Technology Adoption in Shariah Courts

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ABSTRACT

Information and communication technologies have led to dynamic changes in the way courts of law perform their duty to deliver justice. Courts of law depend on the availability, comprehensiveness and quality of information relating to the case in reaching a conclusive and fair verdict. Courts will not be able to deliver justice in the cases where records are not properly managed; thus, depriving the aim of judicial institutions to bestow legal rights to individuals and society. The objective of speedy justice can only be met if all the records relating to the case are available, retrievable and managed throughout the lifecycle properly. This ensures that all the relevant documentation relating to the case conforms to certain standard of quality and is accessible, available, dependable as and when required. The pervasiveness of information and communication technologies (ICTs) provides new opportunities for court automation and information management in judiciary. At the same time there is increased pressure on the courts of law to embrace technology because with the increased level of IT literacy and awareness among the general public, there are increased demands on government to provide information to citizen around the clock. Responding to these opportunities and pressures, courts around the globe are embracing information and communication technologies at various levels to provide faster, reliable and consistent service to the society. Records in court system have various dimensions including court proceedings, evidence, and statutory declarations (affidavits). In addition, court records also contain precedents from old cases and even references to the sources of law. This makes information management in general, and record retrieval in particular an intricate task. This research aims to answer the question of ‘How can ICTs allow for better management of court records in Malaysia’ using a qualitative interpretive approach with exploratory case study. It attempts to realize the phenomena under investigation through the meanings that people attach to them. In this case, it is the way people manage the life cycle of records management in Shariah Courts. Therefore to address the issue at hand an interpretive task provide a rich understanding of the contextually oriented court records management issues than the more conformist positivist approaches.

Public sector organizations are obliged to manage their records in line with legislation and organizational policies. Ensuring compliance with records management obligations can be difficult, especially given the explosion of records in electronic form, most notably e-mail, and the devolution of many records management functions throughout the organization. In Malaysia, the public sector is facing pressing challenges to provide efficient service delivery. E-Shariah was put in place to replace the manual system of all Shariah courts operation. Before E-Shariah come into operation, all business processes from case registration to case disposal were performed manually. It is not surprising that the system was replete in inefficiency and ineptitude. With the increased number of Shariah cases being registered, the delay in case management became more critical. A single case takes years to be settled, resulting in hardship for the parties involved. The major reason for this delay has been the unavailability of complete information as and when required. In certain cases not only the information is incomplete but had been tempered with as well. With the introduction of e-Shariah, the government aim to reduce the time taken to settle a case and to manage each case and related information more efficiently and systematically. With the implementation of E-Shariah, an electronic network and communication between all 110 Shariah courts in 102 locations nationwide is established, using the electronic government network called EG*Net. The technologies in place in Shariah courts under the E-Shariah project consists of five modules: 1) Shariah Court Case Management System, 2) Shariah Lawyers Management System, 3) Office Automation System, 4) Library Management System, and 5) E-Shariah Portal. E-Shariah has opened up new avenue for court workflow as well as records management in Malaysian Shariah courts. Although there are a number of benefits which hinge upon a few administrative issues, yet there are significant benefits that the use of technology has brought to
Shariah courts in terms of case management efficiency, coordination between courts, work process consistency and interoperability, information security, integration with government agencies and trust in judiciary system.

**Keywords**

Technology adoption, Court administration, Electronic records management system, Shariah court.