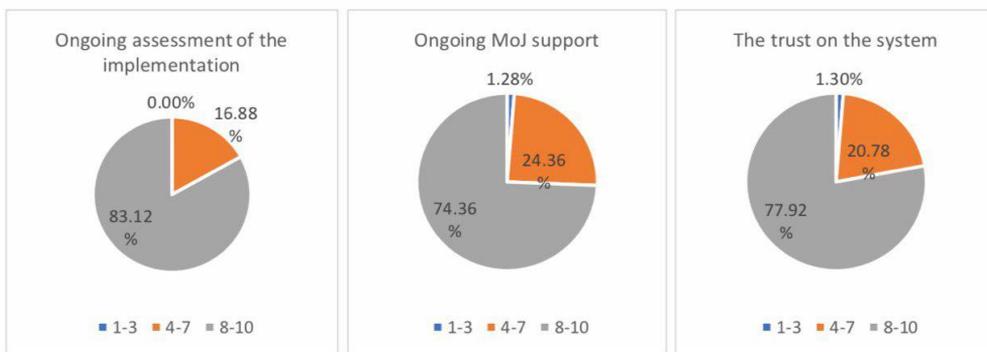


Figure 7: The Importance of the Following Factors to the Success of the CRDBMS

F. The Importance of the CRDBMS Extension to Cover all the Criminal Procedure and all Kinds of Cases, the Centralised Network's Establishment, and the National Roll-out of the CRDBMS

Figure 8 expresses that all the participants encourage the extension of the CRDBMS to cover all the procedure and all kinds of cases, the establishment of centralised network and the national roll-out of the CRDBMS as over 70 % of participants mark its importance with the score of 8-10, especially 86% in national roll-out and the remaining rates the middle range of 4-7 scores. There is no varied level of support in the extension of the CRDBMS project between the judicial professionals together with court users and non-judicial professionals. Therefore, it is worth noting that people generally support the CRDBMS and totally agree with its extension, so more budget should be allocated to meet this demand.

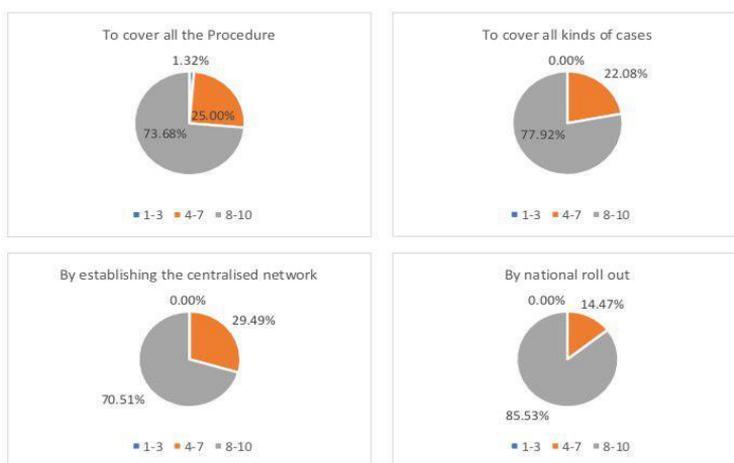


Figure 8: The Importance of the CRDBMS Extension (All Participants)

G. The Helpfulness of the CRDBMS in the Improvement of Judicial Service



Figure 9: The Helpfulness of the CRDBMS in Improving the Information Access



Figure 10: The Helpfulness of the CRDBMS in Increasing Adjudication Rate

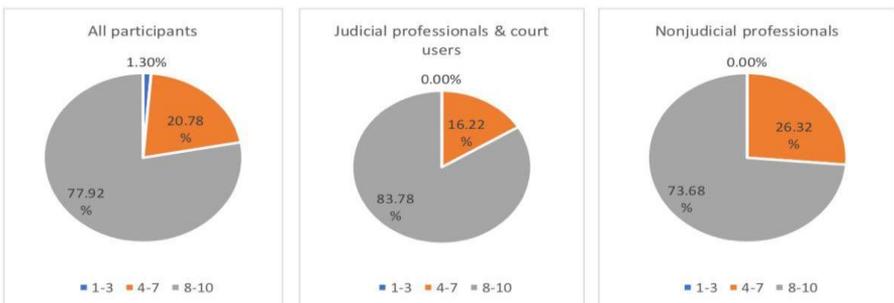


Figure 11: The Helpfulness of the CRDBMS in Reducing the Waiting Time

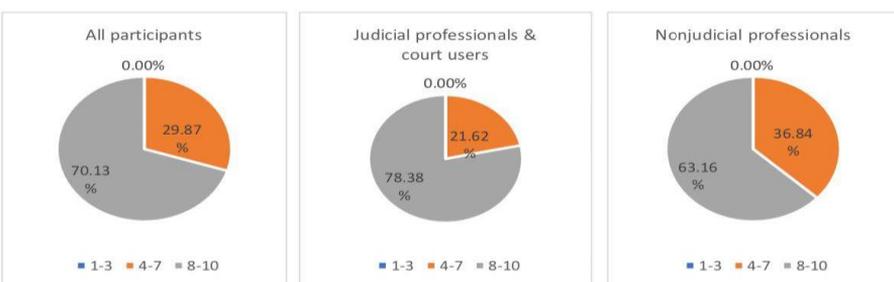


Figure 12: The Helpfulness of the CRDBMS in Increasing Public Confidence in Judicial Services

The high score of 8 to 10 given by between 70% and 83% of the respondents in Figure 9, 10, 11 and 12 above illustrates people’s firm belief in the helpfulness of the CRDBMS in improving the access to information by the concerned parties, raising adjudication rate, shortening the waiting time and escalating the public confidence in judiciary; However, the last one (Figure 12) got the lowest response of 70%, which indicates the weaker correlation between the system and public confidence in judicial services. Furthermore, there is a notable gap between the group of the judicial professionals and court service users and the group of nonjudicial professionals since the percentage of the first group is higher than the second group in all the four questions, especially 15% gap in the increase of public confidence in judiciary. This number indicates that the nonjudicial professionals have weaker belief in the helpfulness of the CRDBMS in improving the judicial services, particularly in enhancing judiciary credibility. To conclude, the CRDBMS is seen to be useful in developing the quality of judicial service delivery in terms of access to information, adjudication rate, waiting time, and public confidence, but the system alone is not sufficient to fully modernise the service, so other factors should be considered together with the system to improve the court services and ultimately raise judicial credibility.

H. Time Spent on Data Input and Manual Record



Figure 13: Time Spent on (hours/day)

Since the CRDBMS is a new project, almost 70% of court administrators spend less than 2 hours per day doing the data input in the system and over 20% of them allocate 3 to 4 hours on this task daily. This implies that the court administration office emphasises on the significance of the CRDBMS. However, this task should be assigned to a few particular court administrators to be in charge of data computing rather than depending

on many officers spending partial of their time in order to achieve higher level of efficiency.

Noticeably, the court administrators spend most of their time on manual record of data since 46% of court administrators spent 3 to 4 hours and almost 40% spend less than 2 hours and the other 15% even spend 5 to 6 hours on this. This data confirms that people do not fully rely on the system yet; that is why, they have to spend the considerable time to double the work and even spend much more time on the manual record than computerized record.

In addition to recording data, the court administrators spend a considerable time on collecting data from parties as shown in figure 13. Checking the document/cases for judges/clerks/parties consumes the large amount of time of the court administrators, which might be due to the inefficiency of manual record or being time-consuming and not user-friendly of manual record and the incomplete computerized system.

I. The average time for cases to be processed at the Courts of First Instance

The average time for cases to be processed seem to be varied among the participants' response. However, it is noted that people with judicial experience such as the judicial professionals and court users witness the shorter average processing time than the view of other participants without court experience since 35% of the judicial professionals and court users expressed that it took only between 1 to 6 months and the rest said it took longer whereas over 30% of the nonjudicial professionals showed that it might take from 7 to 12 months to complete a case. This variation in response demonstrates that people generally think that the litigation procedure takes longer than it actually takes. By putting both responses together, the average processing time falls between 7 to 12 months (see figure 14).

J. The Feedback on the CRDBMS

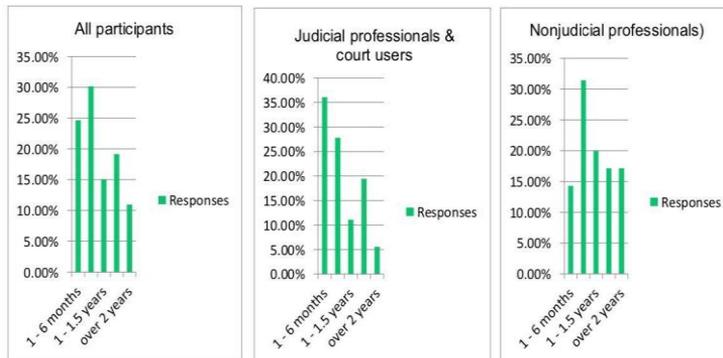


Figure 14: The Average Time for Cases to be Processed at the Courts of First Instance

Lastly, the respondents gave comments on the CRDBMS in terms of materials, budget, human resource and accessibility. First, some respondents gave complaints about the shortage of materials like computers and not being user-friendly, so they requested to equip adequate computer with high capacity and speed together with strong anti-virus and anti-hacking to make the system more efficient, less time-consuming and reliable. Second, some other respondents suggested allocating the bigger amount of budget in launching the system by extending the system to cover civil cases and provide more incentive for the court administrators to motivate them and retain them in their duty. They also requested to offer more professional training for court administrators and be responsive in tackling the errors when requested. Although some respondents expressed their concern about confidentiality of the system, they also hoped the system allow the greater accessibility by creating the user account for academic purpose by adhering to ethic code in their usage. Lastly, very few participants suggested that the whole judicial system needed to be reformed on top of the CRDBMS in order to improve the judicial services.

CONCLUSION

The result shows that generally people are optimistic on the helpfulness of the CRDBMS in lightening the court administration work. However, they are not so satisfied with the current system since it is less efficient and user-friendly. It is worth noting that the judicial professionals and court users think the current CRDBMS is more efficient than the nonjudicial professionals do. The majority of participants express their consent on the limited resources in terms of budget, qualified officials and other pivotal supports as the most challenge of the CRDBMS implementation. The vast majority of people acknowledge the importance of the commitment of the management and the ongoing assessment of the implementation to the success of the CRDBMS project; however, the

value of the earlier is slightly higher than the latter. Also, the judicial professionals and court users give more significance on both factors than the nonjudicial professionals.

In addition to the assessment of the current system, respondents emphasise their positive view on the extension of the system. People express their strong support on the CRDBMS by agreeing with the idea of extending the CRDBMS to cover all the procedure and all kinds of cases, establishing centralised network and carrying out the national roll-out of the CRDBMS. Although the survey result indicates a tendency for people to believe in the influence of the CRDBMS in improving the access to information by the concerned parties, raising adjudication rate, shortening the waiting time and raising the public credibility in judiciary, people who are the judicial professionals and court users possess stronger belief than people without judicial experience especially in enhancing judiciary credibility. On top of that, people emphasize the importance of resources in driving the success of the system and suggest allowing the greater accessibility for people in order to serve the bigger number of people needed court information for litigation or academic purpose.

Overall, the CRDBMS is a worth spending project that gather the public support as it proves to improve the efficiency of court administration, which leads to the upgrade of judicial service in Cambodia. People not only support the current system, but also suggest raising its allocated budget to maximise its efficiency. For instance, the respondents fully support the introduction of the CRDBMS project and its extension to cover the bigger scope of all cases and provide greater accessibility as they strongly believe the system can boost the efficiency of court administration and strengthen the judiciary reputation. To fully reach the maximum accomplishment, there are some key factors the government need to take into a serious consideration. First, it is required to allocate the greater amount of budget for the project extension, officials recruitment and trainings, and other technical support. Second, to motivate and retain people in the project, sufficient incentive should be provided to officers in charge. Also, it is important for the management to be committed with the project implementation together with the ongoing assessment to identify the challenges and seek suitable solutions in timely manner. Third, it will be more productive to assign specific officials to compute data into the system rather than many officials doing part of it as it is hard to refer back to the ones responsible for it. Markedly, people having experience with court such as judicial professionals and court users generally express the better view and stronger belief on the CRDBMS than people without the experience at all, which indicates that the system is likely to offer good experience for people than they think. Therefore, the information about the system introduction should be widely disseminated to foster people's awareness about the advancement of court administration, which could develop public trust on the judiciary.

Last but not least, this research has achieved its objectives in assessing the operation and helpfulness of the CRDBMS and discover the perception of people toward the system to see its relation with the improvement of judicial service and conclude the public support on the project extension. The research can be considered as the interim assessment of the system as it was conducted in the middle of the whole project. Therefore, this

research suggests further study after the national roll-out of the project, which allows the comparative study.

REFERENCES

- Hays J, *Geography in Cambodia* (May 2014) <http://factsanddetails.com/southeast-asia/Cambodia/sub5_2e/entry-2928.html> accessed 18 August 2018.
- International Covenant on Civil and Political Rights 1966, part III.
- Kong P, *Overview of the Cambodian Legal and Judicial System and Recent Efforts at Legal and Judicial Reform*. <http://khmerlex.com/Site/images/library_file/10-Overview%20of%20the%20Cambodian%20Legal%20and%20Judicial.pdf> accessed 18 August 2018.
- Malik W H, *Judicial-Led Reforms in Singapore: Frameworks, Strategies, and Lessons* (The World Bank 2007).
- OHCHR, *a Follow-up to the Joint Project on the Installation of a Computerized Criminal Case Management Database* (Letter 15 May 2017).
- Pinsler J, 'Reforms in Civil Procedure: An Analysis of the Amendments to the Rules of Court' in Singapore Academy of Law (ed), *Review of Judicial and Legal Reforms in Singapore Between 1990 and 1995* (Butterworths Asia 1996) 1-112.
- Reiling D, *Technology for justice: How information technology can support judicial reform* (Leiden University Press 2009).
- Royal Decree NS/RKT/0819/1300 (17 August 2019).
- Royal Decree NS/RKT/0819/1301 (17 August 2019).
- Royal Decree NS/RKT/0819/1302 (17 August 2019).
- Royal Decree NS/RKT/0819/1303 (17 August 2019).
- Sub-Decrees on the Organisation and Functioning of the Administrative Office of the Supreme Court 2016.
- Sub-Decrees on the Organisation and Functioning of the General Administrative Office of the Courts of Appeal 2016.
- Sub-Decrees on the Organisation and Functioning of the Administrative Office of the Courts of First Instance 2016.
- The Asian Development Bank, *ADB's Work in Cambodia: Supporting One of the Asia's Fastest Growing Economies* (2018) <<https://www.adb.org/countries/cambodia/overview>> accessed 18 August 2018.
- The Department of Court Administration, *a Report on the Update of Computerised Criminal Case Management Database in 2015, 2016 and 2017 of the Courts of First Instance: Phnom Penh Municipal, Preah Sihanouk, Kompong Cham, Battambang, Prey Veng, Siem Reap, Kompong Chhnang, Takeo, Kampot, Kratie, Banteay Meanchey, and Koh Kong* (Letter 17 April 2018).
- The Law on the Organization of Courts 2014.
- The Law on the Organisation and Functioning of the Supreme Council of Magistracy 2014.
- The Law on the Status of Judges and Prosecutors 2014.
- The Ministry of Justice, *Continuing Cooperation with IT Consultant of OHCHR for the Installation of Computerised Criminal Case Database* (Letter 5 June 2017).
- The Rectangular Strategy of Growth, Employment, Equity and Efficiency in Cambodia 2004.

The Rectangular Strategy of Growth, Employment, Equity and Efficiency Phase II 2008.

The Rectangular Strategy of Growth, Employment, Equity and Efficiency in Cambodia Phase III 2013.

The World Bank, *Cambodia Overview* (2018)

<<https://www.worldbank.org/en/country/cambodia/overview>> accessed 18 August 2018.

The World Bank, *Cambodia Legal and Judicial Reform Project* (2011)

<<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN004695.pdf>> accessed 18 August 2018.

Tourism of Cambodia, *Cambodia Geography* (2018)

<<https://www.tourismcambodia.com/about-cambodia/geography.htm>> accessed 18 August 2018.

Tourism of Cambodia, *Cambodia History* (2018)

<<https://www.tourismcambodia.com/about-cambodia/cambodian-history.htm>> accessed 18 August 2018.

World Bank Group, *Doing Business 2018: Reforming to Create Jobs, Economy Profile Cambodia* (2018)

<<http://www.doingbusiness.org/data/exploreconomies/cambodia>> accessed 18 August 2018.