

Developments in the Law in 2021: Criminal Procedure Law- Digitization of Criminal Justice System: Remote, Video Conferencing Trials and Consortium Blockchain of Justice

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Abstract

There has been an ongoing discussion regarding the digitalization of criminal justice system, particularly the digitalization of criminal court procedures. The specific topics include “digitalization of trial procedures”, i.e., whether criminal trials can proceed with the online participation of parties and other participants; “digitalization of public trial”, i.e., whether criminal trials should be broadcast by media or online; and “digitalization of evidence”, i.e., how courts should deal with digital evidence. These issues of digitalization made huge advances in 2021, partly because of the COVID-19 pandemic.

To accommodate the need for a new judicial procedure during the COVID-19 pandemic, the “Special Judicial Procedural Code Applied During Outbreaks of Serious Contagious Diseases” took effect in June 2021. In this Special Code, there are rules providing how courts can proceed with remote and videoconferencing trials, including clear regulations about the requirement of criminal defendants’ consent to adopt the digital format of their trial, and about the maintenance of public access to trials. Also in 2021, the Ministry of Justice, with four other criminal judicial institutes, announced that they formed the “Consortium Blockchain of Justice”, which applies blockchain technology to criminal evidence conservation. The formation of this blockchain is a milestone in the criminal

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justice system's digitalization. Various applications of blockchain technology will have a deep influence on the development of Taiwan's criminal procedures.

The acceleration of the criminal justice system's digitalization, in 2021, is a particularly significant development in Taiwan's criminal procedures. This article therefore reviews the digitalization of the criminal justice system that happened in 2021. Three subtopics will be addressed: "digitalization of trial procedures", "digitalization of public trials", and "digitalization of evidence". This article shows how the developments in these fields advance the digitalization of Taiwan's criminal courts, and how these advances establish the infrastructure for Taiwan's further digitalization in the criminal justice system.

Keywords: digital trial, remote trial, video conferencing trial, online trial, digital court, blockchain