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SUSTAINABLE ELECTRONIC COURT RECORDS RISK MANAGEMENT: CONCEPTIONS AND DEVELOPMENT OF FRAMEWORK

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Abstract. The institutionalization of technologies in the Malaysian judicial setting has taken place since 2009 when a number of e-Court applications were implemented, in line with the government inspiration of Vision 2020. The Case Management System, Electronic Filing System, Queue Management System and Court Recording and Transcribing System are well in place and manage to reduce the backlogs of court cases and expedite the current case management which give a facelift to Malaysian judiciary reputation. However, the sustainability of the system is not guaranteed due to the fact that the e-Court applications have not been properly implemented based on an established sustainability framework for long term preservation and disaster preparedness. This research aims to develop a sustainable risk management framework for electronic court records management which consist of three layers, first being the requirement to follow the appropriate electronic records management lifecycle coupled with the risk management procedures; and second, the legal compliance framework, which requires every electronic system to comply four level of legal requirement i.e. the ISO standards, the legislations, the national policies and the organizational policies which focus on the sustainability domain including secure backup procedures, audit trail and other risk management features; and third, the jurisdiction specific e-court risk management. Failing to conform to these requirements posts a risk of noncompliance which can result a damaging consequences. In addressing issues related to electronic court records risk management, a number of related conceptions are discussed such as change management and ICT infrastructure. The proposed sustainable risk management framework for electronic court records management is proposed to be tested in other jurisdictions and other settings because it relates with the universal issue of risk at organizational, national and international level.

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