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## SOFTWARE ENGINEERING INFORMATION SYSTEMS

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### INFORMATION SYSTEMS OF ADMINISTRATIVE JUSTICE – AS SOCIAL TOOL FOR IMPLEMENTATION OF PUBLICITY PRINCIPLE

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**Abstract:** *Today in Lithuania understanding the principles of administrative justice is aggravated because of complicate system of institutions dealing with pre-trial procedure of administrative offenses and the administrative judicial system, and the imperfection of the current laws. For Lithuanian citizens are difficult to orient in administrative law norms. At the same time with the administrative law violations often every citizen is faced. Therefore, public awareness and legal education serve for formation of civil society. Information and communications technologies in today's society are perceived and practical sensed as background of any the modern organization and public management environments model. It can be argued that public education on matters of basic justice administrative measures should be applied in the information space. The first steps in usage of public relations and information technologies activities in courts have to go. Lithuanian administrative courts apply the public information activities on the court web sites. However, the authors' studies show that public authorities and administrative courts websites provide information mainly oriented to publicity of proceedings the trial. Information about the administrative features of the infringement is almost unavailable. The article deals with public information policies and implementation of the accessibility of administrative justice in Lithuania in cyberspace.*

**Keywords:** *administrative justice, principles of public information, the information society.*

**ACM Classification Keywords:** *J.1 Administrative Data Processing - Law*

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#### Introduction

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Administrative disputes are the conflict with public administration entities, or conflicts between independent public administrations' subjects [Lietuvos Respublikos..., 2000]. Administrative adjudication has two main objectives: to provide any personal administrative rights (protection of human rights of the public administration bodies of illegal actions of public servants of redress against administrative arbitrariness and self-government institutions of redress against unlawful acts by public authorities) and to ensure the legitimacy of public authority. These objectives can be identified with the main purpose of the administrative justice [Teisės institutas, 2004]. The purpose of the administrative courts and the goals are to ensure the implementation of the constitutional provision that public institutions serve the people, to solve conflicts between state and individual, as well as the decisions taken by management to promote the progress of administrative capacity.

Based on Law on Administrative Proceedings and other laws, now in Lithuania the first instance in administrative disputes is the regional administrative courts and for appeal - the Supreme Administrative Court. As well as some cases the Supreme Administrative Court considered as the first and final instance. Administrative Court does not deal with cases classified as of general or other specialized competence. However, in some cases the jurisdiction of the Administrative Court and other courts overlaps. Often there are problems of jurisdictional cases between courts of general jurisdiction and institutions dealing with the administrative law governing the relationship between extra-judicial procedures. Administrative proceedings versatility due to the fact that the individual principles of the administrative process in a variety of different extent in administrative matters [Valančius, Norkus, 2006].

Today, not any Lithuanian citizen is aware of his rights at all to build up basic knowledge of legal issues and is familiar with operating in the country's legal framework. Understanding of the principles of administrative justice is also aggravated by the activities of pre-trial organizations and the courts' system, and the imperfection of the current laws. Current Administrative Code was adopted in 1985, since then he has been constantly changing. From 2012 05 01 the new version of Administrative Code came into force [Lietuvos Respublikos..., 2012], but again it was only made the changes of the old version.

Algimantas Urmonas [2007] argues that the insularity of administrative law, the search for solutions just in to the legal environment in view of social technologization restricts its ability to enrich it by social information of other sciences. Developing an optimal institutional framework of administrative justice and the governing it legal framework, it is necessary to take advantage of the latest social technologies. Social technologies are the whole of efficient or less productive permanent ways of management and solutions of social problems that help achieve the default action (outputs) on the social effects of human, social groups, hierarchical social structures (such as public administrations, local authorities, non-governmental organizations and etc..) behaviour. Expression of social technologies in law is relating to the social and legal status of scientific knowledge (scientific factors) and social efficiency of the legal action arising from both the social and legal conditions and the objectives pursued by means of decisions in society (social factors in legal practice) [Urmonas, 2007].

Arūnas Augustinaitis ir Rimantas Petrauskas [2010] states that information and communications technology (ICT) in today's society are perceived and practical sense as the base of any managerial model of modern organization or public in complex of changing environment. Social technologies actually express forms of the civil knowledge, information's metabolism, organization and interoperability, which is in communication processes of various forms of civil communication models, communication as well as enforcement mechanisms. It can be argued that public education on matters of basic justice administrative measures should be applied in the information space. However, the author studies show that public authorities and administrative courts website provides information mainly focused on litigation trial publicity. Information on administrative infringement features almost unavailable.

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### **The principle of publicity and social technologies in the administrative justice**

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An essential function of administrative justice in the legal state is by legal means to protect a person from the illegal acts or omissions of public administration bodies [Kurpuvesas, 2007]. Constitution of Republic of Lithuania and other laws defining freedom of speech and freedom of the media rules are based on the same principles: priority of individual rights against the state, freedom of expression, the right to correct information which is harmful to the information and the prohibition of restrictions on ownership, diversity of opinion [Aleknonis, 2010]. Birutė Pranevičienė [Pranevičienė, 2007] states that the system of fundamental (or otherwise known as generic) Lithuanian administrative law principles consists of the rules of rightness, justice, rationality, openness, control and responsibility. Studies of modern administrative law increasingly emphasize the importance of social

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relationships of the administrative process and procedures [Kargaudienė, 2007]. Social changes affect the Lithuanian legal system and activate a new stock of administrative law and regulatory changes. Because of the qualitative transformation of social relations, there is a need to look for new administrative regulatory environment models. The search of it through legal and non-legal forms (or technology) consistently helps to achieve the main objective - the protection of human rights and legal interests [Deviatnikovaitė, Kalašnykas, 2007]. Administrative case law assumes that the public interest, under the Administrative Proceedings Act, should be seen as what is objectively relevant, necessary, useful to the public or part thereof [Trumpulis, 2010].

Administrative law is based on common law principles. One of them - the principle of transparency, which is understood in the context of administrative law as a legal obligation to publish consolidated laws and regulations adopted by the management regulations, public awareness and information provision, the publicity of already adopted administrative decisions. Public Information Act of Republic of Lithuania [Lietuvos Respublikos..., 2006] determines the order of public information's collection, compilation, publication and distribution, the rights, duties and responsibilities of public information's producers, disseminators, participants, journalists and the governing it bodies.

About technologies of social law or the law as a social technology, the Lithuanian legal science has little said. Often referred to themselves the right away from the man (this time not everyone is aware of the legal text, let alone his spirit), and the legal authorities accused business is closing. Given the right role and authority of each state (including legal) duty to serve the people, the situation is seen as problematic and requires quick and smart decisions, not only through legislation, but also other sciences opportunities. Gap, on the other hand, the right technology and social interaction, of course, exist. Both the law and the social purpose of technology - affect the social environment [Kurpuvesas, 2007].

Social technology is a tool for constructing the model of public communication and for the creation of its management mechanisms in complex and multi environments, where is the growing impact of technological factors. Social technology is a phenomenon of information epoch and it can not exist without the ICT-based development [Augustinaitis, Petrauskas, 2010]. Implemented sally by Social technology can be described as a used algorithm of social control. The perceived social technologies are a set of cyclic target practices connected with solutions of social and legal problems in an effort to change the social and legal status of the object. These social and legal changes are implementing seeking the expected results of activities, using the methods and techniques as a whole. It helps to reveal and use the unrevealed and the unused potential of social legal system hitherto of their development objectives, social norms and legal standards [Urmonas, 2007].

Modernised solution of social legal problems should be based on the development methodology of social technology. Social technologies development methodology includes theoretical, methodological and procedural static modeling aspects of activities' entities. Dynamic modeling aspects of social technologies are revealed by technologization phases [Urmonas, 2007]. In activities of administrative justice institutions we need to increase the use of relations with public and information technology. Free access to any information that person is interested in, free use of information resources in his activities (without prejudice to other rights and freedoms) must be provided for each person [Kurpuvesas, 2007].

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### **Peculiarities of the Administrative Justice System**

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Administrative law deals with cases of violations by the Administrative Commission of the municipal councils, municipal townships in rural areas, elders, district (city) district courts (district courts), the police, the State Inspectorate of the Republic of Lithuania and other laws to authorize the bodies (officials) [Lietuvos Respublikos,... 2012]. Lithuanian administrative courts entrusted with the consideration of several kinds of administrative legal nature cases. Administrative Courts according Lithuanian law examine the litigations in the

field of public and internal administration, and the cases of legality of administrative regulations, and the administrative offenses cases. Those cases are regulated by a single Law on Administrative Procedure of the Republic of Lithuania [Lietuvos Respublikos..., 2000], in which different categories of cases are considered by some features. It is obvious that legal nature of these kinds of cases is very different. Particularly procedure of administrative offense cases is striking [Valančius Norkus, 2006].

Administrative courts of Lithuania are a two-tier: 5 regional administrative courts (in Vilnius, Kaunas, Klaipeda, Panevezys and Siauliai) and the Supreme Administrative Court. Administrative courts of Lithuania deals with disputes between civil servants as well as disputes in the environmental, agricultural, health, communications regulation, consumer rights and competition. Can be distinguished, and one quite specific areas of dispute - disputes arising out of tax relations. In summary, one can say that the administrative courts deal with disputes in which at least one of the parties is a State, municipality or state or local government, institution, office, and those who are subjects of public authority functions [Valančius, 2007].

County Administrative Court is the tribunal which was set for hearing complaints (petitions) for public and internal administration bodies of administrative acts and acts of commission or omission (failure to perform duties) for consideration. It dealt with disputes involving public sphere, the normative question of the legality of administrative acts, tax disputes, etc. T. Before applying to an administrative court, the law provided for public administrations to adopt individual acts or actions may be challenged pre-trial procedure. Regional Administrative Court of first instance as well as dealing with complaints (applications) on the municipal and county administrative disputes commissions and the laws of the cases and the other pre-litigation out of court by the Authority. The Vilnius Regional Administrative Court of first instance as well as dealing with complaints (applications) on the Chief Administrative Disputes Commission, the Tax Disputes Commission, and the cases provided by law and other pre-litigation out of court by the Authority. Lithuanian Supreme Administrative Court is the first and final instance for administrative cases assigned to the laws of its jurisdiction, and the appeal court for cases concerning the administrative county court judgments, decrees, orders, as well as administrative offenses and cases of district courts. In addition, laws in the cases it deals with requests for the reopening of completed administrative proceedings, including the administrative offenses. Lithuanian Supreme Administrative Court as well is forming a uniform practice of administrative courts in interpreting and applying laws and regulations [Lietuvos Respublika, 2011].

Under the valid Administrative Offences Code (AOC) [Lietuvos Respublikos..., 2012] and the Law on Administrative Procedure [Lietuvos Respublikos..., 2000] the administrative courts by themselves can't constitute penalties for administrative offenses (it is appointed by the authority institutions and district courts of general jurisdiction), however, deal with complaints about these penalties or other decisions in these cases.

Such administrative justice system is complicated and difficult to understand for non-specialists. At that time, residents encounter with the administrative law violations most often. In September' 2008, by the Lithuanian Supreme Administrative Court order, the company *Baltic Surveys*, conducted a survey of the Lithuanian population [<http://www.delfi.lt/news/daily/law/beveik-puse-gyventoju-nezino-kokias-bylas-nagrineja-administraciniai-teismai.d?id=19138285>]. 1020 people were interviewed from different areas in Lithuania. The survey showed that 45% of Lithuanian residents do not know what cases are judged by the administrative courts, while 10% of people believe that the judges in such courts deal with criminal law. Only 38% of respondents knew that the administrative courts judge disputes with state authorities. However, approximately 17% of the population felt that the administrative courts judge cases relating to legal persons. This shows that in Lithuania, it is essential to resolve the administrative justice accessible to citizens.

## Lithuanian law enforcement information systems

The first steps in using public relations and information technology activities of the courts, has to go. According to *Court decisions, judgments, decrees and orders publishing online order* [Teismų taryba, 2005], court proceedings shall be published on the Internet to inform the public about the interpretation of the law and the practice of Lithuanian courts. Judicial decisions and related information are published online by the *Lithuanian courts information system* LITEKO [Teisėjų taryba, 2011].

LITEKO's goal is to create for the courts an automated way to collect, organize and provide for users data, related to the courts' received documents and other documents in the filed of justice functions' implementation process, judicial decisions, judicial performance statistics, as well to exchange of data with state and departmental records and information systems, to improve implementation process of justice administration functions, to increase transparency of the judicial system, to ensure information system of high-quality and convenient for LITEKO users, to save users time and other resources enabling users to receive public services electronically. The structure of this information system is shown in Figure 1.

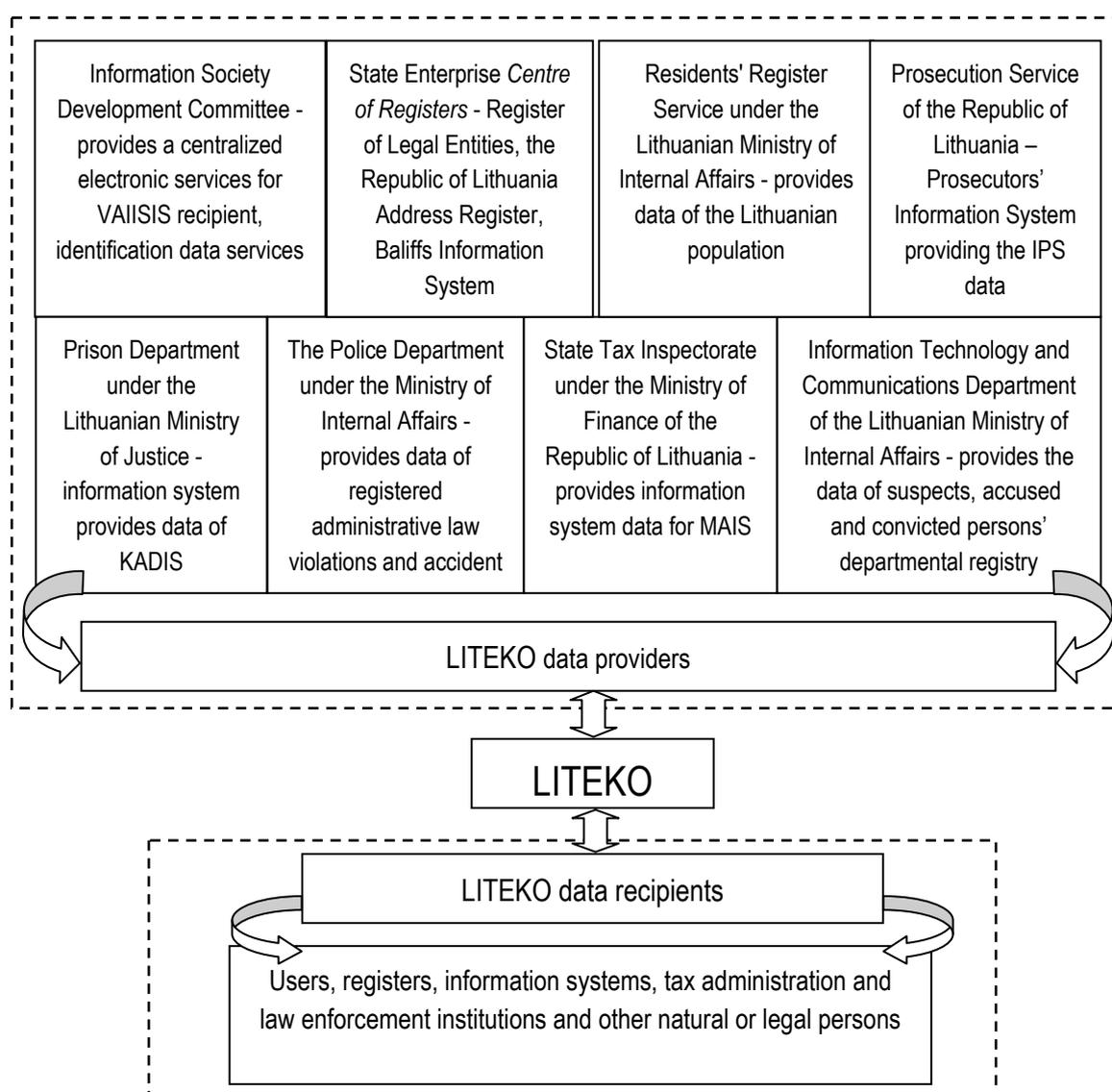


Fig. 1. LITEKO information system structure

It should be noted that LITEKO have a relationship with the public administration interoperability information system VAISIS, which consists of two main parts: a data exchange platform and the central E-government portal gateway for electronic services [www.epaslaugos.lt, www.evaldzia.lt, www.govonline.lt]. This portal is designed that the citizens of Lithuania would be able to find in one place and receive the desirable public services and to get needed information [Viešojo administravimo..., 2008].

According to *Order of the place online the court decisions, judgments, decrees and orders* [Teismų taryba, 2005] such solutions of administrative proceedings are publishing online - all valid regional administrative courts' procedural decisions, then the administrative case is solved in principle or discharged without trial decision, the Lithuanian Supreme Administrative Court's procedural decisions adopted in principle by the proceedings in the appeal or separate appeal, the procedural decisions taken in the proceedings on the legality of normative administrative act, the election case and other cases, that are examining in a single instance procedures, procedural decisions, which terminates the proceedings without trial, and proceedings decisions made after the request for renewal. By procedural decisions adopted judge's, by college of judges', as well as by the president's of the court, the vice-president's or a authorized person's decree the procedural decisions of a court in which resolved the special procedural issue may be published on the Internet (for example, the appointment of an examination, the requirement of collateral, the suspension, removal of case, etc.), if it is necessary to ensure public awareness of legal interpretation and application of the law in the administrative courts.

*The court order of the electronic booking system TIEUS* [<http://liteko.teismai.lt/tieus/>] allows natural and legal persons to submit an application for a court order for electronic (online). This system facilitates lenders' access to justice; the court is to examine the possible cases of this type. The system is available only to legal entities and natural persons who are qualified electronic signature certificate. The certificate is necessary because without it cannot connect to the system and sent documents to sign.

In March' 2012 Lithuanian Ministry of the Interior presented the project *Electronic Service Information System for administration of non-contentious fines for natural persons and legal persons* [[http://www.ird.lt/print.php?type=N&item\\_id=63](http://www.ird.lt/print.php?type=N&item_id=63)]. Lithuania currently has about 80 institutions, which sets and administers fines under the Administrative Offences Code. The e. fine project is planned to meet three key changes: to reorganize the Administrative law violations and accidents register to the Administrative offenses register, gradually adding to it the institutions controlling and recovering the administrative penalties, administrative fines and the recovery functions transfer to tax services to develop electronic services to residents. Using the created system residents can easily and quickly paid the fine in cyberspace and to receive confirmation of payment - as well as reminders about upcoming payment of a fine time. The process will be automated and standardized, the created system will reduce the false number of cases referred to bailiffs, because the information about the appointment and payment of fines will be obtained and stored in information system. [Lietuvos policijos..., 2011].

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## **Research methodology**

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Document analysis method was applied to examine the legislation governing the Lithuanian administrative justice and public entities in the principles of communication, scientific and legal literature in other fields. The study was used a systematic method of analysis. Application it was looking for links between law and social technology, looking for opportunities for administrative justice issues bring new, innovative ways - social technologies. The analytical method was considered for particular social technologies that could be adapted to the administrative justice institutions. Comparative method was used in analysis of public conveyance of the principles of administrative justice Lithuania methods, these techniques on the Administration of Justice entities closure for disposal in the information society. Tracking method applied to the administrative courts and public authorities

web survey to determine the details of administrative and legal cover. Statistical methods applied to the administrative courts practice of statistical analysis.

## Results and findings

Lithuania officially publishes the caseload statistics of the administrative courts. The analysis of statistical data shows that the amount of administrative cases in administrative courts is growing constantly. This means that citizens better recognize their rights and understand them. Non-governmental organizations help a lot citizens, the community become more active, increasing the legal knowledge dissemination media. People are beginning to realize that they have certain rights and opportunities, and which is very important – they begin to use them for defence them.

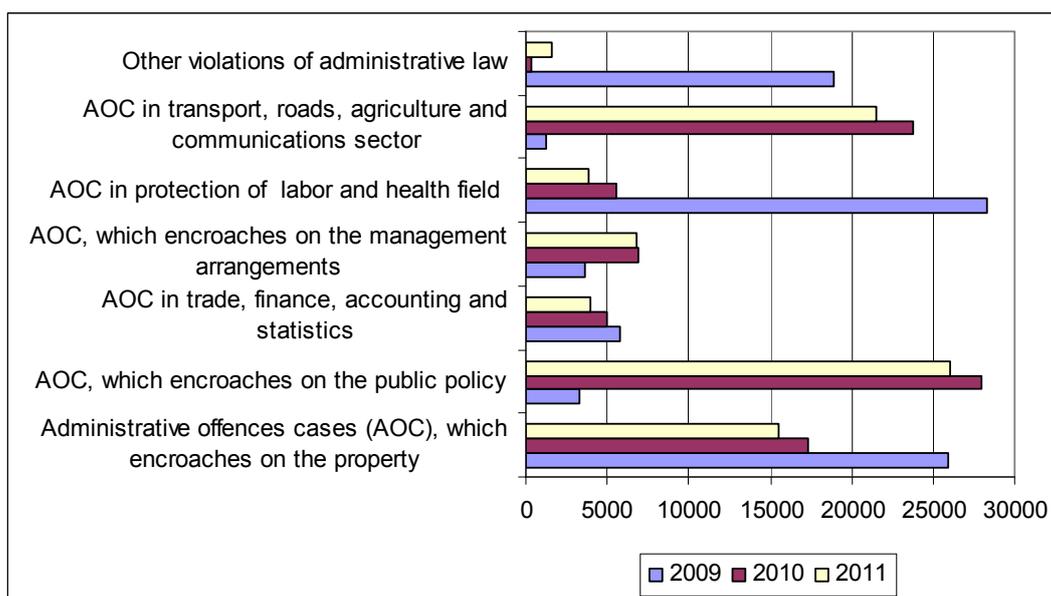


Fig. 2. Finished administrative law procedures of District courts

Finished and examined the administrative law proceedings of District courts are presented in Figure 2 [Lietuvos Respublikos teismų..., 2012]. We could predicate that these cases reflect a wide range of topics of economic and managerial performance range.

Figure 3 presents the dynamics of cities, the district courts' closed cases of administrative violations and the dynamics of regional administrative courts (administrative examinations and cases of administrative violations) [Lietuvos Respublikos teismų..., 2012]. The study shows that the overall administrative violations cases' amount is steadily increasing, but there is inverse dynamics of the Cities, District Court closed cases of administrative violations and the county administrative courts' examined administrative and cases of administrative violations (Pearson correlation coefficient  $r = -0.89$ ,  $p = 0.001$ ). Courts aren't able effectively examined such amount of cases. It may be noted that the overall administrative offense cases' amount decreased in 2011 because of administrative law and administrative proceedings legislative changes that led to a reallocation of general and administrative jurisdiction of the courts, cashing it and allowing the courts consistently specialization [Lietuvos Respublikos teismų..., 2012].

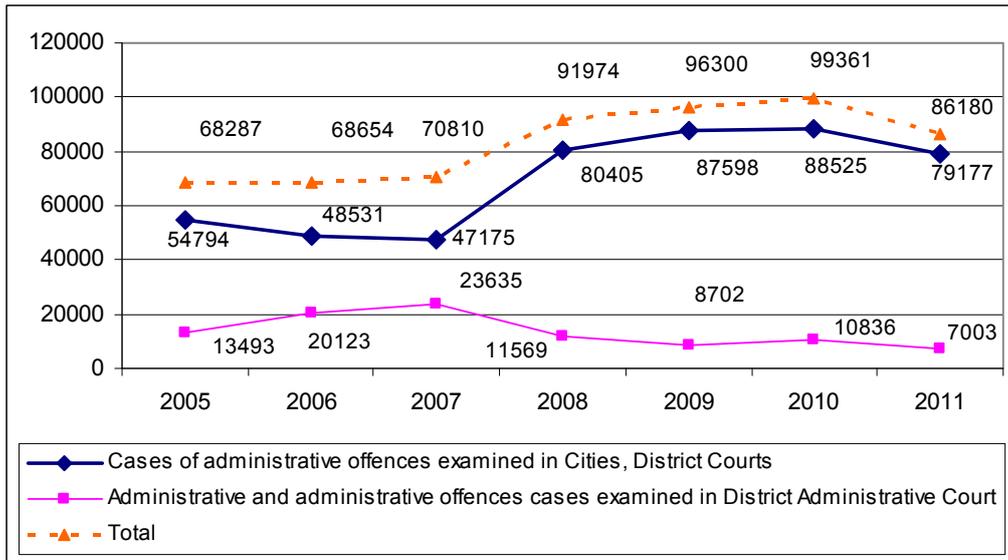


Figure 3. The dynamics of closed cases of administrative violations in cities, district courts and dynamics of regional administrative courts dealing with administrative matters of administrative law violations

Lithuanian Supreme Administrative Court is the court of appeal cases firstly examined by the administrative courts of first instance, the only and final instance in matters of the legality of administrative normative acts adopted by the central state administration bodies, the final court of appeals for proceedings under the Central Electoral Commission decisions or omissions [Lietuvos Respublikos..., 2000]. In 2005 -2010, number of received cases of the Lithuanian Supreme Administrative Court has steadily increased (see Figure 4). Already in 2008, to all types of cases has increased very significantly - by nearly 40% compared with 2007, the number of cases received. In 2009, the court received 8,448 cases; it is still 3% more than in 2008. In 2009, the number of cases increased by a further 11% [Lietuvos vyriausiojo administracinio..., 2012]. This again shows the complexity of administrative justice and importance.

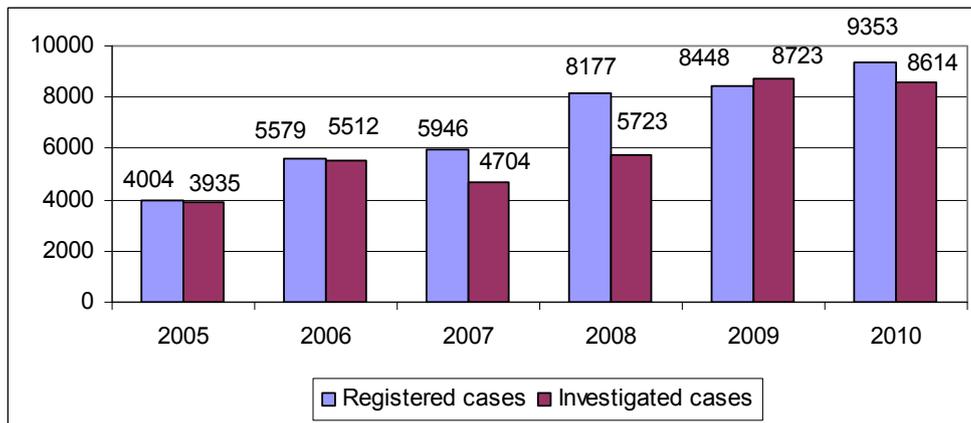


Figure 4. The number of received and examined cases of the Lithuanian Supreme Administrative Court in 2005 -2010

Lithuania Government Resolution On general requirements for state and municipal institutions and Web sites describe the approval [Dël bendrujų..., 2003] provides that each site should be menu Legal Division. However, after analysis of the Lithuanian ministries' web sites, we can notice that the legislation acts contained in this section aren't associated with an administrative proceeding. There are no references to the Code of Administrative Offences, Administrative Proceedings Act; there is no case law under the topics of ministry.

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Public confidence in the law, democratic values, independent courts, it is necessary condition of survival of the state. Principles such as transparency, openness, openness will help to renew the administrative court system, to restore the population's faith in justice, in the belief that justice is administered, transparent, open and professional courts, that citizens are guaranteed the constitutional right to a fair trial [Piličiauskas, 2011a].

*The Judicial Council ruling on information about the judiciary, the general public and the media rules* [Teisėjų taryba, 2007] establish a procedure whereby, in accordance with the laws of the Republic of Lithuania and other laws and judicial activities in order to ensure transparency, all the courts in providing information to the public and the media measures of judicial performance Publishing information on courts websites about court activities related to the personal data (court meetings' schedules, others court proceedings and decisions) it must be guided by expediency and proportionality principles and it should be to ensure the data protection, the confidentiality and security of sensitive personal data. These rules are mandatory for all general and special jurisdiction courts of the Lithuania Republic. The Vilnius Regional Administrative Court on its website presents the rules of Vilnius Regional Administrative Court information reporting in the public and the media (Vilnius Regional Administrative Court Order No. T-25 on 4 March 2010 [<http://www.vaateismas.lt/lt/aparnavimo-tvarka/informacijos-teikimo-taisykles.html>]). Vilnius Regional Administrative Courts' rules of the allocation of cases to judges using information technology [Vilnius..., 2010] regulate the assignment of cases of administrative violations and others cases to judges using information technology in Vilnius Regional Administrative Court. Rules regulate the automated assignment of cases to judges and judicial colleges award process so that the judge would be awarded according to the specifics of the court, the rules of procedure, the different types of cases and their characteristics (eg, different number of judges in administrative matters - considered individually or collegially, and etc.) to the current legislation. Rules have been prepared in accordance with the Judges Council Resolution of 10 October' 2008 [Teisėjų taryba, 2008].

In order to increasing openness to the public court to the Supreme Administrative Court of Lithuania has been installed and there is actually a computerized distribution of cases judges and objectively, without exception, the distribution of all administrative matters. Access files with a particular specialization of judges determined by a judge and a computer to choose random numbers. This ensures complete transparency in the allocation of cases to judges. Taking into account the wishes of the population, and has a launched a new website of the court. This site has all the regular information on court operations [Piličiauskas, 2011a].

All these methods increase the openness of the courts, but do not perform the tasks of legal education of citizens. The analysis of Lithuanian administrative courts' websites showed that legal information is presented deeply and sufficiently and it is convenient not only for professional lawyers, but also for ordinary citizen, who are defending or intends to defend their interests in court, for example the Vilnius Regional Administrative Court's website [<http://www.vaateismas.com>]. This site contains not only the necessary information about the court structure, jurisdiction, functions, history, statistics and business area, working judges and court's staff contacts, but also useful advice on claim time, on the form of complaint, what is the accessing to the case file order and so on. The proposed section *Questions - Answers* is designed for citizens who would like to ask about court procedures. The site provides web links to other Lithuanian courts, state agencies, pre-trial institutions and court work regulated legislation. Web site may be used by people with disabilities – there is adapted the special version for them. Home page information is available to foreigners - it is published in English.

Lithuanian Supreme Administrative Court, the practice that the public interest by the Republic of Lithuania Law on Administrative Procedure, should be seen as what is objectively relevant, necessary, useful to society or part of it. It should be noted that the public interest not to be regarded as any legal person or group interest, but one that reflects and expresses the fundamental values of society, which lays down, protect and defend the Constitution of the Republic of Lithuania. Of the Administrative Courts of Appeals shows that people who apply to the court, not

always correctly interpret the nature of public interest. In this case, an individual duty of courts to assess whether a particular interest should be considered public, as well as proper reasons for its decision. Public participation in decision-making in the public interest, the objects is closely related to the rule of law, good administration, and transparency principles. For many people the opportunity to be informed, to participate in decision-making and to challenge them in accordance with the fundamental issues of justice. Among other things, it should be noted that transparency, public participation and the right to challenge unlawful decisions of an independent and impartial court action to reduce corruption and arbitrary decision-likelihood. The public must have some assurance that the proper authorities to comply with the public interest. Therefore, the administrative courts actively advocate for greater public involvement in government decision taken by the review process [Piličiauskas, 2011b].

In order to obtain the opinion of the Lithuania people concerning necessity of public participation in the examination of administrative cases, the Lithuanian Supreme Administrative Court (LSAC) has fulfilled a public online survey of residents concerning the implementation of public representatives' institute at the administrative courts in Lithuania. The survey was on LSAC's website from 19th of August'2011 till 16th of October'2011. 689 people completed online the questionnaires, which consisted of 10 questions [Visuomenės..., 2011]. The survey showed that 65% of respondents believe that there is need of public representatives in the examination of administrative cases, 67% of respondents think that it would increase public confidence in the Lithuanian administrative courts. 41% of respondents believe that the public representative in administrative cases should be called the assessor, 24% - public judge. 34% of respondents have the opinion that public representatives should be appointed (from several candidates), they should be specialists in the certain field according to what category the file will be examined, 27% - selected at random. The analysis of survey results shows that in public participation in administrative proceedings it is needed the public legal education.

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## **Conclusion**

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Administrative jurisdiction issues are the complex of classification problems of the administrative violations; a separate administrative process's principles are differently implemented in a variety of administrative matters, there is lack of the rule base level. Lithuanian citizens have the right to full and truthful information about administrative law and administrative process. Expression of the social technologies in law is impossible without the use of ICT. The first steps in using public relations and information technology activities of the courts have to go.

Lithuanian administrative courts employ for public conveyance the web site tools. However, the focus on procedural information: the distribution of cases, introductions to the work of the court schedules, files, etc., but very little there is known about the characteristics of administrative justice.

Ordinary person hardly could use the presented information; such presentation of specialized information is useful mostly for advocates or other types of lawyers. The researchers showed that public opinion believes that in the administrative cases should be involved public representative called the assessor or public judge. Such social technologies could ensure the effective interaction between administrative courts and public.

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