

BDJur Consortium – Juridical Digital Library: implementing DSpace in the Brazilian Judiciary

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Abstract

This paper describes the implementation plan of BDJur Consortium – Juridical Digital Library. The goal of this project was to create a juridical information network, with digital repositories and full text documents, linking the Brazilian Judiciary. The seven phases established are pointed out in this work (1. preliminary studies and evaluation of the open sources platforms; 2. installation, translation and configuration; 3. establishment of the communities; 4. upload of documents; 5. integrating the Brazilian Judiciary agencies; 6. installation of the PKP Harvester; and 7. opening to the overall community), as well as the reasons that led to the creation of this consortium and the benefits expected. We wish to share the strategy adopted and the problems faced for the implantation. The Superior Court of Justice wants to create a tool and offer to society an Open Access contribution to Juridical Knowledge.

1 Introduction

The creation of the BDJur Consortium, our instance of DSpace, was based on a project submitted to the Library of the Superior Court of Justice. The President of the Superior Court of Justice in Brazil, Justice Edson Vidigal, approved the BDJur Consortium with the Act nº 278, of 22/09/2004, as a strategic project to be implemented by the Court in the context of the Program of Modernization of the Judiciary System.

The technological innovation in the new millennium usually brings deep changes in favor of the world-wide diffusion of knowledge and information. If the book in paper support and the press have offered a decisive influence in the reduction of the costs and improving the access to the culture, the new instruments that have been created by the Telecommunications and Computer Science increase the interactivity of the text, facilitating the immediate access to the information of any part of the world, making the reproduction of the documents unnecessary or optional.

The printed media was always the main vehicle of information register and dissemination. The libraries had appeared as an instrument capable to congregate produced information and to offer them to the public. However, in this initial context, users had to dislocate physically to obtain the desired information. The enormous transformation that are occurring in the last decades, in Information Technology, allied to the phenomenon of the digital convergence; joining Computer Science, Telecommunication, Technologies of Computer Network, as well as the intensive use of interchange standards; had made possible the sprouting of a new platform for the information systems, allowing the storage and recovery of digital documents (complete text, image, sound, video), in contrast with the previous standard that was typically established in storage and recovery of bibliographical references.

This is the great revolution that is happening in the libraries. The sprouting of the Internet as source of information, making available its more diverse services and the access to a great amount of databases, to the quantities of libraries, the electronic pages (URLs) of diverse agencies and institutions, as well as the links to pertinent documents and information to the most different fields of knowledge. Such phenomenon led to the creation of digital libraries, serving as an instrument of management and access to these services.

Adjusting to this new virtual reality, the Library of the Superior Court of Justice in Brazil, considers the creation of the “BDJur Consortium – Juridical Digital Library” searching to provide the legal information more accessible to the users.

Thus, the general goals of the BDJur Consortium are:

- to contribute to the dissemination and the electronic access to important legal documents for the Brazilian Judiciary;
- to extend and to democratize the access to juridical information;

- to contribute to become of public character, the digital documents integrated in the Consortium;
- to provide an increase in Brazilian legal contents in the Internet;
- to create and to integrate the digital, national and foreign digital repositories, in Law domain, bringing in a click of the mouse, the information into the user's screen.

2 Brazilian Judicial System

The judicial system is divided into federal, state and municipal courts. After the twenty years of military regime, the 1988 Constitution produced significant modifications in the Brazilian judicial system, providing a decentralization process and creating intermediate levels in the branch. Under the terms of article 92 of the current Brazilian Federal Constitution, the following are the bodies of the Judiciary Branch:

- The Federal Supreme Court;
- The Superior Court of Justice;
- The Federal Regional Courts and Federal Judges;
- The Labor Courts and Labor Judges;
- The Electoral Courts and the Electoral Judges;
- The Military Courts and the Military Judges;
- The Courts and Judges of the States and of the Federal District and of the Territories.

We notice that the Judiciary practically preserves an unbroken structure, from the time of Brazil Colony, until our days. The pyramidal system foresees an agency in the dome, to which charges the guard of the Constitution. The Brazilian Judiciary represents an unified branch, being integrated by a common justice (distributed in state and federal), labor, military and electoral courts.

Immune to modernization, preserving the archaism of formulas and a process extremely bureaucratized, the Brazilian Judiciary is target of several critics of the community, interested in a faster, efficient and non-complicated Justice. However, many facts must be considered here. The judicial decentralization imposed by the new Constitution was not followed by a previous process of computerization trying to unify all the agencies, leaving them isolated and dispersed throughout the Brazilian territory. Another problem is the legal system, full of normative acts, bringing a total chaos for the Judges, and even the citizens, who don't know which rule is applicable to a specific subject in a specific time. Finally, the process and adjudicate system, full of reviews, making possible several appeals, harming the judgment.

The quality of the public services offered by the Judiciary is also our goal. By quality, we mean the constant performance in the improvement of the processes, products and services. We do not identify the development of tools capable to measure that quality, to establish standards and strategies and to improve the services and assist the judgments.

The search for quality, and consequently, the improvement of the Judiciary must begin by its human element, essential substance for the reformulation of this branch. People has to be stimulated. This human element represents not only the judges, but also the professionals who work in the juridical domain and even the society, a potentially active group in the reconstruction of the Brazilian Judiciary. In this context, strategies must be traced, standards established, services created, aiming an integration of the agencies.

Several proposals of Judiciary reforms have been presented to the National Congress, culminating in the recent Constitutional Amendment n. 45. This demonstrates the Judiciary concern about the criticism it has been suffering, trying to adjust itself to the new reality and to the society claiming, that proclaims the necessity of a deep structural reform for the Brazilian Judiciary.

It is not possible that the Judiciary pretends to be unified, if it doesn't work in an integrated form. This integration could appear by improving the access to Justice, and here we must understand the access to the courts, considerate the quality of the normative texts and the sentences, contributing for the practice of citizenship. And the effectiveness of the citizenship is the biggest mission of Justice.

We must also consider that Brazil is a country of vast dimensions and great regional differences. Some regions are well developed and others a a little behind. The Brazilian Judiciary covers the entire territory, making, thus, difficult the contact between the agencies, centring and exhausting the production of each one in the limits of its jurisdiction. Another important fact is that, in Brazil, the legal domain, as well as its professionals, is usually resistant and conservative to technological innovations. The intellectual and administrative productions in this area are essentially

divulged in paper, in legal magazines and books. The juridical public (Judges, Lawyers) is increasingly seeking access to information to help them. The domain shows a prolific production of juridical information, not only descriptive (doctrine), but also normative (legislation) and decisional (jurisprudence). But, unfortunately, practice demonstrates that many legal professionals do not find in its districts information centers or libraries to meet their needs. We evidence by them a restrained anxiety for information, justifying the necessity of making accessible the electronic information, searching to democratise the access.

The access to Justice has to provide to society not only the access to the courts, but mainly it has to instruct and teach them how to make their rights valid. From an instructed and stimulated society, Law could be improved, Justice could be materialized contributing for the pacification of the social relations.

The media, mainly the Internet, can also stimulate and cooperate with the integration of justice and the society, through communication channels, extending the knowledge about new laws, juridical articles, jurisprudence and programs of interview with jurists, judges and law professors on diverse excellent subjects.

In order to modify this panorama, the Superior Court of Justice designed the BDJur Consortium, as a form to fill this gap and to accomplish the access to the legal information.

3 Implementing the Consortium

The implementation plan of the project consisted of seven main stages:

- 1- Preliminary studies and evaluation of the open sources platforms – In the first stage, many studies were made, in the first stage, to identify the state of the art on digital libraries and institutional repositories, and to evaluate the open sources platforms for the creation of the digital libraries. In May 2004 it was decided to use DSpace for the creation of the Juridical Digital Library (BDJur), an Open Source software system developed by Massachusetts Institute of Technology (MIT) in a partnership with Hewlett-Packard (HP). The aid of IBICT (Instituto Brasileiro de Informação em Ciência e Tecnologia – Brazilian Institute of Technological and Scientific Information) was of great value, giving us the information and the background for the right choice of the software.

Because DSpace is an open source software system, we had many technical problems and internal institutional resistance to adopt it. The software was designed to run on a UNIX-like platform, uses a relational database management system (PostgreSQL) and comprises other open source middleware and tools. The technology platform used by the Superior Court of Justice involves only proprietary softwares (as windows) and the database system adopted is DB2.

- 2- Installation, translation and configuration – On June 2004, the software installation began. This phase was executed with the IT Department and the Library of the Superior Court of Justice. Special thanks must be given here to the University of Minho, in Portugal and the University of São Paulo (USP), in Brazil which helped us by sending the Portuguese version of DSpace and solving several problems in the configuration step.
- 3- Establishment of the Communities – The Consortium intends to gather all the Juridical Digital Libraries (BDJur) built in the Brazilian Judicial agencies. The BDJur will be divided into Communities and Sub-Communities, corresponding to the judicial agencies and its administrative units. Three (3) pilot communities were invited by the Superior Court of Justice to join the Consortium and to participate in the initial tests: The Federal Supreme Court, the Federal Regional Court of the 1st. Region and the Federal Justice Council; all of them situated in Brasília. The translated software will be sent to them, so they can create their own BDJur and integrate the Consortium.

On December 2004, the Community STJ (Superior Court of Justice) was created and the local BDJur (<http://bdjur.stj.gov.br>) was launched. On April 2005 DSpace was installed in two (2) of the pilot communities: the Federal Regional Court of the 1st. Region and the Federal Justice Council. They are adjusting some configurations.

- 4- Upload of the documents – it consists in feeding the system with the documents in the Law domain, on doctrine, legislation, jurisprudence and other items relevant to the judicial activities. Thus, after the creation of a BDJur in the Superior Court of Justice, we initiated the feeding process, uploading several juridical documents into the system. On April 2005 we already had 312 documents uploaded. About the archiving process, it's very important to emphasize that there is no self-archiving in our BDJur. The Library of the Superior Court of Justice, as the project manager, is responsible for the uploads of the documents

in the system, fulfil the metadata and validate the deposit process. When the document we want to upload to the system is not yet in an electronic format, we convert it by digitalisation. This procedure was adopted because the majority of our depositors (judges, jurists) are very resistant to the new technologies, and it would delay the feeding process. Slowly, we intend to train and encourage the depositors to self-archive.

- 5- Integrating the Brazilian Judiciary Agencies – We are currently working in this phase, building up the BDJur Consortium. For this, some stages have been planned:
 - Presentation of the BDJur Consortium to the Brazilian Judiciary agencies and signature of the Technical Cooperation Agreement between the agencies interested in integrating the Consortium;
 - Transference of the technology improved by the Superior Court of Justice (DSpace) to the agencies, so they can install the DSpace in their local servers and create their own BDJur;
 - Personalisation and customisation of the local BDJur homepage;
 - Feeding the local BDJur with the documents of its interest;
 - Development stage - The BDJur Consortium team, in partnership with the New Community Coordinator, will develop a task set (politics and manuals) for the configuration, update and maintenance of the Community in the system. It will be helpful for the new Communities who will further integrate the Consortium.
 - The Communities will be working with the tool and feeding the system
- 6- Installation of the PKP harvester – the adoption of this application will provide the interoperability of all the digital libraries built in each Judiciary agency, collecting metadata from all the repositories, making possible, thus, a unified research between them and creating the Consortium. The Superior Court of Justice will support the OAI-PMH (Open Access Initiative Protocol for Metadata Harvesting) as a Service Provider, administrating the system and collecting and exposing the metadata. The Judiciary agencies will be Data Providers, offering the metadata of their repositories to be harvested via the OAI-PMH.
- 7- Opening to the Overall Community - the formal deadline for wide community access of the repositories integrating the BDJur Consortium is December 2005. The Juridical Digital Library (BDJur) of the Superior Court of Justice was made public on December 2004, but at this stage only for its internal public in this stage. An event was organized on April 2004 for the release to the external public.

Until this moment, almost all the phases are running on schedule. Some difficulties occurred in Phase 5 - Integrating the Brazilian Judicial Agencies – concerning the preparation of the technological infrastructure in the agencies, since many of them do not even have computers to install the software. The Superior Court of Justice is making donations to solve this problem.

4 The BDJur in Superior Court of Justice

The content of the Legal Digital Libraries (BDJur) integrant of the Consortium are essentially formed by digital works, such as documents originally produced in electronic format (CD-Rom, DVD), video and audio files, URL, among others. They represent a large amount of resources, like juridical articles, grey literature, conference papers, on several approaches, such as doctrine, legislation, jurisprudence and other material of institutional interest.

The submission of electronic documents must always be endorsed in the Brazilian authorial legislation, all rights reserved.

Some of the collections created in the BDJur of the Community of the Superior Court of Justice (STJ) are described below. Those collections have been organized according to the specific interest of the Court.

4.1 Collection “Legal Documents”

They are the juridical documents received in electronic format or documents in paper converted into digital format. Here we can find electronic books and periodic articles, videos, speeches, working papers, photos, among others of interest of Legal domain.

4.2 Collection “Legal Links”

It links users to useful sites of legal interest. It will be accomplished through an analysis of the electronic pages of the governmental agencies, entities, institutions of education, bookstores, publishing companies and other agencies of interest to Brazilian Judiciary; for tracking the ways and identification of the products and electronic services offered to the society, facilitating, thus, the access to all these information.

4.3 Collection “Institutional Repository”

Presents the intellectual production of the Magistrates of the Court. It is a regimental attribution of the library (RISTJ art. 45, III) the maintenance of the biographical and bibliographical data of the Justices. Such service provides the dissemination and preservation of the institutional intellectual production.

4.4 Collection “Famous Jurists”

Following the example of the “Institutional Repository”, this collection will divulge the legal works of famous jurists registered previously. A Publishing Committee composed of Justices of the Court will choose the components of this group.

4.5 Collection “Normative Acts of the Superior Court of Justice”

This collection aims at to congregate the normative acts produced by the Superior Court of Justice, in order to optimize resources, to unify the research and to standardize the formats of feeding and visualization of the acts.

4.6 Collection “Legal Thesis”

It will divulge the thesis in Law domain defended in the most appraised Institutions of Superior Education in Brazil.

4.7 Collection “Administrative Repository”

It will provide the access to the administrative documents - produced by the diverse units of the Superior Court of Justice - of general interest of the servers.

5 Expected Results

The benefits expected with the creation of the BDJur Consortium are:

- To acquire the know-how in the implementation of an effective network in Law domain;
- Remote access;
- Decentralization of the information stored in the Consortium;
- Cooperative work between the sections of the Brazilian Judiciary;
- Free availability;
- Limitless geographic expansion;
- Global access;
- 24/7 access;
- Standardization of the feeding language;
- Unified research in all the digital repository;
- Instantaneous answers;
- Multi-user system;
- Acceptance of forms of digital materials including text, images, video, and audio files;
- Introduction of the Open Access paradigm in the Brazilian Judiciary System;
- To contribute to the dissemination of Juridical Knowledge.

6 Conclusions

From the technological point of view every phase is running as expected. Tests and studies are constantly carried through to verify the efficiency and to solve the problems detected.

If we look back, it is possible to see that many results have already been achieved and that the internal resistance in the institution has been defeated when the BDJur Consortium was converted into an official institutional strategic project. The digital repository system is real and plays an important role in the future of juridical libraries and archives, and there is an expectation of a productive collaboration with all the institutions of the Brazilian Judiciary. Presently, DSpace is exclusively adopted by academic and research institutions all over the world. In Brazil, besides the Superior Court of Justice, there are few research institutions working with DSpace. We have the University of São Paulo, University of Paraná and IBICT, all using the system to create digital and institutional repositories. The Superior Court of Justice is the only public agency, non academic nor research institution, to endowing this tool. This project, therefore, is a unique experience of implementing digital and institutional repositories in this public sector.

We consider that the Open Access Paradigm can be adopted in our domain. Our goal is not based on scientific research and its results, but what the Judiciary does also contributes to the improvement of the Juridical Science. Our Court is interested in the further promotion of the Open Access paradigm to gain the most benefit for juridical science and society. Therefore, we intend to make progress by encouraging our judges and jurists to publish their work according to the principles of Open Access. We want to create a tool capable to offer this contribution. We realize that moving to this philosophy can bring changes in the dissemination of knowledge process and contribute to an optimal use and access of juridical information.

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