

**International Conference on Civil Judgment: Contemporary Challenges  
in e-Enforcement**

**12<sup>th</sup> July 2022 via Video Conference**

**Welcoming Remarks by Mrs. Tussanee Pao-In, Director-General, Legal Execution  
Department, Ministry of Justice, Thailand**

The Ministry of Justice by the Legal Execution Department has held an international conference on civil enforcement and bankruptcy enforcement with the ASEAN member countries and dialogue partners, namely the Republic of China, Japan, and the Republic of Korea including other relevant international organizations every year since 2015. The conference aims to exchange knowledge and experience regarding laws, regulations, and best practices, as well as strengthen a fellowship between the officers or operators from the organizations of each country, whose cooperation are always well received.

The Conference objectives are as follows.

Firstly, to exchange knowledge and experiences regarding laws, regulations, and best practices in electronic civil enforcement as well as other relevant laws or regulations such as the laws on personal data protection and electronic signature.

Secondly, to strengthen the networks and good relations between the organizations in charge of civil law enforcement.

Lastly, to discuss the related issues and challenges regarding the electronic civil enforcement and auction from the perspective of ASEAN member countries, dialogue partners, and relevant international organizations.

The Conference presentations and group discussions are as follow.

The first session is the presentation on “Smart Court and Innovative Justice: How does the Court of Justice of Thailand apply technology and innovation to provide people with access to justice in the time of the Covid-19 crisis?”

The second session is the group discussion on “the Awareness of Other Laws and Regulations Related to e-Enforcement”.

The third session is the presentation on “The Latest Works and Developments of UIHJ: Presentation of the Global Code of Digital Enforcement”.

The fourth session is the presentation on “e-Enforcement of the Legal Execution Department of Thailand towards LED 5G”.

the fifth session is the group discussion on “Example of Best Practices in e-Auction”.

I would like to recognize the courtesy of the speakers and panelists from the Office of the Judiciary, World Bank, International Union of Judicial Officers (UIHJ), Rajah & Tann Singapore LLP, Chamber of Enforcement Agents of Lithuania, and Nagashima Ohno &

Tsunematsu, Japan. In addition, the Conference is honored by the representatives of the ASEAN member countries including Negara Brunei Darussalam, Malaysia, Republic of the Philippines, Republic of Singapore, Socialist Republic of Vietnam, Myanmar, and the Kingdom of Thailand, along with the dialogue partners as well as Thai legal officers for a total of 300 participants

#### **Opening Remarks by Mr. Somsak Thepsuthin, Minister of Justice, Thailand**

The International Conference on “Civil Judgment: Contemporary Challenges in e-Enforcement” organized by the Legal Execution Department under the Ministry of Justice of aims to provide the opportunity for delegates and participants from various countries to exchange knowledge and experiences on Civil Judgment Enforcement with each other. I would like to welcome and thank all distinguished speakers , and delegates from relevant international organizations and agencies, from ASEAN member countries, Japan for giving the statements and demonstrating the ideas that are beneficial to the development of the civil law enforcement process.

Thai government has formulated the 2018-2037 national strategic plan and the reform plan, focusing on the development of the law and the judicial process to be aligned with international standards in order to reduce inequality in the society as well as to provide equal access to governmental services for all. The Ministry of Justice of Thailand has integrated the electronic systems to improve productivity and expand accessibility. the Legal Execution Department, as a sole government authority in charge of enforcing civil judgments, has developed the electronic systems in the civil law enforcement process, where the legal officer proceeds to attach or seize the properties in the operating system in which parties and stakeholders can execute through the electronic systems as well. These electronic systems provide several functions, for example, filing a petition for attachment and seizure (e-Filing), reserving a queue for enforcement in advance, transferring of money and documents for attachment and seizure, bidding for assets, receiving money (e-Payment), filing a petition for mediation,

In addition, the Legal Execution Department is in the process of developing asset auctions through an electronic system (e-Auction), which will result in a convenient, quick, and fair enforcement process for all involved parties. By doing so, the creditors are able to receive payment, while the debtors can pay off debts. And more people will be interested in purchasing the property in the auction, due to the convenience of the relevant process. This will result in the overall liquidity in Thailand's economy.

However, in various operations, whether at the national or regional level, there will always be challenges, same as electronic enforcement. Therefore, The legal officer needs to

be aware of other relevant laws or regulations, such as the law on personal data protection, electronic signatures, and so forth, including the challenges of the rapid development in electronic systems that should be closely monitored by everyone.

Given these points, this conference is a great opportunity / to share knowledge and experience of the principles of law relating to electronic enforcement, international best practices, comparison of enactment and law enforcement along with the development of electronics from ASEAN member countries and dialogue partners.

**Session 1: Presentation on Smart Court and Innovative Justice: How does the Court of Justice of Thailand apply technology and innovation to provide people with access to justice in time of Covid-19 crisis?**

**Speaker:** Dr. Worawong Atcharawongchai, Presiding Judge of the Central Intellectual Property and International Trade Court

1. Court of Justice in pre-COVID-19 situation

The Court of Justice has been developing its system electronically since pre-COVID-19. From 2015, the Court has transferred processes and systems into digital formats, marked the beginning of electronic court. Digital court would be the next step of transformation, followed by smart court as the ultimate goal. To achieve this, the Court brings in electronic docket to store case data. The electronic docket could help reduce storage space, increase service efficiency, ease the access to information, enable multiple people to work on the same case anytime anywhere, and the utmost benefit of the electronic docket would be that it helps construct big data which is crucial to transforming the Court to the smart court. However, not all parties that may have access to technology and this must be considered when conducting electronic court procedures.

2. Challenges posed by COVID-19

After the outbreak, in-court activities have become limited since a new cluster could emerge. One major challenge posed is travel restriction. Appointments had to be postponed, still, no one could be certain whether involving parties could make it on the postponed date. Mask wearing also affect the court's ability to judge cases; witness credibility could be compromised. Moreover, as travelling to court is limited, involving parties must learn to use e-filing system. However, some cases have been paper-filed already; it could be challenging to proceed but CIOS could bridge this gap.

3. Innovation and technologies developed to address the challenges

E-Filing System

E-filing system has been introduced years ago but it was not until the outbreak that the system seemed to be the only plausible option. Lawyers, officers, and judges are required

to use it; therefore, they must learn how. Now that COVID-19 measure have been relieved, the e-filing system still retains its popularity though paper-based filing is allowed once again.

#### CIOS

The Case Information Online Service (CIOS) is paper based, a printout from the system. It is an alternative to the existing e-filing system of the COJ. Parties can file case documents through the CIOS. They can also request for a copy of the court's order and the closing brief.

#### Online Hearing

Now online hearing is accessible for anyone involved and can be accessed using any applications. Even so the Court has to make sure people accessing are the people they want; they implement methods of authentication to secure the hearing. ID cards must be examined.

Though online hearing can be done through any applications, participants must be cautious with the places they attend the hearing from – it should not be a public place, no other person without permission from the court can enter and exit the area. Judges and officials must be in the courtroom. Video and audio of the parties or witnesses outside the court must be broadcast openly in the courtroom.

When doing the hearing online, judges and officials must be vigilant. If there is any reason to suspect that 1. Parties or witnesses using the system may be at risk, such as witnesses being threatened. 2. The proceedings may be conducted dishonestly, such as someone secretly telling a witness. The court may order an inspection of the premises. or have any other orders as appropriate.

#### Online Sale Transaction Case Division in Civil Court

E-commerce business has grown tremendously since the lockdown. Proportionately, disputes from online transactions also rise. However, cases like these do not usually involve large amount of money. With cost burdens arise from lawyer fees, court fees, and travel expenses; consumers might find it not worth making claims. Furthermore, to file a case, the consumer must know the identity of the seller and the seller's domicile.

In response to the issue, the Court launched this new division, the Division of Online Sale Transaction Case. Here consumers can bring lawsuit against sellers regardless of that seller's domicile or the place where the sale arises. Case officers also help drafting the plaint and identifying the seller's identity and the address. The system is fully electronic, and cases are filed free of charge as well. After 6 months of operation, there have been a total of 3,879 cases – over 70% involves not receiving products.

#### 4. Lesson learned

##### 1. Flexibility

Electronic court could not be the definite answer. The Court must keep its operations both online and offline. Therefore, it is not the decision between online and offline court, it is more about determining what types of cases should be conducted online, what should be offline. Physical presence is necessary in some cases.

##### 2. Fairness

The use of technology shall not affect the parties' right to defend the case. The technology accessibility is still the key for delivering justice. The COJ must leave no one behind.

##### 3. Friendly

The system should be designed in a user-friendly manner. And the system development must be continued to pursue. If the COJ has not prepared technologically years ago, it would not be able to operate electronically in time of crisis.

### **Plenary Session 2: Awareness of Other Laws and Regulations Related to e-Enforcement**

**Moderator:** Ms. Subphanida Kaewbubpha, Legal Officer, Legal Execution Department

**Panelists:**

- Mr. Jos Uitdehaag, First Vice-President of the International Union of Judicial Officers (UIHJ)
- Ms. Svetozara Petkova, Justice Consultant, World Bank (WB)
- Mr. Vikram Nair, Deputy Head of Disputes, Rajah & Tann Singapore LLP
- Ms. Nguyen Thi Ngan, Principal Examiner, Directorate Office, Directorate of Civil Judgment Enforcement, Ministry of Justice, Vietnam

Mr. Jos Uitdehaag

Legal practice is faced with growing uncertainty about the legal nature, status and consequences of using blockchains and Smart Contracts. Law enforcement professionals have been greatly impacted by the digitalization of judicial process and the enforcement of court decisions, whether it is the electronic communication of documents, accessing to dematerialized registers, the dematerialization of enforcement procedures, the digital management of professional activities, or the use of artificial intelligence to set up automated enforcement. In addition, new goods are appearing with digitization (cryptocurrency for example), forcing UIHJ to review seizure procedures adapted to these digital goods, which by their very nature are global.

According to Scientific Council of the UIHJ conference on 21 June 2021, Respect for the rule of law imposes effective and fair enforcement procedures: the right to the execution of enforcement titles is recognized worldwide as a factor in the development of a social and sustainable economy and a guarantee of legal security.

The UIHJ organizes an international congress, which provides an occasion to reflect and discuss future developments. The theme of 2006 conference in Washington, D.C. (USA) which enshrined the birth of the Global Code of Enforcement was “The harmonization of enforcement procedures in an area of justice without borders”.

The Global Code of Enforcement was presented in 2015 on the occasion the work of the international congress of judicial officers in Madrid, Spain, laying the foundations for universal harmonization of the rules of enforcement. It was modernized some procedures and adapted to economy and social issues including considering that digital has become a global phenomenon which modifies all human activities. Since then, the UIHJ has been working on building a set of standards called “Global Code of Digital Enforcement”, to define the principles which should govern enforcement of the future. It provides all States with simple, effective principles to allow all judicial systems to use a common language. The global COVID-19 health crisis has revealed that new technologies are needed to maintain human relationships when “face-to-face” contact is no longer possible. For economic players, the use of digital technology is an essential factor in ensuring the maintenance of economic activity and its recovery after lockdowns. For the functioning of justice, digitalization makes it possible to guarantee access to the judge; for judicial officers and enforcement agents, it constitutes an effective means of executing enforceable titles.

The purpose of the Global Code of Digital Enforcement is to define universal principles which states should introduce into their national legislation, to govern the use of digital technology in the enforcement of court decisions and contracts. It defines the principles applicable to all aspects of digital enforcement in civil matters (criminal and administrative proceedings are excluded unless national law allows the application of civil law enforcement measures) and encompasses

	<p>the new ethical obligations inherent in the use of artificial intelligence in enforcement. In order to take into account, the new digital assets, the Global Code of Digital Enforcement proposes standard procedures for seizing crypto assets (these are assets in the private domain, excluding assets belonging to public authorities in the exercise of their sovereign powers). Digital enforcement as the term is used in this Code therefore not only refers to procedural aspects of enforcement ('e-Enforcement'), but also to substantive aspects ('enforcement against digital assets'). Also, both are possible: e-enforcement against digital assets.</p> <p>In terms of E-Enforcement It is a universal tool in economic operation both domestically and international. It can be regarded as a tool of good governance. It is a new balance between fundamental rights protection and innovation.</p> <p>Defining the rights and duties of each code is important. Concepts of enforcement proceedings as a response to new economic factors is effective enforcement rights, finding solutions during the economic crisis, and sustainable enforcement development. In addition, international consensus on key aspect of national and regional enforcement such as the recommendation of the European Parliament and the guidelines will be developed to harmonize the system for better implementation</p>
Ms. Svetozara Petkova	<p><u>World Bank: E-IDENTIFICATION IN THE JUSTICE SYSTEMS OF THE EUROPEAN UNION</u></p> <p>E-identification helps provide secure electronic communications between enforcement parties, clients, and third parties such as buyers in e-auctions.</p> <p>In 2001, UNCITRAL adopted the Model Law on Electronic Signatures. The Model Law does not determine the technology for achieving the purposes, states can determine what signatures meet the reliability requirement.</p> <p><u>Evolution of e-signature and e-identification in the EU</u></p> <p>Directive 1999/93/EC on a Community Framework for Electronic Signatures was introduced. The Directive sets a goal which member states should achieve; to implement the directive, each member state</p>

shall enact its own national laws. It regulates two types of e-signatures: simple and advanced ones.

Then in 2014, EU Regulation (EU) No. 910/2014 on Electronic Identification and Trust Services for Electronic Transactions in the European Internal Market (eIDAS) was introduced, and it is directly applicable in all member states. The Regulation provides for three types of e-signatures: simple, advanced, and qualified ones. In addition to electronic signatures, the Regulation covers electronic seals, electronic time stamps, electronic registered delivery services.

From the three types of e-signatures, advanced electronic signature has higher security level. While qualified electronic signature is created by a qualified electronic signature creation device, and which is based on a qualified certificate for electronic signatures.

A qualified electronic signature has similar legal effect to that of a handwritten signature in all member states. Electronic signature and advanced electronic signature cannot be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds of them being in electronic form or not meeting the requirements for a qualified e-signature.

Public and private entities in member states are free to determine the legal effects of the simple and the advanced e-signature in their relationships and governments are free to recognize electronic identification means with lower identity assurance levels than that of a qualified e-signature. Additionally, eIDAS allows public sector bodies in member states to provide e-services based both on qualified e-Signatures and on advanced ones.

e-Signatures can be issued by trust service providers. There are qualified and non-qualified trust service providers. Qualified trust service providers issue qualified certificates for electronic signatures. The providers should be certified by a designated supervisory body in the respective Member State. Supervisions, assessments, and inspections are required. While non-qualified trust service providers provide services such as issuance of advanced e-signatures. They are subject to a “light touch” and ex-post supervision.



	<p>To achieve public trust, the EU introduced a supervisory framework. Its three levels of supervision consist of a supervisory body, who carries out ex-ante and ex-post supervision, a conformity assessment body, who carries out conformity assessment of qualified trust service providers and provides results to the supervisory body, and a national accreditation body, who accredits conformity assessment body.</p> <p>Other elements of eIDAS include electronic seal, electronic time stamp, and electronic registered delivery service.</p>
Mr. Vikram Nair	<p><u>Enforcement of Judgments in Singapore</u></p> <p>Singapore legal procedure tends to be more digitalized. Since the COVID-19 outbreak, hearing and trial take place virtually. This alternative facilitates judges, lawyers, and witnesses. However, there are limitations in area of law enforcement. Generally, the law enforcement approaches such as examination of judgment debtor, seizure and sale of debtor's assets, delivery of possession and attachment of debt owed to judgement debtor are performed conventionally. This process usually requires individuals to attend the court, but recently, the virtual court and e-filing is used more frequently.</p> <p><u>Considerations for Enforcement Orders – Creditor's Perspective</u></p> <p>The creditors' interest must be considered when it comes to issuing enforcement order. Debtor's asset and cost of recovery must be verified timely, efficiently, and reasonably.</p> <p><u>Considerations for Enforcement Orders – Debtor's Rights</u></p> <p>Debtors are entitled to the right to receive proper service and the right to be heard. The enforcement principle specify that the enforcement must be proportionate and fair.</p> <p><u>Electronic Processes</u></p> <p>There are several electronic processes in Singapore law enforcement. For example, the digital extraction and verification of court order allows authorized parties to access court orders via QR code.</p>

	<p style="text-align: center;"><u>Digital Enforcement Code</u></p> <p>The general principles including ethical use of technology and respect of human right are applied in writing of the legislation. Should there be a conflicts of law principles regarding digital enforcement, the law of the place the asset takes priority. Currently, digital tools used are information on debtor's asset in the government databases and artificial intelligence. Seizure of crypto assets could be rather challenging due to the nature of the assets and the exchange may not locate in Singapore territory. There are recommendations for the creation of a national crypto-assets register, and imposition of obligations on debtors to declare their crypto assets.</p> <p style="text-align: center;"><u>Digital Enforcement Code: Application in Singapore</u></p> <p>There is no formal legislation or judgment related to digital enforcement besides permission of seizure of debtor crypto assets.</p>
Ms. Nguyen Thi Ngan	<p style="text-align: center;"><u>Application of information technology in civil judgement enforcement in Vietnam and related legal issues</u></p> <p>The CJE Organization System is a system that works under the Ministry of justice and consists of 63 provincial departments of CJE, which includes the supreme people's court, high people's court and provincial people's court, with approximately 710 districted sub-departments of CJE, which includes the high people's court, provincial people's court and district people's court with 2 ways of case proceeding, enforcement upon petition and enforcement ex official.</p> <p>According to an instructor, an application of information technology (IT) in CJE in Vietnam is made for internal governance, publicizing and transparency, which using CJE cases statistical software for governing and supervising from central to local levels, publicizing the CJE administrative procedures on national public service portal and publicizing information of debtors that not able to execute the judgment, applying software for these data and publicizing the decision of resolving the complaints additional with online support system, for CJE petition, certifying the results of judgment enforcement and receipt of complaints and feedback including with the purpose of online</p>

announcement of the auction, selection of price appraisal organization and selection of auction organization.

Under the context of Digital Transformation, this project is in the process of developing the application of population database, e-Identification, and e-authentication for national digital transformation in the 2022-2025 period, with a vision towards 2030. This project focuses on 5 main goals: serving the direction and administration at all levels, serving administrative procedures, and providing online public services, serving economic and social development, serving digital citizens, and completing the ecosystem for connecting, exploiting, supplementing, and enriching population data. The CJE database consists of digitalization of documents received through a single window, then resolves administrative procedures in CJE regardless of geographical boundaries. Digitalization of CJE dossiers and archived records. Improving and integrating the current software, websites and more. E-receipts system, additionally with the national population database, for the purpose of connecting and sharing data with many fields, Enterprise registration, land, tax, social and health insurance, finance, assets and income management, criminal records, notary and more, lastly, the e-Court System and e-Procedures, that judgments and decision database file management and archive statistics are also including to the CJE database.

In the ending part of presentation, the instructor also gives the audience some issues to learn through 6 questions. How to digitize documents quickly and economically? With a large number of databases, connecting many specialties and fields, how to synchronize, connect, access and extract information effectively? Measures to enhance information security and safety. Regulations and mechanisms for the executors to exercise their rights in accessing information. What do the main contests of the law on CJE need to amend to keep up with E-enforcement? Human resources: training existing staff or hiring /recruiting external resources with expertise in IT? Measures to encourage and promote the use of online utilities in mountainous and remote areas?

**Session 3: Presentation on the Latest Works and Developments of UIHJ: Presentation of the Global Code of Digital Enforcement****Speaker:** Mr. Marc Schmitz, President of the International Union of Judicial Officers (UIHJ)

The Global Code of Enforcement consisted of guiding principles of enforcement, Provisional measures, Enforcement measures, and Enforcement officers. The Global Code of Enforcement was officially presented on 3rd June 2015 during the 22nd International Congress of Judicial Officers held in Madrid, Spain and it has been immediately recognised as a founding document on private international law by all major international organizations and institutions. This Global Code of Enforcement is a universal tool for the states, the citizens and the economic operators, as well as for international organizations and institutions.

The Global Code of Enforcement should be composed of a tool of good governance, a model law, Innovative, and a new balance. The Innovative Code can be considered as a new balance between the rights of the creditor and the protection of the fundamental rights of the debtor – because enforcement law must not be inhumane. Its structuring principles must be able to guarantee the payment of the creditor while still protecting the fundamental rights of the debtor. This Code defines the rights and duties of each party.

The Code also introduces modern concepts such as “amicable” enforcement, “participatory” enforcement, and “soft” enforcement, the participation of the debtor in the enforcement procedures. And the Code responds to new economic factors: the right to the effective enforcement of enforceable titles is a factor in the development of a socially responsible economy in the world.

The absolute necessity of finding solutions in this time of economic crisis gives a particular urgency to the process of reflection embarked upon by the UIHJ on worldwide enforcement standards. The right to effectively enforce enforceable titles is a key tool for economic development. All international organizations concerned with sustainable development strategies stress the need of granting a right to enforce to both, private individuals and companies.

The Global Code of Enforcement can serve as a legislative model for states that wish to reform their enforcement laws, while fostering international consensus on the essential aspects of enforcement. Indeed, the first function of the principles is to enable the circulation of models for national, regional and international instruments and to foster the harmonization of systems (such as the Recommendation of the European Parliament on enforcement, and the Guidelines of the Council of Europe for a better implementation of the Recommendation). If the rule of law is to be maintained so that all persons before the law may have confidence in the judicial system, the enforcement process must be effective and equitable. Numerous

international declarations affirm the need to promote the rule of law and all the states of the world are concerned.

However, the world is changing and evolving, and it's the same regarding justice. New technologies are appearing and will be considered tomorrow as indispensable for the proper functioning of justice. This evolution which, by observing it closely, tends rather to mutate towards a revolution cannot leave the judicial officer indifferent! He must act proactively to maintain or even strengthen his position in the justice system and to ensure the sustainability of his profession.

Today, a well-functioning society requires an independent, impartial and efficient judiciary. Together with the judge and the lawyer, the enforcement officer is one of the three fundamental pillars in every judicial system.

Nonetheless, enforcement officers are standing at the beginning of new challenges. Times are changing and so is the profession of enforcement officers. Enforcement officer's profession will have to face many upheavals that are coming up. If the use of new technologies can certainly be a powerful tool in the accomplishment of daily professional tasks, it would constitute a danger for the existence of enforcement officers. Enforcement professionals should be demonstrated where the knowledge as a human factor could allow an enforcement officer to position in a justice system. Digitization of justice should be supported but it should never allow new technologies to replace enforcement officers.

The UIHJ formulated, in the Global Code of Enforcement presented in 2015, universal principles aiming at structuring and modernizing enforcement procedures, and adapting them to economic and social issues. Considering that digitization has become a global phenomenon which modifies all human activities, the UIHJ has decided to complete its work with a "Global Code of Digital Enforcement", to define the principles which should govern enforcement of the future.

The global COVID-19 health crisis has revealed that new technologies are needed to maintain human relationships when "face-to-face" contact is no longer possible. For economic players, the use of digital technology is an essential factor in ensuring the maintenance of economic activity and its recovery after lockdowns. For the functioning of justice, digitalization makes it possible to guarantee access to the judge; for judicial officers and enforcement agents, it constitutes an effective means of executing enforceable titles. Enforcement professionals are strongly impacted by the digitalization of justice and enforcement of court decisions, whether it is the electronic communication of documents, access to dematerialised registers, the dematerialization of enforcement procedures, the digital management of professional activities, or the use of artificial intelligence to set up automated enforcement. In addition, new goods

are appearing with digitization (cryptocurrencies for example), which forces us to think about attachment procedures adapted to these digital goods, which by their very nature are global. The purpose of the Global Code of Digital Enforcement presented by the UIHJ in 2021 is to define universal principles which states should introduce into their national legislation, to govern the use of digital technology in the enforcement of court decisions and contracts. As designed by the UIHJ, the Global Code of Digital Enforcement is not legally binding. Nevertheless, there is reason to think that it will have 7 concrete consequences in national law and on the work of intergovernmental organizations. It promotes a balanced enforcement system, by defining global enforcement standards that respect fundamental rights. Although it essentially provides for substantive rules, the issues of private international law are not ignored, in particular regarding the applicable law on enforcement and the international jurisdiction of enforcement agents. It defines the principles applicable to all aspects of digital enforcement in civil matters (criminal and administrative proceedings are excluded unless national law allows the application of civil law enforcement measures) and encompasses the new ethical obligations inherent in the use of artificial intelligence in enforcement.

In order to take into account the new digital assets, the Global Code of Digital Enforcement proposes standard procedures for seizing crypto assets (these are assets in the private domain, excluding assets belonging to public authorities in the exercise of their sovereign powers). Digital enforcement as the term is used in this Code therefore not only refers to procedural aspects of enforcement ('e-enforcement'), but also to substantive aspects ('enforcement on digital assets'). Also, both are possible: e-enforcement on digital assets. The work was carried out under the aegis of representatives from all continents, academics, judges, and enforcement professionals, and reflects the points of convergence of all enforcement systems. It was approved by the Scientific Council of the UIHJ at its meeting on 21st June, 2021. The Global Code of Digital Enforcement should be a source of inspiration for national and international legislators and serve as a guide of good practices for the various enforcement actors, judicial officers and enforcement agents, and any authority empowered by national law to execute enforceable titles.

The Global Code of Digital Enforcement is structured in 7 parts, which are preceded by a Preamble which clearly sets out the context of the work.

- 1) General Principles of Digital Enforcement
- 2) Applicable Law to Enforcement
- 3) Principles specific to the activity of judicial officers
- 4) Digital Enforcement Procedure
- 5) Enforcement on Digital Assets

## 6) Use of Artificial Intelligence in Enforcement

## 7) Seizure of Crypto-Assets \*\*

1. General Principles of Digital Enforcement The first two articles relate to “respect for fundamental rights” and respect for “the ethical principles of digital use”. The national law which provides for digital enforcement of warrants should organize secure compliance with the ethical principles recognized by international conventions and charters:

- Respect for human dignity.
- Non-discrimination, equity, and solidarity.
- Transparency and predictability.
- Quality and safety.
- Respect for personal data and privacy.
- Social responsibility of developers.
- Trust.
- Technological neutrality.

Respect for human dignity imposes several obligations: developing the use of digital technology in order to facilitate individual flourishing, without hindering or endangering them, thus recognizing the need to define and delimit certain uses; take into account the reasonable needs and expectations of individuals and leave them decision-making autonomy. Non-discrimination, fairness, and solidarity: Individuals and groups must not be discriminated on the basis of illegal or illegitimate criteria, directly or indirectly. All people must have equal access to the benefits and advantages of artificial intelligence. Transparency and predictability: Stakeholders must be properly informed, in a language they understand, about the purposes, modalities and potential implications of the systems. Quality and safety: only legislative and jurisprudential sources as well as certified and correct judicial data must be used. Respect for personal data and privacy: People must be protected against the risks of surveillance or intrusion into their privacy, and the acquisition and archiving of their personal data. Intelligent systems must guarantee the confidentiality of data and the anonymization of personal profiles. 10 Social responsibility of developers: Autonomous systems should be developed and used only in such a way as to serve social good; they must produce coherent effects consistent with a plurality of values and fundamental human rights; they must ensure the conditions essential for life on the planet, the continued prosperity of mankind and the preservation of the environment for future generations. Trust: artificial intelligence algorithms must be secure, reliable, and robust enough to face mistakes and correct them. Publicly empowered organizations, made up of representatives of all stakeholders, should implement a certification

process to ensure the ethical compliance of artificial intelligence systems. Technological neutrality: Algorithms must adhere to a principle of neutrality and intellectual integrity and make data processing methodologies accessible. This choice must be approved because digitalization should only be considered as a tool in the service of rights that are prior and superior to it. In other words, this digitalization should not be an end in itself and can only be conceived with respect for human rights. There are also a series of guarantees aimed at protecting against the risks associated with the use of artificial intelligence. For example, the code establishes a right to appeal to a judge in order to sanction an irregularity, to control the proportionality of an enforcement measure or to compensate for damage. In addition, there are obligations imposed on various parties (e.g. foreign enforcement agents, debtors, third parties) to cooperate in enforcement.

## 2. Applicable Law to Enforcement

The principle is that identified and accessible digital assets are seized in accordance with the law of their location, in compliance with the territoriality's principle of enforceability. With regard to unidentified or inaccessible digital assets, it is recommended to apply the law of the State that controls or orders the enforcement. The competence of judicial officers or enforcement agents to identify digital assets and the place where they are accessible should be governed by the debtor's domicile. The competence of judicial officers or enforcement agents to seize and sell a digital asset should be governed by the place where it is identified and accessible.

## 3. Principles specific to the activity of Judicial Officers or Enforcement Agents

The main idea here is to allow enforcement agents to use digital tools to carry out their activities. With good reason, the question of access to information on the debtor's assets is considered in a comprehensive manner (in particular, access to dematerialized registers or databases and even the use of drones). When it comes to the use of drones, judicial officers or enforcement agents should comply with national law regarding such use. It can easily be suspected that practically all the articles of the global code of digital enforcement are concerning the judicial officers. However, it examines on the one hand those that concern only judicial officers and their activity and on the other hand those that concern digital enforcement in a general way and that are not already contained in the global code of enforcement published by UIHJ in 2015 during the International Congress in Madrid. It is a fact that digital technology extends its field to justice and to the enforcement of court decisions and consequently to judicial officers. Regarding their activities and with the focus on the digitalization of justice, judicial officers should - Have the possibility to use digital tools - Have



the knowledge to use digital tools but also - Have the possibility to NOT use digital tools Judicial officers or enforcement agents should always have the power to adapt the enforcement measure to the situation of the creditor and that of the debtor, and to proceed with enforcement in accordance with non-digital procedures. There should be a link between digital enforcement and non-digital enforcement: when a seizure or another enforcement measure begins in a dematerialized way and a difficulty arises, it should be possible to continue in a non-digital way, without losing the procedural benefit of what has already been accomplished. Conversely, a non-digital enforcement procedure should be able to be continued digitally. Judicial officers or enforcement agents should always be able to intervene, allowing them to end or modify digital enforcement. They should have the power to override a decision made by artificial intelligence which does not appear to comply with the fundamental principles of enforcement.

#### 4. Digital Enforcement Procedure

After outlining the general principles (such as the creation of dematerialized seizures, while maintaining physical non-digital seizures), the focus here is also on electronic access to data. When national law creates a digital declaration of assets, or dematerialized registers for the registration of certain assets, judicial officers or enforcement agents should be authorized to have access to them, preferably by electronic means, to execute an enforcement order. To ensure efficiency, the possibility of electronic auctions is established. National law should create the possibility of electronic auctions of seized assets. In this part of the code, the rights of the parties are nevertheless preserved based on provisions relating to the security of digital procedures (e.g. secure cross-border communication). National law should establish a decentralized information system for cross-border communication in order to facilitate the electronic exchange of documents, requests, legal forms, evidence, or other information in a secure, and reliable manner, meeting the requirements of cybersecurity as part of enforcement procedures. This is why States should provide for the interoperability of national digital systems and define international mutual assistance. \*\*

#### 5. Enforcement on Digital Assets

In order to be able to carry out enforcement on digital assets, the procedures for locating and seizing them must be adapted. In this regard, it is specified, for example, that national laws should define seizure procedures adapted to digital assets and regulate their legal regime. Only judicial officers or enforcement agents authorized by national law, whatever their status, 27 should be able to have access to the digital assets of a person for the purpose of executing an enforceable title recognized by the applicable law. But National law should

provide also that the judge can order provisional and interlocutory measures regarding digital assets, to safeguard the rights of the creditor who does not yet have an enforceable title. When the creditor has an enforceable title, judicial officers or enforcement agents should be able to proceed with a provisional or interlocutory measure without authorization from the judge.

#### 6. Use of Artificial Intelligence in Enforcement

Artificial intelligence is intended to help enforcement agents to assess the appropriate enforcement measures. While guaranteeing the right to appeal to a judge to compensate any damage suffered during an automated enforcement, it is important to allow to the enforcement agent the possibility of setting up a “smart enforcement” mechanism. Thus, in certain countries, specific computer programs already exist which, after analyzing all the data available on the debtor's assets and by using algorithms and artificial intelligence, recommend to the judicial officer rather one enforcement procedure than another. In so called “mass” litigation, it is certainly a powerful tool for not only accelerating enforcement, but also increasing the recovery rate. The use of blockchain technology is also key for the enforcement agents, together with the debtor and the creditor, to set up an automated process of compulsory enforcement, particularly when payments are made by cryptocurrency.

#### 7. Seizure of Crypto-Assets

Access to crypto-assets and the procedure for seizing crypto-assets are successively detailed. For example, it is recommended to create a national crypto-assets register and an obligation for the debtor to declare his crypto-assets to the enforcement agent in charge of enforcement. National law, in the absence of a crypto assets register, should provide the obligation of the debtor to declare his crypto assets to the judicial 16 officers or enforcement agents in charge of enforcement. The same obligation should fall on everyone who owns or manages digital assets. National law should also provide for sanctions for non-declaration, for example, financial sanctions or alternative measures (e.g., temporary withdrawal of documents such as passport, driving license, etc.). National law should furthermore, if this is in accordance with legal tradition, be able to provide for deprivation of liberty (bodily constraint). National law should consider that the debtor's refusal to cooperate in the execution of the enforceable title constitutes an element of criminal offense of organizing his insolvency or another offense (family matter, maintenance claim, etc.). In addition to this, a distinction is made by the Code between the seizure of crypto assets in the hands of a third party (e.g. exchange platform) or the seizure in the hands of the debtor. The Global Code of Digital Enforcement contains general principles concerning the civil procedure of digital enforcement, but it is not limited to this,

because it contains a schematic approach to enforcement procedures on digital assets, based on the model of the attachment of crypto currencies.

**Session 4: Presentation on e-Enforcement of the Legal Execution Department of Thailand towards LED 5G.**

**Speaker:** Mr. Seaksan Sooksang, Deputy Director-General, Legal Execution Department, Ministry of Justice, Thailand

Development of civil case enforcement services from the Legal Execution Department

1. The Legal Execution Department has started to apply information technology system in the civil enforcement proceedings since 2000 by asking the executing officer record details of assets and other information into the system to use as a database for enforcement.

2. Seizure of properties is one of the execution proceedings, which is to bring properties under the custody of the executing officer to collect and sell them at the public auction or distributing by other methods as provided by the law. In practice, executing officers have to travel to the place where the property is located to seize immovable properties. However, there are more cases in the execution process and the number of officers is insufficient to travel and seize such properties at the location, therefore, the Ministry of Justice has issued the Ministerial Regulation on Execution of Executing Officers (No. 9) in B.E. 2554 (2001) adding Chapter 3/1 which allows the executing officer to seize the property at the office without traveling to the place where the property located unless the supervisor sees that the condition of the property has complicated structures such as hotels, factories, etc., or have an appraised value of 20 million baht or more. The Ministerial Regulation is designed to solve the problem of shortage of personnel, prepare for the increasing number of civil cases, facilitate the parties by saving time and expenses as well as allowing executing officers to perform their other duties in the cases.

3. Due to the seizure of properties at the office, the Legal Execution Department has introduced information technology systems in the civil enforcement process. On 1 March 2003, the Department applied a system for seizure of immovable property at the office and a system for public auction. Executing officers are requested to record the details of the property and other information about that case into the information system to be used as a database for the execution process and case statistics. Such a system is considered the main operating system of the Legal Execution Department which has been being developed along the time for seizure, attachment and sale through public auction. As the case information is recorded electronically, executing officers, creditors, debtors, parties, and stakeholders are enabled to

check and track the case information in the electronic system. The system includes the adoption of the system for service of documents and notifications which is the system to send documents and collect the location of the property and the place of sending electronically by linking the system with Google Map. This could help officers and users check the location of the property faster and more accurately.

4. In 2016, the Legal Execution Department introduced the electronic bidding system (e-Offering Auction) which is the system to be used in the public auction to increase the channel to buy properties for people who are not convenient to travel to the auction site at the head office or provincial offices of the LED. They can bid via electronic system by allowing the network office (Node) to propose the bidding price to the central office (Center). Currently, the center offices are Bangkok Civil Execution Office 1 - 6, Chiang Mai Provincial Legal Execution Office and Khon Kaen Provincial Legal Execution Office and the network offices (Node) are in 9 provinces namely Nonthaburi, Nakhon Pathom, Phitsanulok, Surat Thani, Songkhla, Nakhon Ratchasima, Khon Kaen, Chonburi and Chiang Mai. This system helps reduce traveling expenses for people who are interested in participating in the auction.

5. On 5 July 2018, the Legal Execution Department adopted an electronic system for transferring attached money by allowing employers who have duties to send the money in accordance with the order of executing officers. This system could reduce the process, costs and the use of paper.

6. In 2020, the Legal Execution Department has adopted a pre-registration system for bidders by introducing new channels for bidders to register electronically. This system is linked to the search system on the website of the Legal Execution Department and the LED Property application. People can search for properties that are being announced for sale at auction and register to bid in advance immediately. In addition, the system can also check the status of properties to be sold by themselves via mobile phone, which is convenient, speed, and cost-effective.

7. On 1 July 2021, the Legal Execution Department adopted an electronic system for receiving and sending documents (e-Filing). The parties can electronically submit a request for attachment. Since 1 April 2021 onwards, the parties can electrically submit a request for seizure at 31 Provincial Legal Execution Offices. In 2022, the system for seizure is applied to all Provincial Legal Execution Offices

8. The Legal Execution Department has introduced the EDC Payment system for payment of security for bidding at the auction since 2016 and has opened a service for payment by transferring money into the bank accounts of stakeholders in civil cases across the country

from 1 February 2022 onwards. The department also accepts payment of executing fees through Internet Banking to facilitate the parties.

9. In addition to the enforcement of civil cases which includes seizure, attachment, and sale of assets, The Legal Execution Department has a mission of post-judicial mediation for the public as an option for the debtor not to be seized, attached, or sold by auction. In 2020, the Legal Execution Department has added more approaches for submitting dispute mediation claims electronically in order to facilitate, expedite and save more money for judgment debtors. The debtor can submit a dispute mediation request through an electronic system on the website of the Legal Execution Department ([www.led.go.th](http://www.led.go.th)). The system will inform the appointment date and the date of postponing the meeting so that they can mediate the dispute through the email that the debtor has provided. Thus, the debtor does not have to come to LED to get the service. This approach is part of reducing congestion, risks and chances of COVID-19 infection that may occur to the people and the Legal Execution Department officers. Furthermore, the Legal Execution Department has upgraded the service of post-judicial mediation for the public by introducing electronic innovations to increase the efficiency of service in the form of Online Dispute Mediation through the Session Call application, which can be downloaded for both Android and IOS systems.

10. In addition, the Legal Execution Department has developed various applications to facilitate the stakeholders and the general public to get services, check and search for information related to the enforcement of civil cases, including:

10.1 LED Property: search for properties for sale at auction

10.2 LED Property Plus: search for properties for sale at auction that are condominiums near sky train lines.

10.3 LED Debt Info: check the status of civil cases, the amount of attachment and debt balance.

10.4 LED QUEUE: the system for booking a queue for legal execution in advance.

10.5 LED Streaming: watch the live broadcast of the auction of the Legal Execution Department and the Provincial Legal Execution Office across the country.

#### **The next step of the Civil Execution System and the Legal Execution Department**

The epidemic situation of the coronavirus disease 2019 (COVID-19) that occurred in 2020 has caused economic disruption around the world. On the other hand, it is a good opportunity to push litigants, stakeholders, general public, including the executing officer to acknowledge the importance and to cooperate in the use of electronic enforcement systems as it is an option for litigants and stakeholders to carry out legal execution or to verify execution

information without having to be present before the executing officer at the Legal Execution Department or the Provincial Legal Execution Office branches. This is to reduce traveling, physical contacting, meeting, and reducing the risk of contracting the disease.

In the fiscal year 2022, the Legal Execution Department has a policy to push forward the operation in order to enhance the capacity of the legal execution process and services under the concept of "Change Better to Be LED 5G". This concept is to focus on the development to achieve high-performance, modern, open and connected organization to support the change of situations by placing the people as the center in the development of services to respond to the needs and benefits of the people. The five key strategies are: 1. Growth Mindset, to develop a conceptual framework to increase personnel's potential 2. Good Plan & Process, to plan its work and its procedure 3. Good Communication & Collaboration, to focus on proactive communication, create awareness and integrate 4. Good Service, to raise the quality of service of the people, and 5. Great Digital Organization, to develop into a digital organization.

Therefore, the development of efficient legal enforcement processes by incorporating technology into the process such as speedy service, less complex procedures, and the cost of services recipients is extremely important and necessary in terms of technology, law, and the needs of all sectors and new challenges that may arise. The Legal Execution Department has given importance to these developments as follows.

#### **Plenary Session 5: Example of Best Practices in e-Auction**

**Moderator:** Ms. Patcharawalai Tanthaprasasn, Legal Officer, Legal Execution Department

**Panelists:**

- Mr. Patrick Gielen, Secretary of the Board of the International Union of Judicial Officers (UIHJ)
- Ms. Dovile Satkauskiene, Director of the Chamber of Enforcement Agents of Lithuania
- Mr. Lukman Hakim Bin Abu Bakar Sidek, Deputy Registrar, Office of the Chief Registrar, Federal Court of Malaysia
- Mr. Yosuke Kanegae, Partner, Nagashima Ohno & Tsunematsu
- Ms. Nguyen Thi Ngan, Principal Examiner, Directorate Office, Directorate of Civil Judgment Enforcement, Ministry of Justice, Vietnam
- Mr. Vikram Nair, Deputy Head of Disputes, Rajah & Tann Singapore LLP

Mr. Patrick Gielen

The judicial auction of immovable goods in Belgium proceeds via the online platform so called BIDDIT (online) since 1 September 2018.

	<p>Physical sales will recur every week for all 13 districts while the judicial officer who carried out the seizure will physically appear in the seized site.</p> <p>In Judicial electronic auction, the Secure national central register for judicial public auctions is the platform for proceeding the auction.</p> <p>An example of such an online platform is the CNHB, who is the manager. This platform is limited to a Judicial Officer, applicant, or buyer.</p> <p>In the registration of the auction, there must be a natural person or legal entity with certain authentication and required information about those who apply for the auction.</p>
Ms. Dovile Satkauskiene	<p>Firstly, I would like to thank you for this invitation and this possibility to take part in such an interesting international conference that gathers so many respectable experts. It is a great honor for me and for our organization that I represent.</p> <p>Our current information system has started in 2015 from the first of August to optimize the enforcement process and the workload of judicial officers in Lithuania. The system is controlled by the ministry of justice, and this system is like a data cluster and E-auction system is like subsystem of centralized information system.</p> <p>Main object of the centralized system is to accumulate and manage enforcement cases. This system is closely integrated with the other state level register and systems and give us the possibility to gather all data from cases and start e-auction directly in e-auction portal. It also has formation of statistical subsystem to analyze the property and all other statistical data. All participants are able to connect to the system, case portal, and can submit any application to the judicial officers.</p> <p>This system not only used by officers but also by other authorities such as bankruptcy administrative and municipalities. And other private companies can ask the officers to announce an auction and to sell their property via electronic proposed auction portal.</p> <p>Each auction is organized by authorized party who can access and use our centralized system. The relevant information about the property being auction is gathered managed and stored in information</p>

system and later provided into an e-auction subsystem. After the necessary step by the organizer, the auction will be online announced and who interested can see what kind of property is for sale. There is no limitation which kind of property officers can sell.

Participants must login into an e-auction through a secure connection by bank authorization or electronic signature then provide relevant personal information. The participants must also accept terms and conditions and have to pay the participating fee (10% of the starting price of their object property being sold in the e-auction). There is no additional participating fee.

The bidding procedure is like in eBay auction. Duration of bidding can vary between e-auctions and the regulation of bidding depends on their price of the property if it is the auction organized by officers. In some other cases, which organized by other parties, they are setting the time limits and the duration of the bidding. Each participants remain anonymous between each other and the bidding itself can be executed in 2 different ways – manually or automatically. In the case of manual bidding, the participants input their offering manually which cannot be lower than the starting minimum price and later can increase it however they require. In case of automatic bidding, the participants input the minimum and the maximum amount bid and set an interval for their bid to increase overtime. In cases of many bids near the end, it can be extended by 5 minutes.

After bidding is closed, the winner of the auction will be automatically informed about their success and will be given a deadline to complete the transaction. In cases of other participant that lost the bid, they will get their entrance fee back. If the winning bid price does not get paid in the time given, the winner's entry fee will not be returned to the winner but instead will be used in the enforcement procedure. All these procedures are done electronically.

The positive impact of this procedure is that it is the major contributed to the overall simplification of the enforcement process and the material and time cost way lower. According to the statistic, the auction system is being used more and more. Such increase usage can be attributed to the transparency and fairness of the process



	<p>together with the convenience and the security of the transaction. In conclusion to this matter, electronic system has shown to be a powerful and efficient tool. This system has met the very highest standard and show the bright future for the enforcement procedure.</p> <p>I see that all the participants in our panel is looking into the future and these e-technologies are the future. And I see that we all have a lot of things in common. In Europe, we do not have a lot of info regarding auction in Asia. So, I see a lot of benefit to make such kind of events. So, we can use it in our procedure to make our enforcement better for people and to sell their property and cover debt in the most efficient and transparent way. We are open to cooperation and to share our best practice.</p>
<p>Mr. Lukman Hakim Bin Abu Bakar Sidek</p>	<p>E-Lelong system</p> <p>In Malaysia, the traditional auction is held using the facilities of the High Courts, so it requires bidders' presence in the court. The approach offers no flexibility and entails some limitations. For example, bidders need to travel to the court which is costly and time consuming. these limitations may discourage bidders and results in less participants. Thus, the auction becomes less competitive. There are also risks of information leakage due to the use of hard-copy documents.</p> <p>E-lelong is a government's online public auction system for immovable property. The system allows bidders to bid without having to appear in court. The system also enables bidders to conduct searches of auctioned properties more efficiently. Furthermore, the system keeps identity and other information of the bidders confidential. E-lelong is integrated with e-filing system and case management system, hence it becomes more comprehensive.</p> <p>With this system, participants could join an online auction from anywhere with tablets, smart phones, or laptop computer. Therefore, it offers more flexibility for participants and less time wasted. E-lelong also allows bidders to set the maximum bid. Once the maximum bid has been set, the bidders are no longer required to attend the auction any further and the final amount may be lower than the offering maximum bid amount.</p>

	<p>Unlike the conventional auction method, there is no requirement for hard copy document, so the confidentiality of participants is affirmed. The auction is monitored by court officers at e-Lelong operational center, Kuantan Court Complex.</p> <p>The outcome of this online auction system is more competitive bidding. The higher competitiveness results in higher selling price of asset which benefits the debtor. The amount of successful auction also increases remarkably in the past five years because of e-Lelong</p>
Mr. Yosuke Kanagae	<p>e-Auction in Japan</p> <p>1. Overview of e-Auction in Japan</p> <p>E-Auction is quite limited in Japan. Creditors can use an e-Auction only for real estates. Comparing to Public auction, which is for the public sector such as local government, it is able to make an auction for real estate and movable property. However, there is no e-Auction for bankruptcy and trustee in Japan.</p> <p>2. Outline of Real Estate Auction</p> <p>If a bank gave a loan with a mortgage and the debtor has default, the creditor would like to foreclose on the property. The creditor can file the petition for auction about 3 to 6 months after the default which can be done only by filing a paper-based petition. The court will have commencement order for foreclosure. It will take 3 to 4 months to inspect the property. The public notice will be published in BIT system which is the e-Auction system in Japan. The bidding and sale procedures will be conduct in 1 month after the publication.</p> <p>There are 4 major fees for auction procedures: filing fee, postage stamps, prepayment fee, and registration and license tax.</p> <p>The commencement order confirms the base sales price, bidding period, and the date of bid opening. Once the court makes a commencement decision, a foreclosure is registered in the real estate registry. After the inspection period of 3 – 4 months, the court determines the base sales price which is about 30% lower than the market price. The court also set the minimum price for the auction which is reduced from the base sales price by 20%. Thus, the sales price can be 50% lower than the market price.</p>

### 3. Outline of the BIT System

BIT system stands for Broadcast Information of Tri-set System. The system provides information on real estate auction properties via the Internet and produces which are property description, current condition survey report, and evaluation report. Users do not need to register to use the BIT system. The system allows users to search for properties, see the details of the properties and download tri-set documents.

The three documents are made available in the BIT system. The first document is property description which is made by Court Clerk. It contains important matters and notes regarding the rights and purchase related to the property. Next, existing condition survey report is made by Court Enforcement Officer. It describes the shape of the property, occupancy relations with the statements of the owner and occupants, and photographs of the property. The Court Enforcement Officer has the authority to inspect and take pictures inside the property. The last document is the valuation report which is made by real estate appraiser includes the property's value and calculation formula, and public law and regulations. So, the court use this last report to determine the basic sale price.

The bidders will determine the price of property using Tri-set documents. Bids must be submitted by postal mail since there is no real-time e-Bidding in Japan. This is because of the identification issue and information security. The bidder must place the deposit of 20% of basic sales price. The court grants permission to purchase the property to the winner. The winner must pay the price by the specified deadline while the deposit is refunded to those who failed to win the bid. If there are occupants in the property, the court can issue a special order for vacating the property. Thus, the purchaser does not need to make an eviction lawsuit.

Once the purchase price of the real estate has been paid, the court will proceed to distribute the proceeds to the creditors on the distribution date. The expenses and taxes incurred in conducting the auction are given priority.

	<p>4. Public Auction</p> <p>A public auction is a procedure for sale of property seized by the local government or tax authorities from those who fail to pay taxes. There are several websites that conduct the online auction. Some local governments use outsources for those websites.</p> <p>There are several differences between BIT system and public e-Auction. The moveable property can be bid in public e-Auction. The online payment or credit card payment are also available. However, the Tri-set documents and special order are not provided for the public auction. The deposit for public auction is only 10% of basic sale price.</p> <p>Currently, the online civil procedures including e- filing and e-court hearing are in discussion in Japan.</p>
Ms. Nguyen Thi Ngan	<p>As a presentation there are 2 main points. First, auction in Civil Judgment Enforcement (CJE) and the second is e-Auction in Vietnam.</p> <p>1. Auction in Civil Judgment Enforcement apply for real estates and movables valued from 430 USD. In principle, when determining the value of the property, parties will firstly negotiate to reach agreement about the value. If they fail to do so, they could coordinately choose the price appraisal organization and executor will sign a contract afterwards. Ultimately, if they cannot consent the executor will choose the price appraisal organization and signs a contract. The same procedure goes for choosing the auction organization. If the parties couldn't agree on an auction organization, executor will decide on the auction organization. The related processes such as the auction, selection of price appraisal organization and selection of auction organization are announced online.</p> <p>In addition, I would like to explain about Ministry of justice in Vietnam. The MOJ of Vietnam has 2 departments. First, Directorate of Civil Judgment Enforcement, responsible for professionally guiding, directing CJE work, and auctioning properties of judgment enforcement. Second, Judicial Support Department, responsible for guiding and examining the organization and activities of property auction. We also share our experiences with Malaysia about technical.</p>

	<p>2. E-Auction in Vietnam. An auction organization is eligible for e-auction if it establishes an e-auction website and has 1. technical infrastructure system to conduct e-auction 2. staff to operate the technical system of the e-auction website and 3. technical plan and solutions to ensure the security of the e-auction website. The Director of the Provincial Department of Justice has the competence to approve the eligible auction organization. The current situation, so far, we will have 6 auction organizations that are eligible for e-Auction. However, many people may not be familiar with e-Auction especially those who are in rural or river area. Other concerns also arise when there is a possibility of taking advantage of collusion, pricing manipulation and illegal profiteering. To improve the security of the e-auction, I would like to suggest some solutions, such as training for auctioneers, regulations on the properties for e-Auction, more supervising and strict punishment for violation, and improving the quality of e-Auction website</p>
Mr. Vikram Nair	<p>Sheriff's Auctions in Singapore</p> <p>The Sheriff's Office arranges for the sale of seized goods and property including vessels. Typically, a third-party auctioneer such as a private company will be appointed to conduct auction. Information of the upcoming auctions and field is published on the Supreme Court website and newspapers giving people enough time to inspect properties prior to conducting an auction. However, auctions are still generally done physically at an auction venue.</p> <p>e-Lelong in Malaysia</p> <p>Guidelines for electronic auction system in Singapore is similar to the e-Lelong or electronic auction system in Malaysia. It is real time e-bidding for immovable property. Electronic auction system has 3 public auction sessions every day. The session does not exceed 1 hour and does not require an auctioneer. The system will automatically match the prices between buyers and sellers. Bidders have to register before the auction begins and pay a deposit equal to 10% of reserve price.</p> <p>Vikram Nair commented that auction on online platform is highly accessible and easily presents assets through perspective. It is real-time, whether in motion or sound. Compared to auction through newspaper</p>

	<p>announcements in the past which has few classified sections, only properties and vehicles, the online platform can present diversity assets. However, the current electronic auction system is not yet completed. It is needed to be developed continuously.</p> <p>Considerations for e-Auctions</p> <ol style="list-style-type: none"> <li>1. Accessibility of online platform. <p>In the past, auction information could be obtained from newspaper. Currently, the amount of advertising on newspapers is less than before following auction information can be announced on many online marketplace websites. Therefore, consideration for e-Auctions is a way for bidders to get information for bidding accurate and complete even getting information from different website.</p> </li> <li>2. Verifying identity of bidders. <p>Citizens in the country can verify the identity of the bidder through their identity card with a national identification system. In the case of the bidder residing abroad, developing an electronic bidding system for identity verification is a challenge to make the electronic auction system more extensive.</p> </li> <li>3. Security of payment. <p>Auction payment system should reassure bidders that the electronic bidding system is secure and ensure that they will receive the real asset after the settlement.</p> </li> <li>4. Security of data. <p>The electronic bidding system has to able to ensure that bidder information is confidential and not leaked to third parties.</p> </li> <li>5. Opportunity for buyers to do due diligence on properties. <p>Items for sale in the electronic auction system should provide adequate time and asset information such as location of the assets for bidders doing due diligence on properties. Bidders should know exactly what they bid on.</p> </li> <li>6. Hybrid auctions <p>Considering the previous issue, Vikram Nair proposes both a physical as well as virtually to attend auction. It is a good way to facilitate a of the current system. Virtual auction may get an additional number of people participating online at the same time together with</p> </li> </ol>
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	<p>on-site auctions. Singapore is studying the e-Lelong auction system to implement hybrid bidding because bidders are both interested in bidding on site and online.</p>
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