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The use of technology in the transformation of business dispute resolution

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Abstract The use of technology in dispute resolution mechanism can be viewed from two perspectives: first, as an aid in the conventional dispute resolution system, and second, as an online dispute resolution mechanism via the Internet. Online dispute resolution (ODR) is transforming the way disputes are being resolved, in particular, in business to consumer (B2C) transactions. ODR offers a more successful means of resolving e-commerce disputes. In fact, there is a new move by the Malaysian judiciary to transform its court system. Previously, the judiciary has been very conventional in its administration of justice, and the system is said to be slow and outdated. The court system in Malaysia has been frequently criticised because of its dilatoriness in resolving disputes, resulting in a large backlog of cases. To overcome these problems, the judiciary has introduced a new system called the e-court. New methods including as e-filing, electronic case management, queue management, and court recording and transcribing form the complete e-court mechanism.

Keywords Malaysia · ODR · e-Court · Judiciary · Technology · e-filing

JEL classification K1

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1 Introduction

With the innovation of cyberspace, businesses and individuals use computer networks to conduct businesses, share information, converse, and develop communities across borders of space and time on virtually every subject (Munir and Yasin 2010). The emergence of Internet technology has far-reaching effects on how businesses are run (Susskind 1998). E-commerce has created unique opportunities for cross-border transactions (Kerr 2001). However e-commerce has also led to a different kind of dispute and, therefore, requires a different mode of resolving disputes (Smedinghoff and Bro 1999). Online dispute resolution (ODR) transforms the way disputes are being resolved, in particular, in business to consumer (B2C) transactions (Hornle 2009; Waldron 2000). ODR offers a more successful means of resolving e-commerce disputes.

In Malaysia, these advancements in technology have led to a new way of resolving B2C disputes. The ODR system, however, can only be used in limited cases. For the majority of business disputes, the conventional system—adjudication by the court system—is still used. The Malaysian courts have been criticised for slow disposition of cases. Even recently, judges were still recording minute details of trials by handwriting and the cases were filed manually. To overcome such encumbrances, technology-aided mechanisms were introduced, transforming the court system and culminating in the formation of the e-court. The information communication technology (ICT) is being used to change the way that the judiciary does business (Fabri and Contini 2001; Malik 2002; Woolf 1996; Susskind 2002).

2 Online dispute resolution for business/consumers disputes

In the global market, consumers today are confronted with a complex array of new technologies and are increasingly enmeshed in an international grid of production and services. The preoccupation with maximising profits at any cost remains the maxim of unscrupulous business. *Caveat emptor* is still widely applicable. However, the development of an electronic trading system provides benefits, as well as threats, to consumers, by helping them to avoid scams and con schemes. In the current global market, Starek (1997) states, "…Advances in communications technologies allow fraudulent marketers to communicate easily with their victims in foreign countries. The transnational nature of a scam may make it very difficult for law enforcers to catch the perpetrators and to compensate the victims. In particular, complicated questions of jurisdiction and choice of law can pose barriers to effective enforcement."

In the realm of consumer protection, the advancement of new technologies indeed presents benefits and challenges to any consumer protection regime. The advent of technology has revolutionised the nature of disputes, as well as the way disputes are resolved. The Internet has emerged as one of the most significant and revolutionary inventions of our time. According to Hornle (2009), the Internet has intensified international contracts and thus gives rise to a greater number of disputes between small businesses, consumers and others; he states, "Therefore the Internet

gives rise to many disputes with a significant power imbalance between parties." With the Internet, a new method of resolving disputes has evolved. Online Dispute Resolution transforms the way in which consumer disputes are being settled. According to the American Bar Association Task Force on E-Commerce and Alternative Dispute Resolution (ADR), "Online Dispute Resolution has only one overarching feature—it takes place online." Further, "ODR encompasses many forms of Alternative Dispute Resolution (ADR) and court proceedings that incorporate the use of the Internet, Web sites, e-mail communications, streaming media and other information technology as part of the dispute resolution process." In short, Tyler (2003) explains that, "online ADR or 'ODR' refers to ADR processes assisted by information technology, particularly the internet."

Hornle (2002) says that ODR means different things to different people. Collating the different uses of the term ODR, Hornle defines ODR as "information technology and telecommunication via the Internet applied to alternative dispute resolution. … Or in other words, ODR applies information technology ad distance communication to the traditional ADR processes such as conciliation, mediation and arbitration (including the various mutants thereof)." Although ODR efforts were initially focused on online disputes, OCR is now used to resolve both online and offline disputes. However ODR is particularly useful for e-commerce disputes.

The remarkable technological features of the Internet coupled with the existing flexible nature of ADR makes ODR an appropriate mechanism for resolving consumer online disputes. Like ADR, ODR has generally the same advantages of greater efficiency and greater party control. ODR is economically viable. In addition, its speedy resolution, non-confrontational nature and the fact that it offers a neutral forum are among some of the advantages of using ODR. However, despite these advantages, ODR poses several problems in B2C dealings. Major issues with ODR include enforcement and validity of ODR outcomes, inadequate confidentiality and security, inadequate authenticity, lack of human interaction and miscommunication, consumer trust and confidence, insufficient accessibility and its limited range of disputes.

The global nature of the Internet cannot be easily reconciled with the principle of national sovereignty. There have been cases in different countries where courts have tried to solve issues of jurisdiction and choice of law on a national level (Johansson 2006). There is not much use in winning a case if there is no possibility of enforcing the judgment. Consider, for example, the *Licra v Yahoo* case [9th Cir. 2005] 433 F.3d 1199, where a US court refused to apply and enforce the verdict of a French case decided by the High Court of Paris in 2000. The case concerned the sale of memorabilia from the Nazi period by Internet auction and the application of national laws to the Internet. The judgment has created a a universal reluctance to bring Internet cases before the French courts.

Enforcement is one of the main obstacles for further development of ODR. Enforcement mechanisms are necessary when a party refuses to comply with a ruling. The quality of justice in ODR is important and outcomes must be made effective, whether these are settlements, agreements or final decisions on paper or electronic documents. The problem of inadequacy of confidentiality and security is one of the biggest concerns of ODR. Despite the development of cutting-edge security technologies and encryption methods, the Internet "can still be porous when it comes to the

security of data transmitted electronically." (Friedman 1997). Closely related to the issue of security, is the issue of authentication. Katsh (1996) points out that in cyberspace, it is not easy to verify the authenticity of the message received. It is possible for a third party to impersonate or misrepresent one of the parties of the dispute. Another major concern in the use of ODR as a mechanism for dispute settlement is the lack of consumer confidence in e-commerce. To develop a consumer's trust in the on-line environment is not the same as developing in the bricks-and-mortar world. According to Ong (2003), "It is the promise of trust that needs to restore affinity between business and consumers in this electronic environment with no close proximity of distance, differences in culture, language, legislation and jurisdiction."

The growth of e-commerce depends on fair and effective redress mechanisms for consumers, coupled with comprehensive consumer protection laws. Consumers are mainly encouraged to shop online to gain access to a million sources of goods and services from the comfort of their own homes. Issues of consumer protection happen to be of more concern with online transactions, because in offline dealings, consumers are more aware of their legal rights and how these may be enforced through the courts or existing ADR (Hornle 2002). For any transaction under a single jurisdiction, redress is available within the court system, whereas e-commerce is worldwide and borderless; with any such dispute having an international aura to it, it is difficult to find out whose laws apply and which authorities have jurisdiction over this dispute. The main question is, how may a consumer trust cross-border shopping when goods are not delivered or happen to be defective, and whether, and how, he or she will be able to seek redress? (Ong 2003).

The combination of information technology and ADR, in particular, has turned ODR into a useful mechanism for resolving consumer cross-border disputes by taking advantage of the Internet. Fundamental principles in ODR aim to achieve fairness, affordability, accessibility, transparency, effectiveness, impartiality and independence. In B2C disputes, these principles must be strictly followed to ensure the effective working of ODR. Although ODR has created many advantages for consumers and business alike and has helped e-commerce grow, the absence of uniform laws has created certain issues for consumers. In countering problems posed by the use of ODR, governments, consumer organisations, business entities and ODR providers should cooperate in dealing with any such obstacles and place even more effort into creating an international legal framework for ODR.

3 The E-court System

The e-court system is a new invention in the mechanism of dispute resolution. There is no clear definition that can be given to the e-court system. But it can be explained that the e-court system is an expanded system originally operated on the conventional court system. The e-court system operation is substantially technology based. In other words, courts use technology such as the internet, computer, camera, telephone, recorder and compact disc in their pre-proceedings, during proceedings and post-proceedings. Examples of the e-court system are as follows:

- The usage of e-filing—instead of normal filing system, parties have to file their cases through a technology system created by court;
- Case management—instead of judges/registrar recording details of cases in a book, they record it into a technology system created by court;
- Evidence taking—instead of transcribing evidence given in court by using long hand, judges instruct the proceeding to be recorded by use of camera and recorded it in discs;
- Video conferencing—proceeding for witnesses who reside in distance far away from the court can be carried out via this system.

The bulk of cases filed and adjudicated in courts are on business and commercial matters. Such adjudication is usually referred to as civil litigation. In an attempt to reduce the backlog of cases (including business and commercial), the Malaysian judiciary has introduced the e-court system (Alie 2006). Over the years, the judiciary has been very proud of its legal tradition and of being conventional in its administration of justice. The court system has been criticised as slow and outdated, resulting with a large backlog of unresolved cases (Dragon 2009). The e-court system, also known as electronic court was designed to resolved these issues. The system was implemented to improve the quality of service by the court, particularly in the interest of the public, in its dealings with the court (Utusan Malaysia 2011; Koshy 2009). However, many parties are still uncertain about the e-court system. This article will focus on four major systems in the e-courts in Malaysia, and also the 'tracking' system, which is the key component to the success of the e-court system.

4 Developments in Foreign Jurisdictions

The e-court system has been practiced in some developed and developing countries. Among the countries that have adopted e-court systems are the United States, the United Kingdom, Australia, New Zealand, Singapore, South Korea and India. The United States e-court system was implemented in a similar manner to the concept of e-courts in Malaysia and Singapore, through the use of a technology-based system, such as e-filing. The United States has even developed a new system called Digital Right Managements (DRM), which emphasises the protection of legal documents (McMillan 2005).

Taking a further step forward, the implementation of the cyber court was introduced in the United States (McMillan 2006). This court operates in the cyber world through online communication, including video conferencing. The cyber court system is also known as 'the online justice system', and was established as alternative to the traditional courts in resolving disputes, mainly in civil cases. The e-Court system in the United States is 'private', established by an independent body composed of lawyers, judges, university professors, industry groups and other law-related interests. The e-court system in the United States can resolve labour disputes and other civil cases where the Internet is used for dispute resolution (Breuker et al. 2011). This system is, therefore, more similar to the online dispute resolution

system (ODR). In Malaysia, the e-court case management system only refers to the use of electronic technology that replaces the manual system. The use of Digital Certificate in Malaysia is more advanced than what is used in the United States which is username/password authentication.Through the e-Court system, people in the United States can know the progress of cases and the costs involved before a case begins. The system has helped the efficiency and speed of a case, in addition to cost savings. The e-court system in the United States has established a uniform system of litigation that does not require parties to understand all the court systems in individual states of the United States. The decision by the e-court jury is a binding contract under Civil Code section 433A. The first US Federal Courts e-filing system was introduced in Northern District of Ohio District Court in 1996.

South Korea has a very good e-court system which began with the introduction of its Master Plan in 2001. The electronic case filing system (ECFS) was the back bone of the e-courts system. In 2003, the judicial electronic project started with the introduction of the filing and serving system via electronic. The electronic docket access ensures searching for case details. In 2004, the construction of the ECFS was in full swing. More importantly, the ECFS Act was introduced for civil cases and a case management system was constructed which was later implemented in 2010 for patent cases. In between 2011 and 2013, the ECFS was implemented for other civil cases such as administrative, family and also for filing petition. (http://eng.scourt.go.kr/eng/ecourt/introduction.jsp. 6/11/2012).

The online dispute resolution system, sometimes called the cyber court or 'The Online Justice System' has also been implemented in the United Kingdom and Australia. For example, in the United Kingdom, the cyber court is an alternative to the old litigation system (Raine 1996). The e-court system in the United Kingdom has been able to achieve efficiency and effectiveness in reducing the high costs of litigation (Raine 1996). The two parties involved in the dispute submit the case notes and then wait for the results of the e-court judges (e-Court Verdict) (e-Court.ca Legal Services International Inc., 2007). This method saves time and costs, as parties to the dispute can settle their case immediately. The e-court system also offers two types of arbitration: the 'Standard Package' and 'Premium Package', each with a cost of £25 for every 250 words. In the case of mediation, the fees charged are by the number of hours, with a minimum of 2 h, according to ISO 9001. The fee is £450 for 2 h and £850 for a half-day.

Australia also uses an e-Court in its administrative justice system (Munir and Yasin 2010). The system was introduced to overcome the problem of delay and cost. As in the United States, the e-Court in Australia was established by a 'private' group, including lawyers, judges and university academics. The e-courts in Australia have determined that each case will be resolved within 6 weeks from the date of notification of the case (excluding cases of appeal, which are resolved within 4 weeks). Overall, with the use of the system, between 70 and 90 cases can now be resolved in Australia each week. In addition to the cyber court, Australia has developed an e-service and introduced a 'virtual lawyer' and forensic e-mail discovery service called eDiscover (Lacy 2011).

Singapore has also adopted the e-court system, mainly in the area of court management, and is one of Asia's leading nations in this area (Magnus 1999; Munir

and Yasin 2010; Deril 2011). According to a report by Senior Deputy President Lacy of the Australian Industrial Relations Commission of his visit on 17 April 2003, the system adopted by Singapore is very impressive and more advanced than the system adopted by Australia.

The e-court system in Singapore has developed a systematic system, namely:

1. Electronic complaints of specific types of claims;
2. Electronic filing (e-filing):
3. Management of electronic document files relating to claims;
4. Electronic access to documents in court;
5. Trials through video conferencing via broadband internet;
6. Virtual court services (including telephone, kiosk and internet services)

(However, regarding the paper on Digital Rights Management (DRM) in Singapore as mentioned in no. 3 above, it was a concept and argument paper and not a description of a system that has been developed. There are aspects of DRM that have been used in various E-filing systems such as digital signatures and in online search and arrest warrants. But it is certainly not a system that has been put into use).

Finally, in India the e-court system was introduced and adopted in line with the system of 'e-governance', which was itself created to provide services and facilities to the public. The e-court system that became the model in India was established at the Ahmedabad City Civil and Sessions Court. India also introduced a short messaging system (SMS) to the general public to keep the parties informed of their case status and to save time (Hassan and Mokhtar 2011).

5 E-court system in Malaysia

Before the introduction of the e-court system, Malaysia relied upon conventional systems based on manual filings, paper and handwriting. For example, the presence of parties and the 'court mention' were made by the court interpreter using a log book. The log book is also used as planner for the court staff to arrange for trial. This method can be problematic, as when the record book is lost, the staff has forgotten to make note of the court records, or the writing is unclear. In the old system the details of the trial were also recorded in handwriting by the presiding magistrate or judge. This slowed down the course of the trial, as the parties involved in the trial must wait for the magistrate or judge to finish writing before proceeding. The e-court system was introduced by the judiciary through a pilot project. For the pilot project, the use of electronic transcription system was introduced at the High Court (Civil 1) at Wisma Denmark and the High Court (Commercial 1), Sultan Abdul Samad Building in September 2004. In addition, the court of Sabah and Sarawak used video conferencing for trials that involved parties from distant areas (Official portal of Judicial Appointment Commission 2009). Due to its widespread geographical landscape, video conferencing in trial was a success in Sabah and Sarawak (Judicial Appointment Commission 2009; Hassan and Mokhtar 2011; Mohamad 2011).

Tun Zaki Tun Azmi, the former Malaysian Chief Justice said that the e-court system implemented on March 1, 2011 adopted the concept of 'green courts', i.e., little or no use of paper (Utusan Malaysia 2011). The e-court system has been streamlined and divided into four (4) major systems: the Video Conferencing System, the Case Management System, the Queue Management System and the Case Recording and Transcription System (Official portal of Judicial Appointment Commission 2009). There are two main systems used in the Case Management System: e-filing and e-registration (Official portal of Judicial Appointment Commission 2009).

6 'Tracking' system

The tracking system preceded the implementation of the four major e-court systems (Deril 2011). The Chief Justice instructed the court staff to identify and track the outstanding cases before the start of e-court system (Muhammad 2001). The 'tracking' system identified all pending cases and cases classified as dormant. Dormant cases were closed when parties did not show any interest in proceeding or when parties could not be traced. The tracking system was first implemented at the end of 2008. The system was actually a case management system before the trial and then became the basis of the e-court system. It was adapted from the 'tracking' system in Singapore, but modified to suit the needs of the court system in Malaysia. Officers of the court were required to review files of old cases that were inactive or dormant (Deril 2011). Each assigned officer of the court involved with the system was responsible for reviewing cases of the same year, known as the 'aging list'.

A different type of tracking system was also introduced for speedy disposal of cases. A distribution 'tracking' system was created to facilitate cases so that cases could be settled more efficiently through a specialised track. At the High Court (Commercial Division), the tracking system was divided into two: A-Track and T-Track. A-Track was for cases involving oral application (using affidavit) and the T-Track was for cases of a full trial. In the tracking system, the court officials (Assistant Registrars) reviewed all files/cases and divided them into the two tracks. By using this tracking system, judges focused on a specialisation, with some hearing references and applications cases only, and others handled the full trial cases (Deril 2011). This specialisation is more efficient and saves time, and many cases can therefore be resolved quickly.

In order to ensure the effectiveness of the tracking system, court officers and judges were monitored and evaluated through a system known as Key Performance Indicators (KPI) (Dragon 2009). In the KPI system, each judge was given a number of cases, which were expected to be completed within a month. For the A-track, 10–15 cases were heard each month, while for the T-track, 5 cases per month were heard. Through the system, according to the Chief Justice, the judges were directed to act decisively in trial without delay (Dragon 2009). However, the performance of judges was not only measured by the demands of KPIs, but must also be balanced between the quality of the judiciary and the judicial attitude in the settlement of outstanding cases (Dragon 2009). The Chief Justice also set a target of six (6) months for the disposal of cases in the Magistrates Court, nine (9) months for Session Court and twelve (12) months for the High Court. The effectiveness of the

tracking system can be measured as follows: the Magistrate Court recorded 57 % reduction of civil cases, the Session Court recorded 46.5 % reduction of civil cases and the High Court recorded 64 % reduction (Muhammad 2001).

7 Case management system (CMS)

Case management system is a case management system developed specifically to improve service efficiency in handling cases in court. Before the system was introduced, the courts dealt with cases manually. With this system, management of court cases is more systematic and secure. This system can be accessed by court staff, officers and judges. There are two sub-modules in the CMS: 'e-filing' and 'e-registration' (Hassan and Mokhtar 2011). In addition, the QMS (Queue Management System), or Waiting Queue System, is also a subsidiary in the CMS model (Judicial Appointment Commission 2009). The QMS is the most basic system used in the CMS that involves the courts and parties of the dispute (usually involving the solicitors of both parties). This system is fair and systematic (as the case was called by the registration of complete attendance and the presence of the parties involved) and may discipline the lawyers to comply with the time set. There was also a sub-module called "Personalised My Page" designed to manage all the courts cases in a more systematic manner, in that each judge had a personal web page that contained data and information relating to all cases (Judicial Appointment Commission 2009). For example, the number and status of pending cases, decisions yet to be issued, the number of trials completed or not completed, decisions by the Court of Appeal not yet obtained, statistical reports, and cases that have been completed and archived (Judicial Appointment Commission 2009).

In addition, this system also features a "planner" that can be accessed by all staff, court officers and judges. The planner is used to manage cases, with reference to the application for a full trial and the date of the cases. The planner incorporates information such as dates and names of operating officers of the court or judges. It is therefore very easy for the officers of the court to set dates for trials or to view the table of officers' and judges' availability. If the officer or the judge involved in a case or cases has emergency matters on the date of trial, then the case can easily be transferred to other officers or judges. In practice, CMS is widely used in case management before trial in reference cases and in applications for a full trial. In the Commerce Court Complex in Jalan Duta, for example, such cases are handled now before the court officials or the Senior Assistant Registrar (SAR) when previously, they were conducted before a judge. This process has greatly accelerated the pre-trial process. In this process, the SAR will typically first examine the files involved so that when the trial begins, it will save the judge's time and make it easier for the judge to handle the trial (Deril 2011).

8 Queue management system (QMS)

Queue management system is an electronic system that arranges the attendance of lawyers (Deril 2011; Hassan and Mokhtar 2011). The lawyers record their presence

once they arrive at the court registry. The lawyers then wait for their turn to be called. Those who register first will get priority. To get a call and have the case settled early without a long wait, the parties are encouraged to arrive early to register attendance. The advantage of this system is that cases can begin once the parties record their attendance and not according to the serial number, as was previously the case. Court officials or judges can proceed efficiently to the next case that is ready. Therefore, there will no longer be a situation where all parties to a case arrive early and have to wait through other cases. Using this system, the actual time of attendance by parties involved with the case are also known. To make it easier for those parties with cases in several courts on the same date, a warning system via SMS (short messaging system) is created to remind parties involved in interlocutory trials or applications. This system is by subscription, and the parties are charged at a lower rate. If their case is about to be called, those who have subscribed to this system will receive an SMS informing them of their turn.

9 E-filing

E-filing is an electronic system of filing cases online. The online portal of the Judiciary (Official Portal Malaysia Courts E-filing System) states that:

The e-Filing Portal is an initiative of the Malaysian Judiciary and has been designed to serve as a one-stop portal for the legal community to gain access to all its needs ranging from registration of cases, filing of case documents, retrieval of service document right down to searching of case files and information including case schedules. Previously lawyers have to call the registrar for the status of their case filing. Now the e-Filing portal will send notification of any case filing status to the lawyers' email immediately upon successful registration in the e-Filing System. This system was introduced on March 1, 2011 (Official Portal Malaysia Courts E-Filing System). Even in the US, where the first e-filing system was introduced by the Federal Court 10 years ago, e-filing was only recently adopted by the courts in Illinois (16 months ago) (Krause 2006). The electronic filing system in United States, known by the acronym CM/ECF is the largest e-filing effort to date (Krause 2006). With the introduction of e-filing in Malaysia, the lawyers or parties involved will have to 'scan' their application papers, as the use of paper filings is discouraged. Under this system, lawyers were not charged, as it was handled by the courts through the Bureau of Services through May 31, 2011. This service is now charged through internet banking. The service bureau in the courts continues to provide service after May 31, 2011 for e-filing, but the service is only available to those members of the public who do not have a lawyer (Deril 2011). If e-filing is used directly from a law firm, the firm must pay via e-banking to the bank to be appointed and must also pay an annual fee for the Digital Certificate from the company responsible for managing the system. The e-filing system will also be extended to more courts in Johor, Pulau Pinang, Putrajaya, Ipoh and Shah Alam. A total of 18 Bureaus of Services will be opened in (and include) Kangar, Kota Bahru, Alor Star and Kuala Terengganu to help the lawyers and parties involved in the managing and filing of documents (Mageswari 2001).

E-filing was developed due to the need to improve efficiency both for the legal community and the judiciary. The benefits of e-filing are as follows (Official Portal Malaysia Courts E-Filing System):

- Concurrent access to case documents, 24 h, 7 days a week.
- Interactive alerts, notifications and e-mails.
- Cost-effective storage of files in digital format.
- Achieve greater automation and end-to-end computerisation of court processes.
- Improve efficiency in management and administration of court-related matters.
- Eliminate incidences of missing files.
- Allows counsel to file court document from anywhere without queuing.

10 Case recording and transcribing (CRT)

The system of recording evidence of this case was first introduced through a pilot project in September 2004 in two selected courts of the High Court (Civil 1) at Wisma Denmark and the High Court (Commercial 1) at the Sultan Abdul Samad Building (Alie 2006). However, this system was implemented in courts all over Malaysia on March 2011, as directed by Zaki Azmi, the Chief Judge (now former), at a cost of up to Ringgit Malaysia 100 million (Utusan 2011). Using this system, judges and magistrates do not have to write the details of the trial because the trial is recorded electronically, saving time and court processes (Utusan 2011). A transcriber takes notes, relieving the judge or magistrate of the duty of recording the proceeding. The judge or magistrate may refer to the transcript typed by the transcribers on the computer screen, which allows the judge or magistrate to focus on the proceeding. All involved parties, such as lawyers and prosecutors, can request a copy of the recordings in a compact disc form, free of charge, for reference purposes. Evidence is recorded and stored to avoid the risk of loss and for use in the case of appeal (Alie 2006). In the Court at Jalan Duta Court Complex, in most cases, a total of four cameras are installed in the courts, i.e., for judges, witnesses, the plaintiff and the defendant. However, for special or high-profile cases, e.g., the case of Datuk Seri Anwar Ibrahim and the Teoh Boon Hock case, as many as six cameras were installed.

With regard to the transcription method, the management of the CRT system operated by court staff is directed by the judge or magistrate. In this system, there are three computers used: two computers for court staff—a major computer operated by the staff of the court (usually a court interpreter or clerk when the court is in session) and another computer acting as "backup" if the main computer has a problem—and a third computer used by the judge to handle the case in court. Recording for the transcription is made in the form of video, at 3-min intervals, until the completion of the trial, providing a more detailed transcription using this 3-min recording method. The three-minute recording is for transcription purposes only. Judges may give instructions to control the content of the recordings (Deril 2011). The judge may give directions to the staff that operate this system to make such recordings as 'public' or 'private', to the extent desired (Deril 2011). In this

situation, if there are any recordings made in the 'private' mode, only copies of the 'public' recordings will be given to the parties automatically. To obtain copies of the "private" recordings, the party should apply to the judge and will only receive the copies if the judge permits.

In addition, there is a Technology Court, which is provided with high-tech systems used in cases involving technology For example, when a case requires the submission of evidence involving high-tech software systems engineering, high-tech audio and visual technology, forensics and other situations in which the ordinary courts are not able to provide the technology, the Technology Court is used.

11 Conclusion

Online dispute resolution has been shown to transform the way disputes are being resolved, in particular, in business to consumer transactions. ODR offers a more successful means of resolving e-commerce disputes. In addition to the implementation of ODR as a means of electronic dispute resolution, Malaysia has also implemented and transformed the court system by introducing the electronic-based court system, thereby equipping the conventional court with an efficient electronic management system. The complaint that the judiciary has been very conventional and slow in its administration of justice has been overcome, to a certain extent. The number of backlog cases has also been significantly reduced. New methods in the e-court system, such as e-filing, electronic case management, queue management, and court recording and transcribing, are now being used. The transformation of business dispute resolution is evidenced by the implementation of ODR and the E-Court systems.

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