



*The Law, the Map and the Citizen. Designing a Legal Service Infrastructure  
Where Rules Make Sense Again*

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## English Summary

Law is being digitalised. When this research started, the notion of digitalisation of law was rather new. The early attempts were basically websites that provided a search on legal sources. The question was occurred if this would really be helpful to the citizen. The general research question evolved from there. Can internet technology actually help the citizen in navigating law or does the mixing of these worlds create a digital bureaucratic labyrinth? To examine those questions, a lot of exploration and scoping had to be done. What technology are we addressing here and what type of 'help' do we mean? And which Law is implied? And if a citizen is not 'helped' by the computer, could this affect his or her relationship with government? To analyse the landscape I have divided the potentially assistive role of technology into three sub parts: Access to relevant legal sources, legal effect planning in a use case context and the support of the process of the design of Law. To investigate the influence of digitalised Law on the relationship with government, I had to explore theories about legitimacy, bureaucracies, trust and violations of 'le contrat social' between citizens and government. It was also necessary to look back through history to achieve a better understanding of the role of technologies in relation to law through the ages.

Since the research was triggered by a design problem during the early building process of [www.overheid.nl](http://www.overheid.nl), the Dutch National service website, I decided take a design approach to the exploration as a whole. This approach also implies the design and building of new technology and experiments with relevant stakeholders to find out if the potential role of technology could be improved by a dialogue with these stakeholders. This perspective shifts the debate from a black-and-white controversy about pro's and con's of technology towards a discussion about adequate design processes. Such an approach is logical from an engineering point of view. It was not so common in the legal arena at that time, however.

One of the important ideas that surfaced from these iterative discussions is the possibilities of digital maps to improve on the weak points of paper and text as information technologies. This potential is investigated in-depth and results of the experiments are explored to pinpoint the contribution of maps to the user needs as precisely as possible. Some of the results were less than were expected when operationalised in terms of efficiency, while at the same time the technology was well received or preferred by the respondents at the when questioned in more general terms. These discrepancies are discussed in detail in order to distinguish between interface design, learning curves and the intrinsic attributes of text and digital maps.

A second important ingredient was the introduction of smart semantic technologies in the very production process of Law to enable more relevant search results. In combination with maps this approach delivered the promise of legal effect planning. A businessmen or a city planner could actually plan in advance the effects of regulations on a certain area or neighbourhood. While seeking an operationalisation of the link between legitimacy of Law and the problems of digital bureaucracies, I came across the ideas of Jurgen Habermas, who had introduced the possibility to support 'harmonisation of plans of action between stakeholders' as part of his discourse theory. This notion matched well with the process of co-design of Law among the stakeholders and legislators at the Province of Flevoland with whom I was collaborating at that point in time. To explore the possibilities of co-creation of law by means of technologies, this Province allowed me to experiment with the ideas right in the middle of their

'political kitchen'. This research opportunity is rather unique if one takes into account the risks and stakes involved. The teams that were involved in the design, building and testing of the technology became a collaborating group over time, where my position as a scientific observer was soon replaced by the position of an action researcher trying to coach the team effort into something productive. This approach and the way it was organised here is called a living lab approach. I have spent many pages describing the different contexts of the three experiments and I hope that other researchers feel inspired by this living lab approach.

A simple answer to the main research question is that technology can indeed help with providing better access, better effect planning and improved co-design of law, thereby increasing the legitimacy of Law. However, it became also increasingly clear that a bad design of technology can result in the opposite, which was perfectly symbolised by Little Britain in one of their sketches by the famous phrase: 'Computer says NO' (see youtube). It is also made clear by the research results that internet technology requires a learning curve, that professional assistance is therefore still required and that information technology such as the internet technology chosen in these experiments can help with harmonisation or mutual alignment of plans of action but it cannot assist – again, according to this research - in the final decision making process.

The distinction between informing citizens and the actual decision making in the legal life cycle is important to further investigate the relation between digitalisation and law and I have made some proposals for these distinct stages and their significance for setting up future research.

In the meantime, internet technology and mapping technology have evolved towards a higher level of maturity where legal service apps and digital spatial plans are the norm. The process of the digitalisation of Law has taken up speed in The Netherlands. Spatial Law is now completely digitalised and de Dutch Raad voor de Rechtspraak has embarked on a major effort to process most of the simpler court activities by digitalised means. The design of these processes is now indeed supported by 'klant reizen' (translates as client journey's) and scrum sessions which are recognised as sophisticated design method ingredients.

Still there is a lot of improvement necessary to realise a design of legal services that is more user friendly. The last Chapter is written for that purpose. The policies driving the new 'Omgevingswet' in the Netherlands seek to achieve a more integrated design process and a process that includes active participation of the citizen. These goals pose a high standard of requirements for the digitalisation of the design process. These requirements are especially relevant if one seeks to avoid a gap in the considerations in the documentation during future (digital) appeal cases in court.

I hope this work will contribute to the field of research on Law that seems - until now - underestimated because of some excellent reasons. Digitalisation at this point in time affects mostly the executionary side of our legal infrastructure, whereas the design of Law and the judgement about disputes in our courts are positioned on other sides of the borders that comprise Trias Politica. It remains to be seen if these old institutionalised borders will be maintainable in the near digital future, but this is for other investigators to explore.

Thank you for your time.