

Council of Europe

„The Civil Code and Europe: influences and modernity“

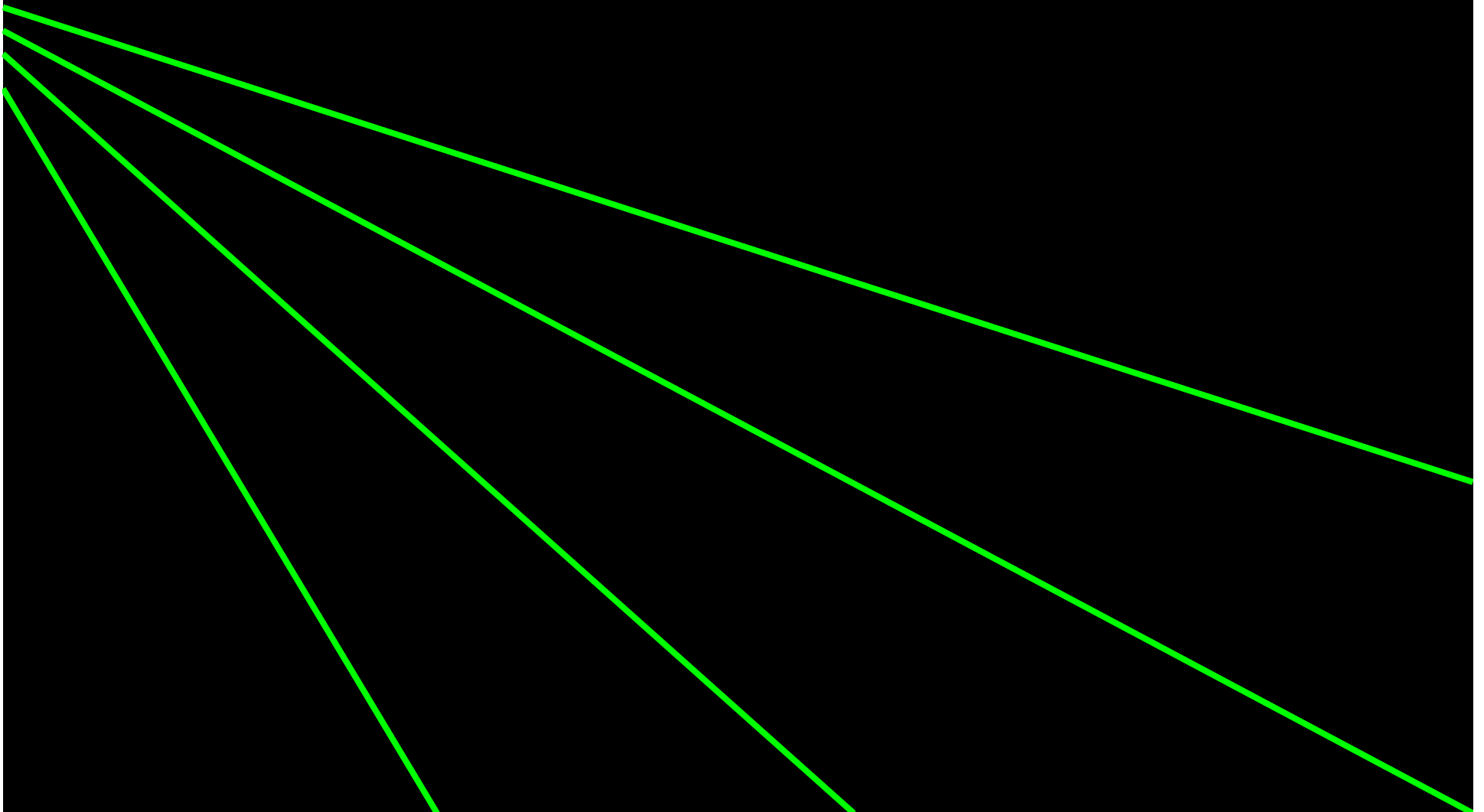
Strasbourg, 21-22 October 2004

Contribution of Information Technology to the Writing of the Law

*Friedrich Lachmayer
University of Innsbruck*

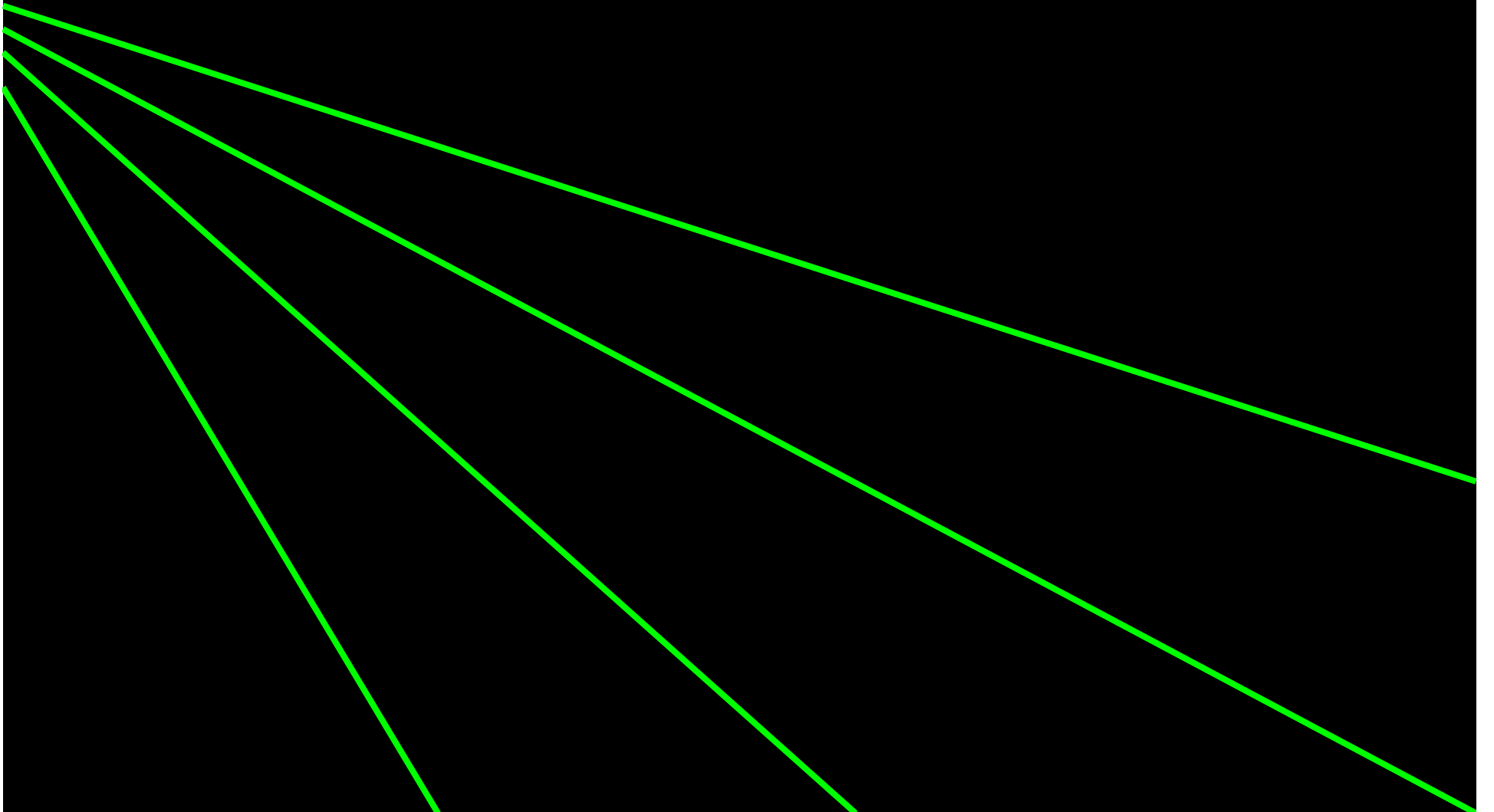
Tradition

Future



Tradition:

Enlightenment and Rationalism



MORE GEOMETRICO

Spinoza, Leibniz, Pufendorf

LEGAL LOGIC

Tammelo, Weinberger, Gardies

LEGAL INFORMATICS

**VIRTUAL
LEGAL
REALITY**



Common Tradition: Systematic Thinking

ROMAN LAW

Rome, Byzanz, Bologna, Paris

Another historical remark:

1804



*Napoleon had an enormous influence to Austria
not by the CC but by the idea of an own „Empire“*

1804

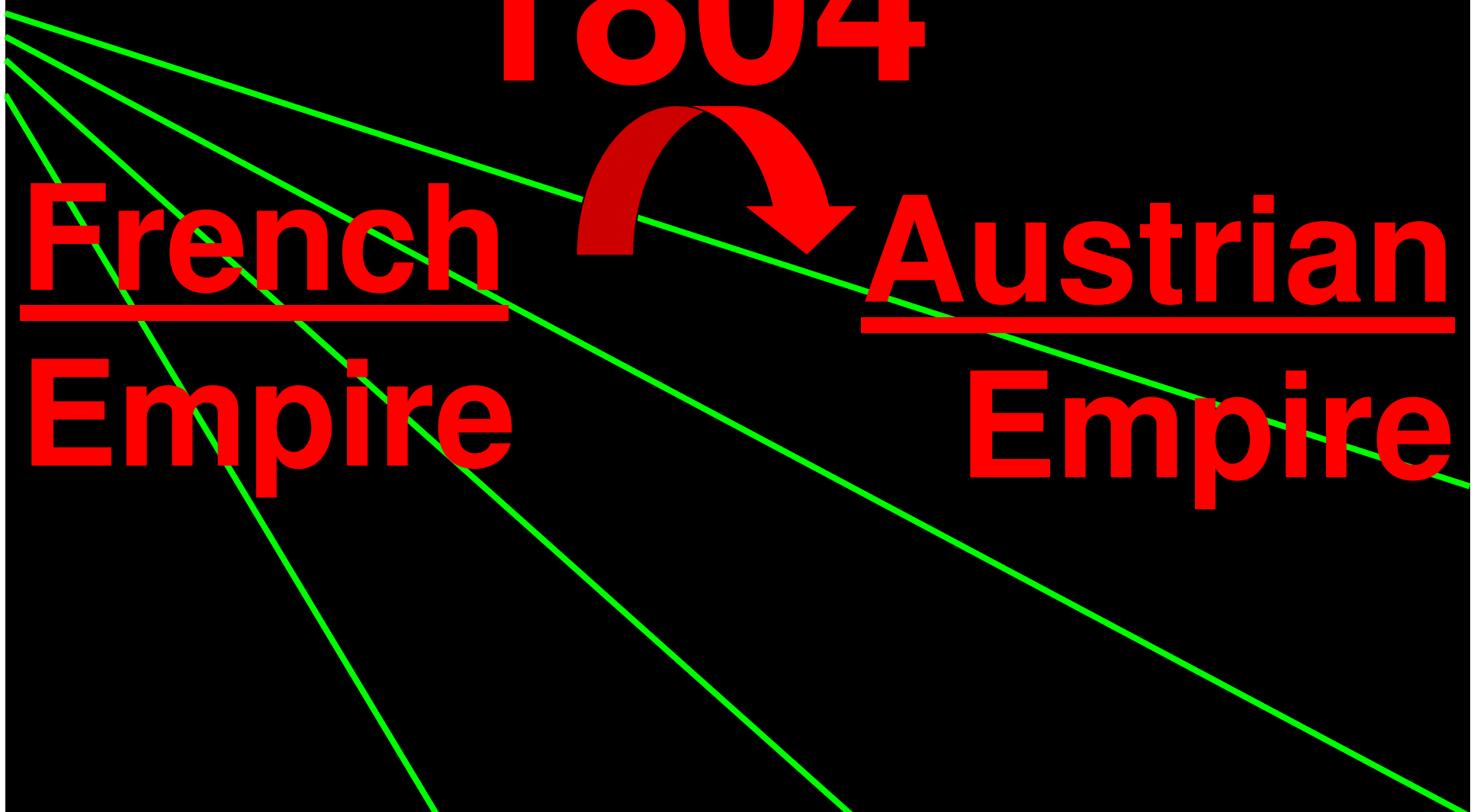
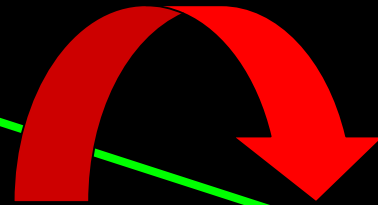


*Napoleon had an enormous influence to Austria
not by the CC but by the idea of an own „Empire“*

1804

**French
Empire**

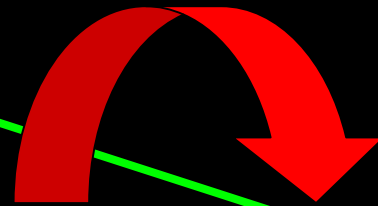
**Austrian
Empire**



*Napoleon had an enormous influence to Austria
not by the CC but by the idea of an own „Empire“*

1804

**French
Empire**



**Austrian
Empire**

*so he realized the old
Habsburgian dynastic dream
of an own Empire*

Back to the formal tradition:

MORE GEOMETRICO

LEGAL LOGIC

LEGAL INFORMATICS

LEGAL INFORMATION SYSTEM

since 2004: Authentic Electronic Publication

www.ris.bka.gv.at

Legal XML Meetings:

17.-19 March 2004, Magglingen / CH
[Ardita.DrizaMaurer @ bj.admin.ch](mailto:Ardita.DrizaMaurer@bj.admin.ch)

23.-24 September 2004 , Slagelse /DK
[nko @ retsinfo.dk](mailto:nko@retsinfo.dk)

April 2005: Florence/Bologna

November 2005: Klagenfurt

Legal XML Meetings:

European Approach

2004

CH

2005

DK

It

2006

A

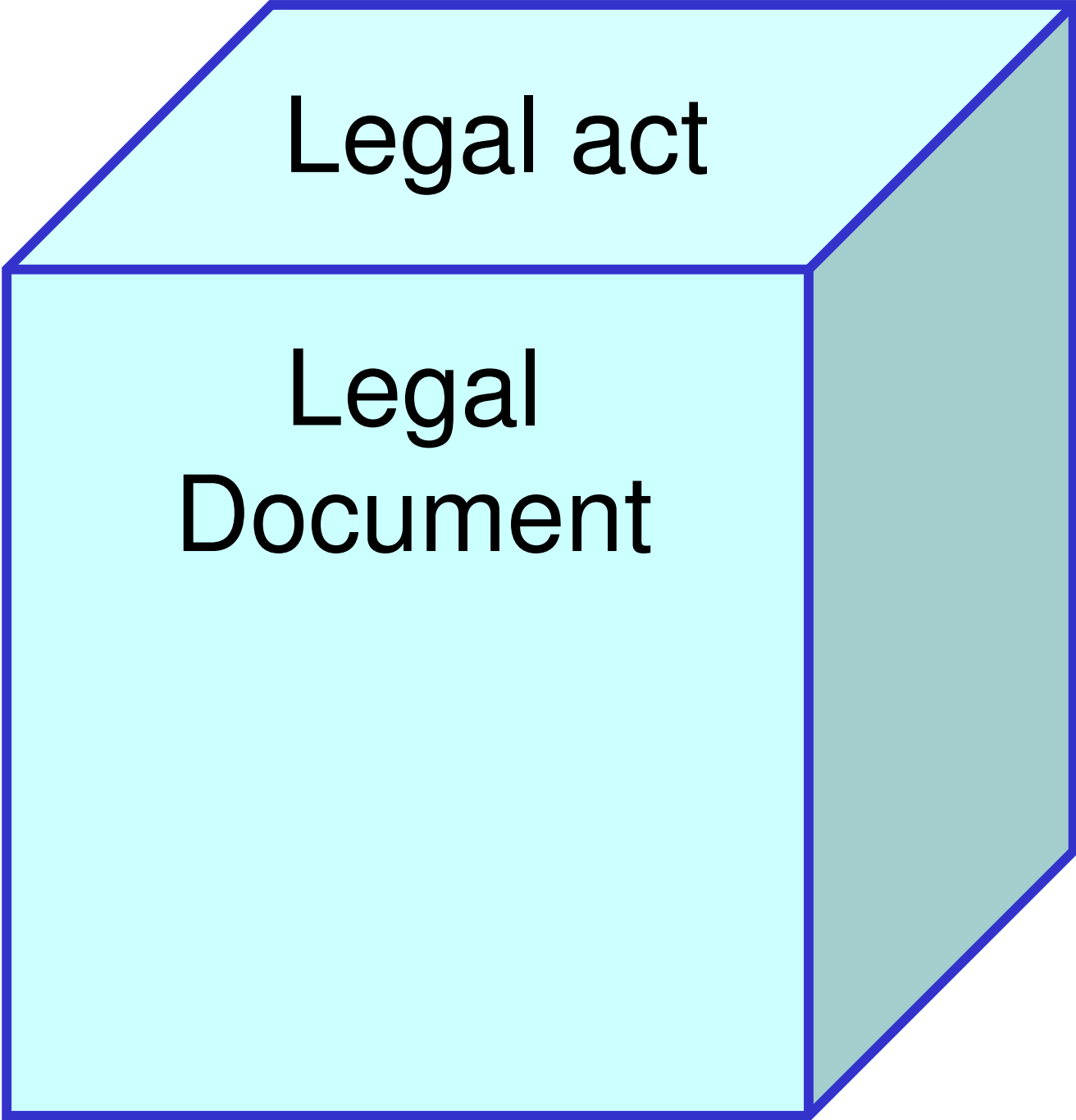
.....



Legal Documentation

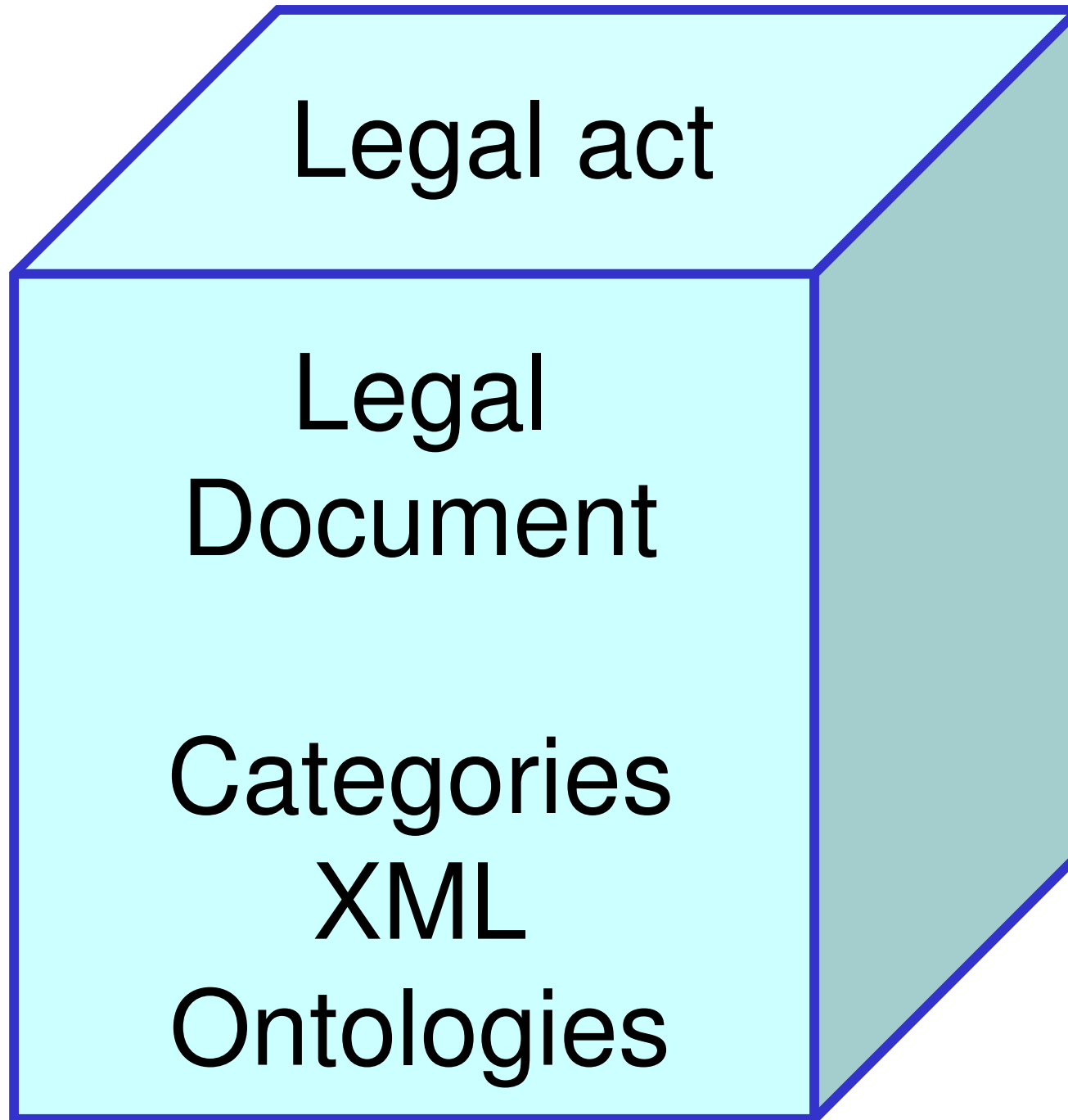


Legal Act



Legal act

Legal
Document





Technical Substratum

Legal Act

Paper

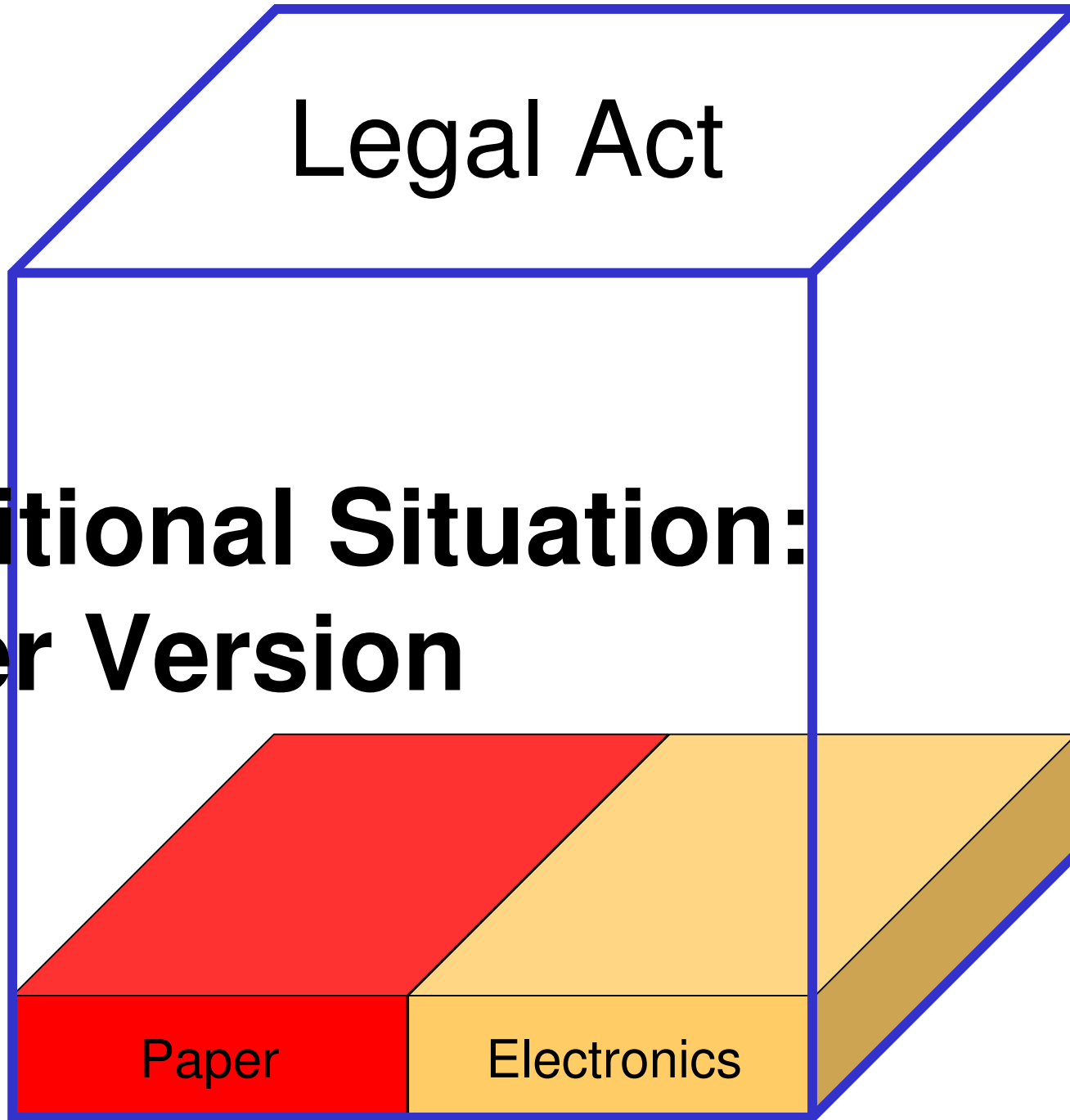
Electronics

Legal Act

**Traditional Situation:
Paper Version**

Paper

Electronics





Legal Act

**New Situation
in Austria:
Authentic Electronic Version**

Paper

Electronics



Syntactic Systems

Legal Act

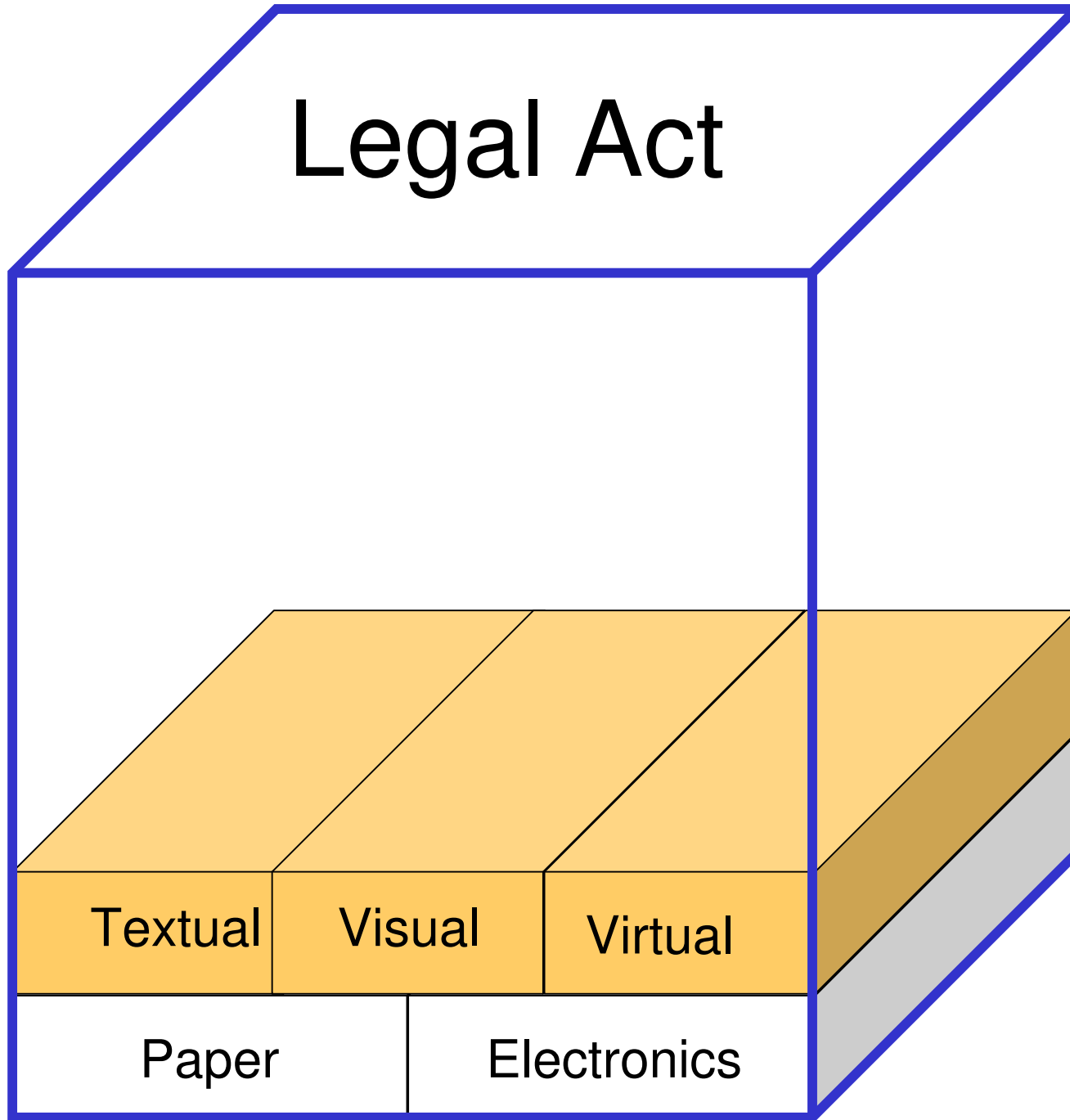
Textual

Visual

Virtual

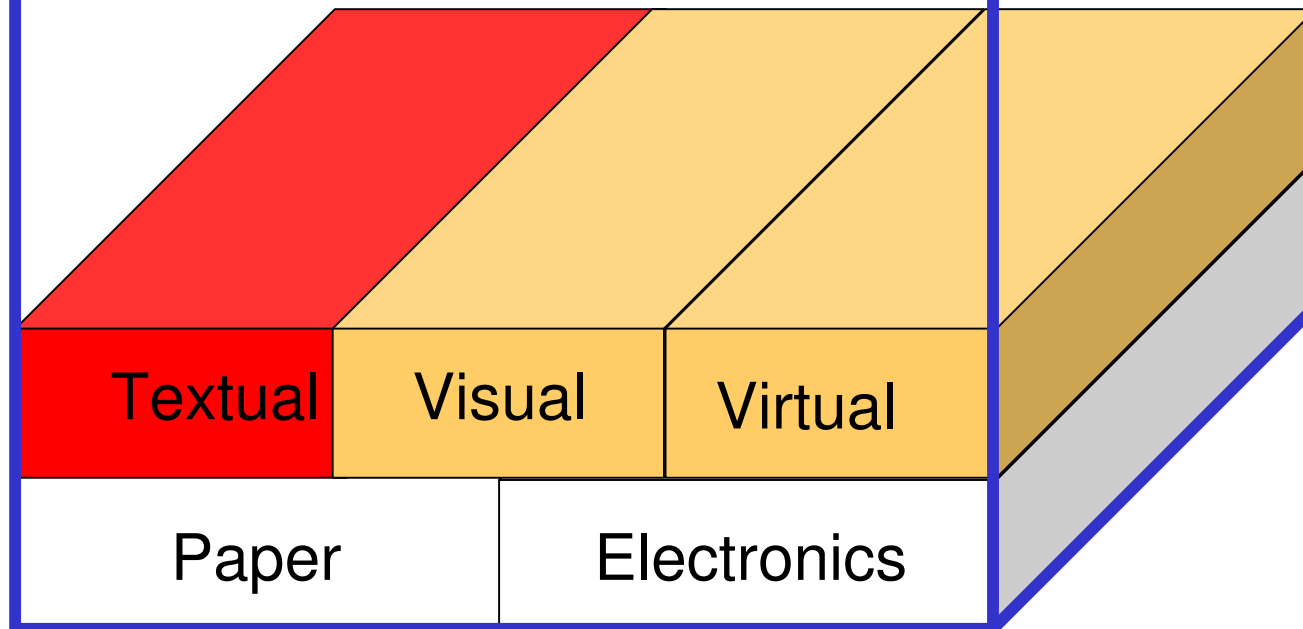
Paper

Electronics



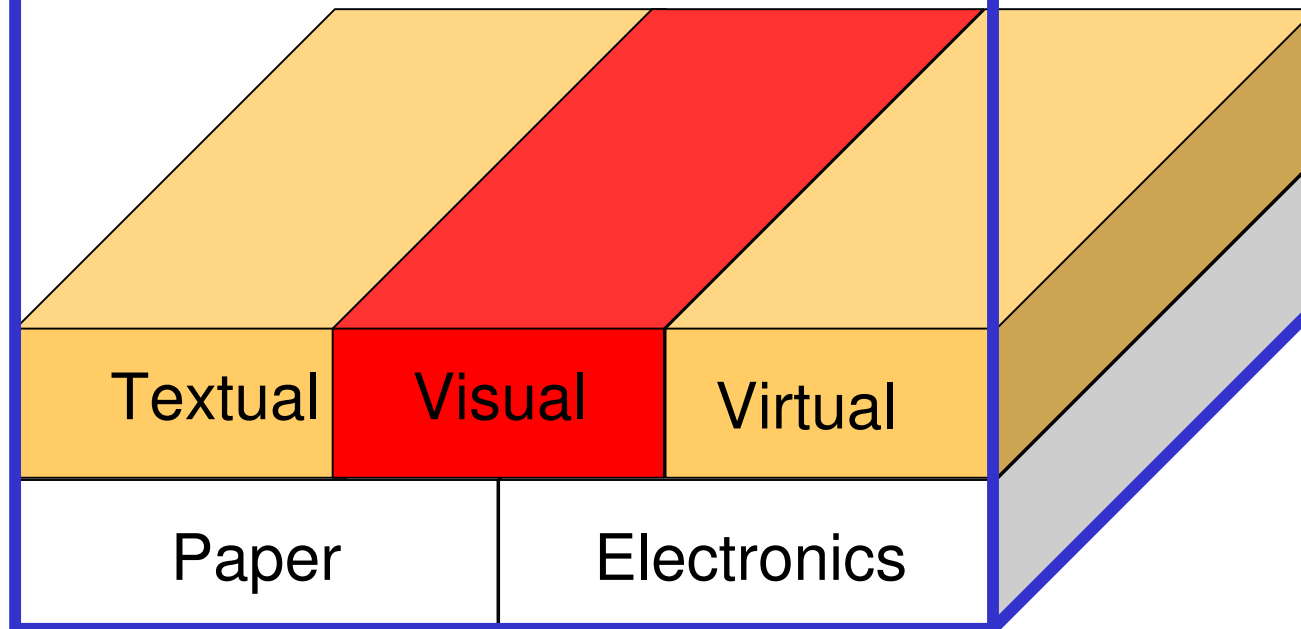
Legal Act

textual: laws



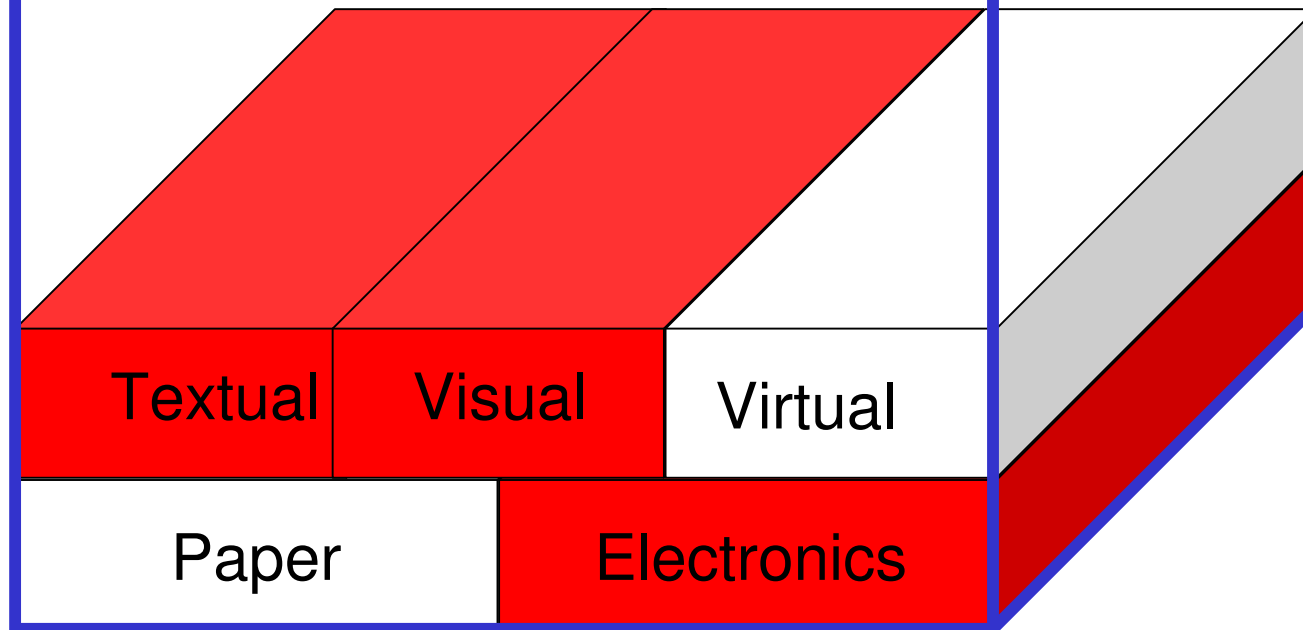
Legal Act

ev. visual: Annexes



Legal Act

actual configuration





Content

Legal Act

interpretation

**semantic
content**

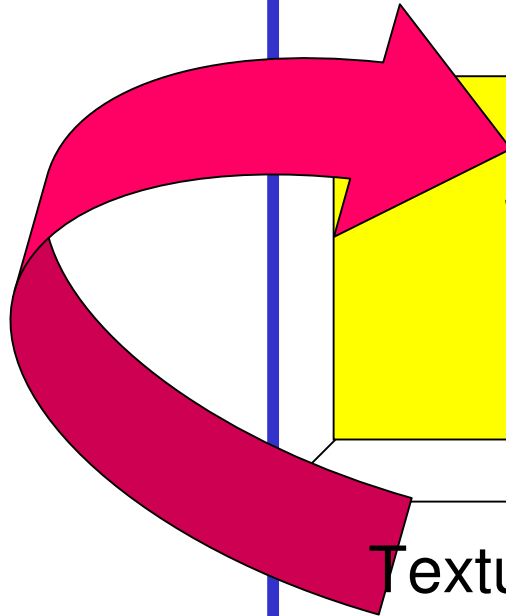
Textual

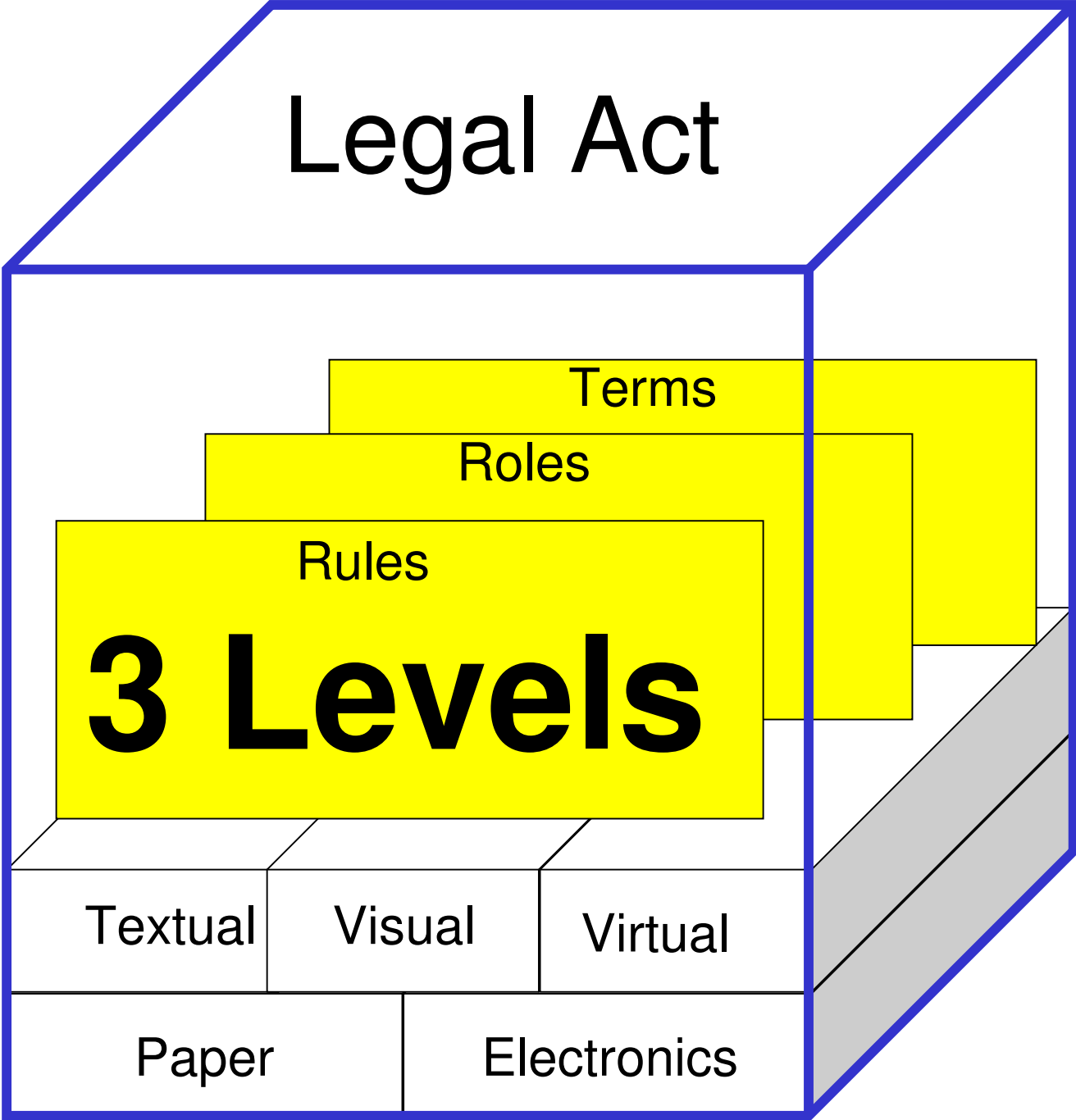
Visual

Virtual

Paper

Electronics

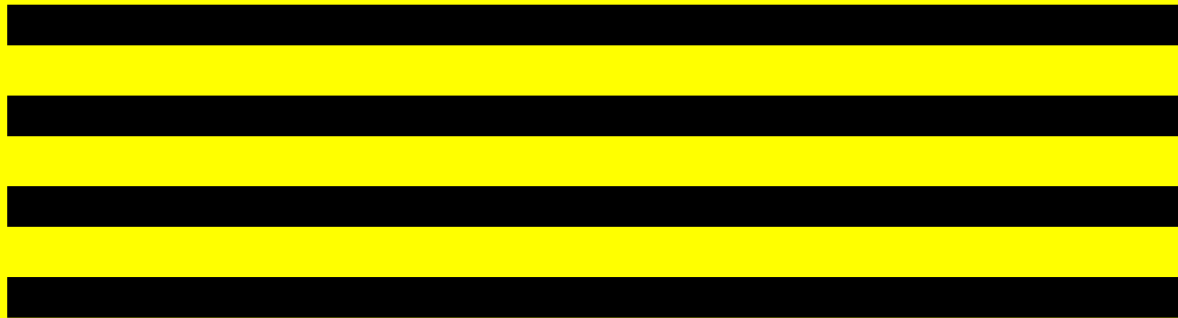




Terms

Roles

Rules



Logic of Norms: „if $A \rightarrow B$ should be“

Formulation = Central Professional Competence

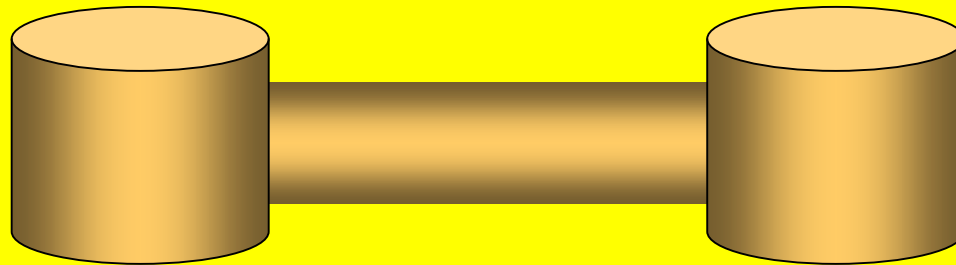
„Writing of the Law“

Consolidation = Actual Version at every Time

Compilative Codification, Constant Law Codification

Terms

Roles

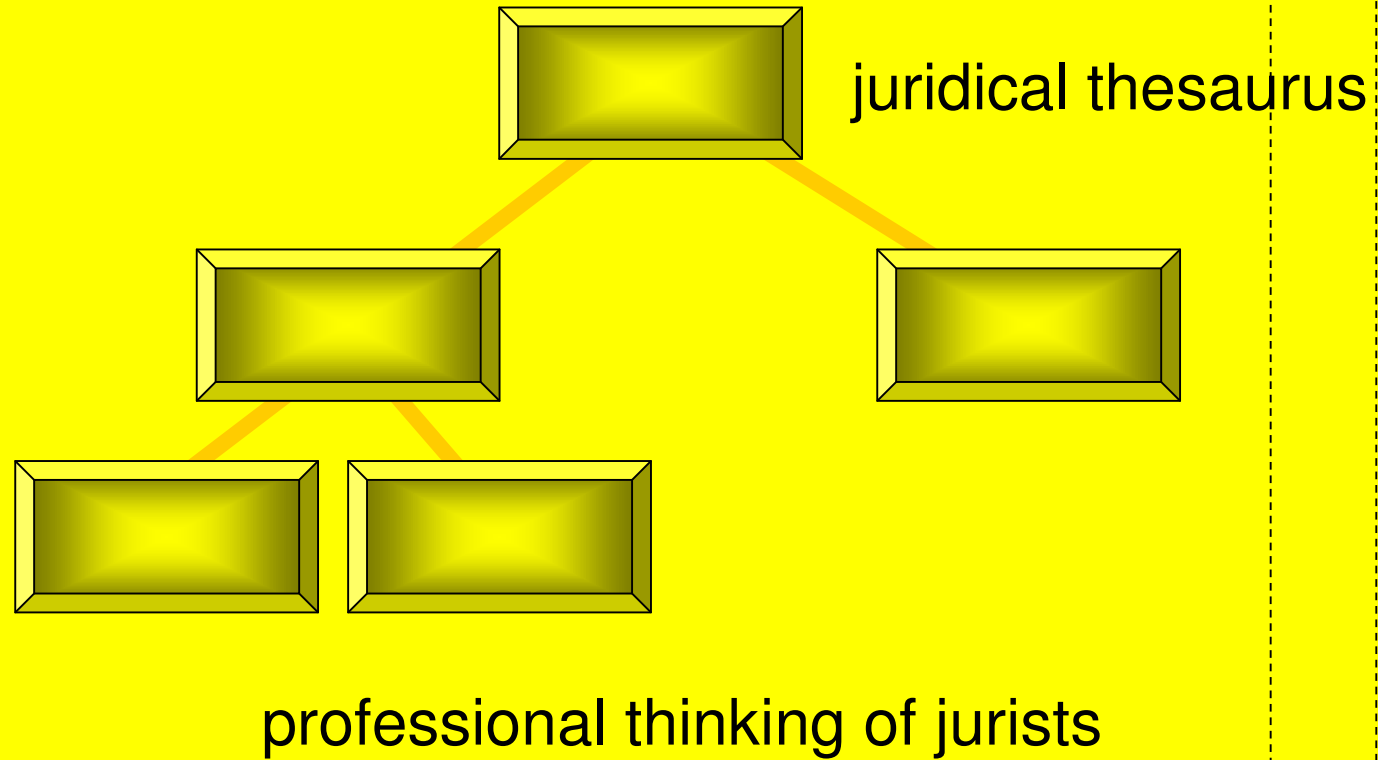


Institutional Thinking

Citizens in their everyday Life
are thinking in „Roles“ not in „Rules“

Reforming Codification

Terms





Quality of Legal Acts

Legal act

Different

Legal Qualities

Documentalistic Category: Type



Legal act

**Draft
of the
Ministry**

Documentalistic Category: Type

A 3D box with a light blue front face and a darker blue side face. The top face is a trapezoid. The text 'Legal act' is centered on the top face. The text 'Bill of the Government' is centered on the front face. The text 'Documentalistic Category: Type' is located at the bottom left of the front face.

Legal act

**Bill
of the
Government**

Documentalistic Category: Type



Legal act

**Decision
of the
Parliament**

Documentalistic Category: Type

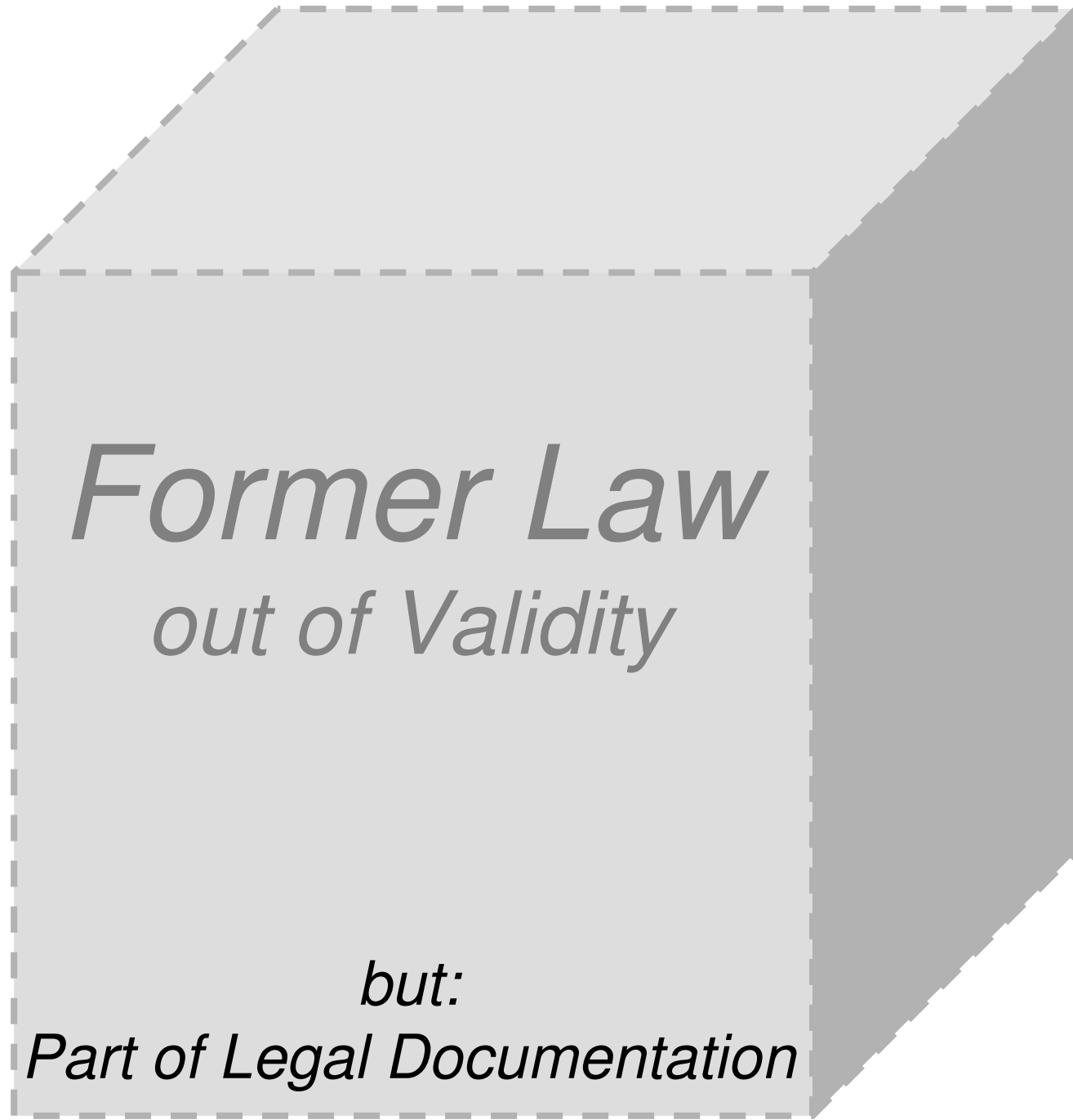


Legal act

Promulgated

Law

Documentalistic Category: Type

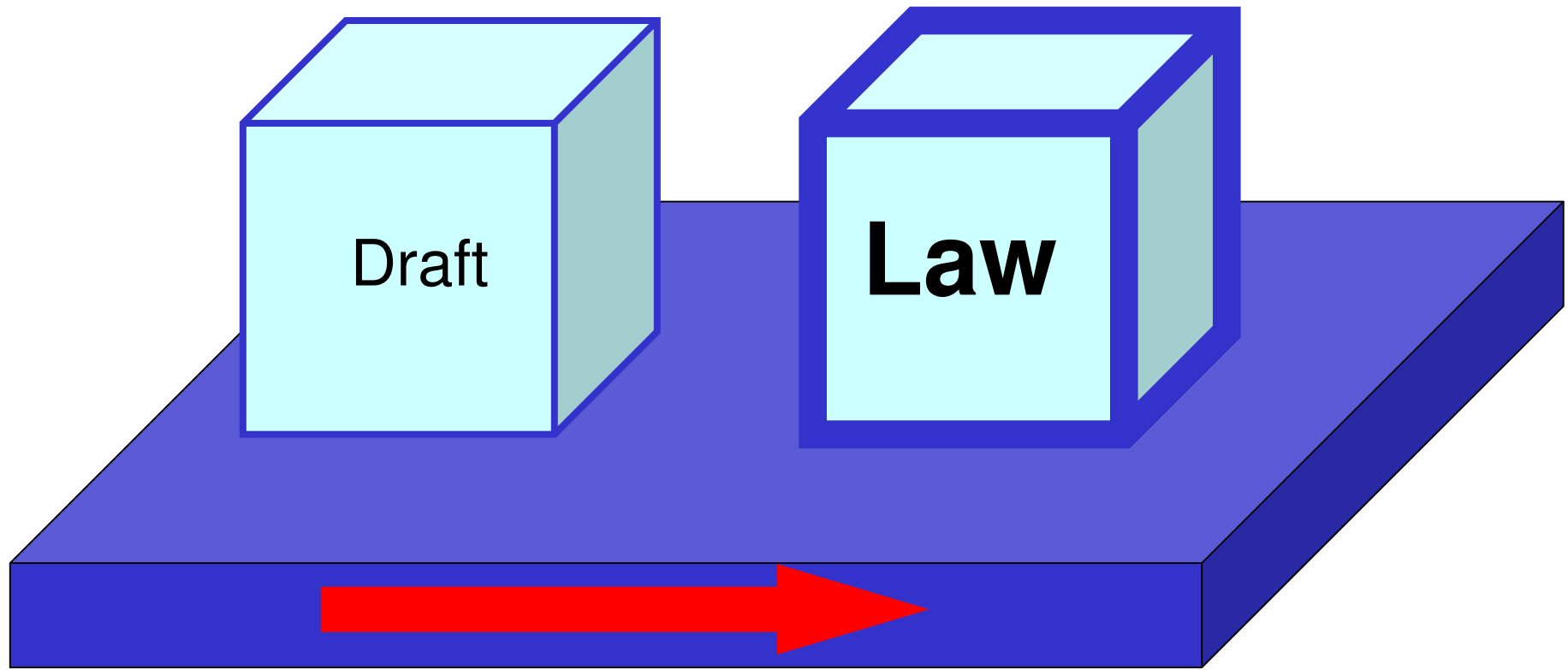


Former Law
out of Validity

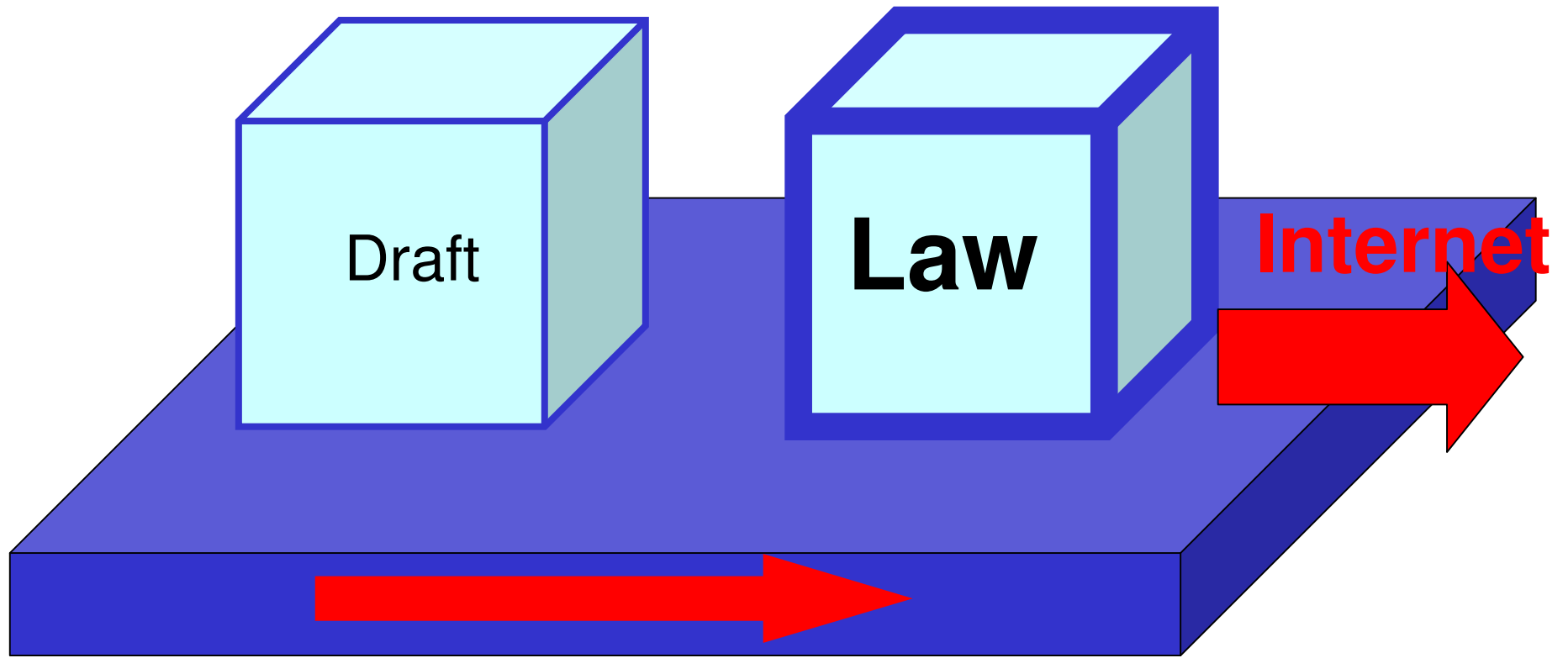
but:
Part of Legal Documentation



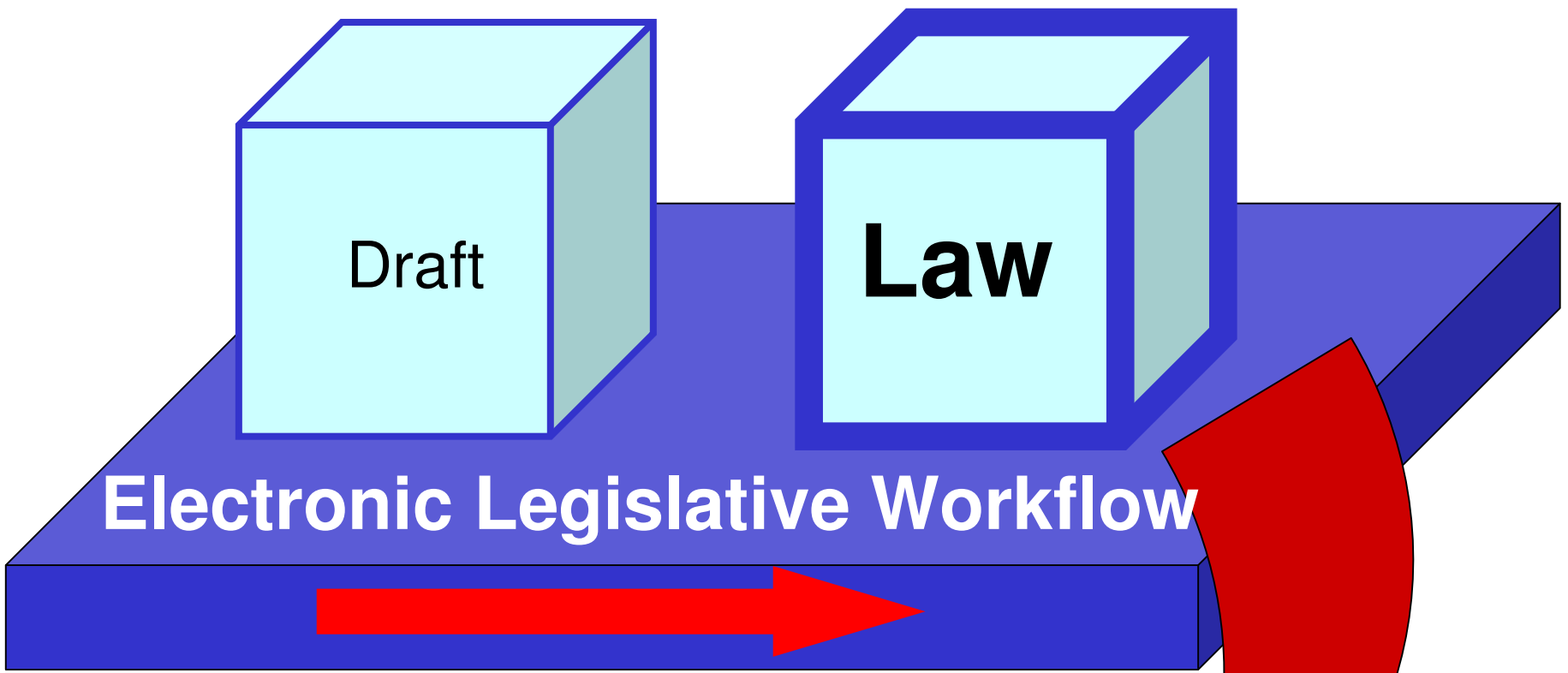
Legislative Workflow



Electronic
Legislative
Workflow



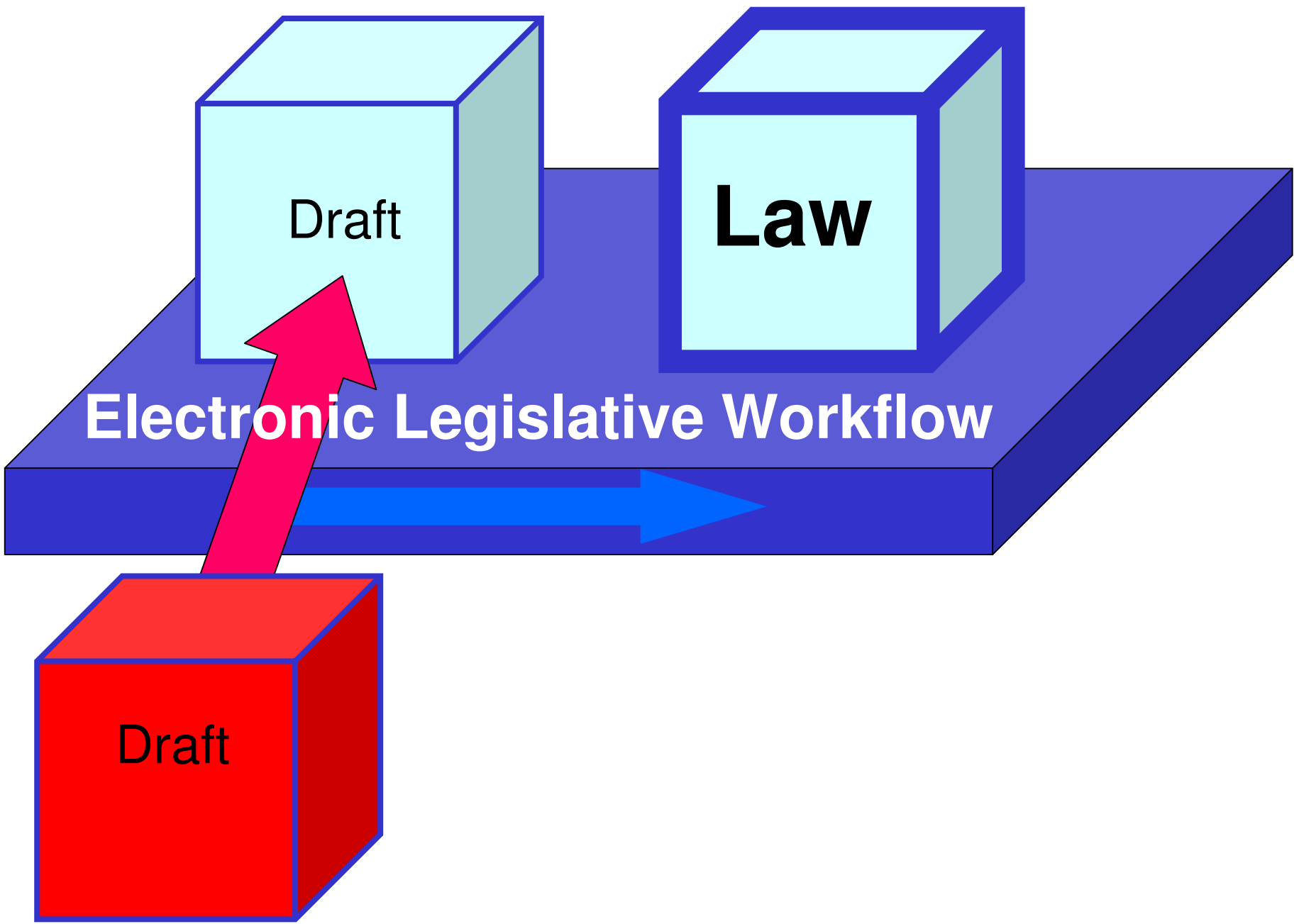
**Authentic
Electronic
Publication**



**Great
Influence
on Drafting**



Legislative Draft

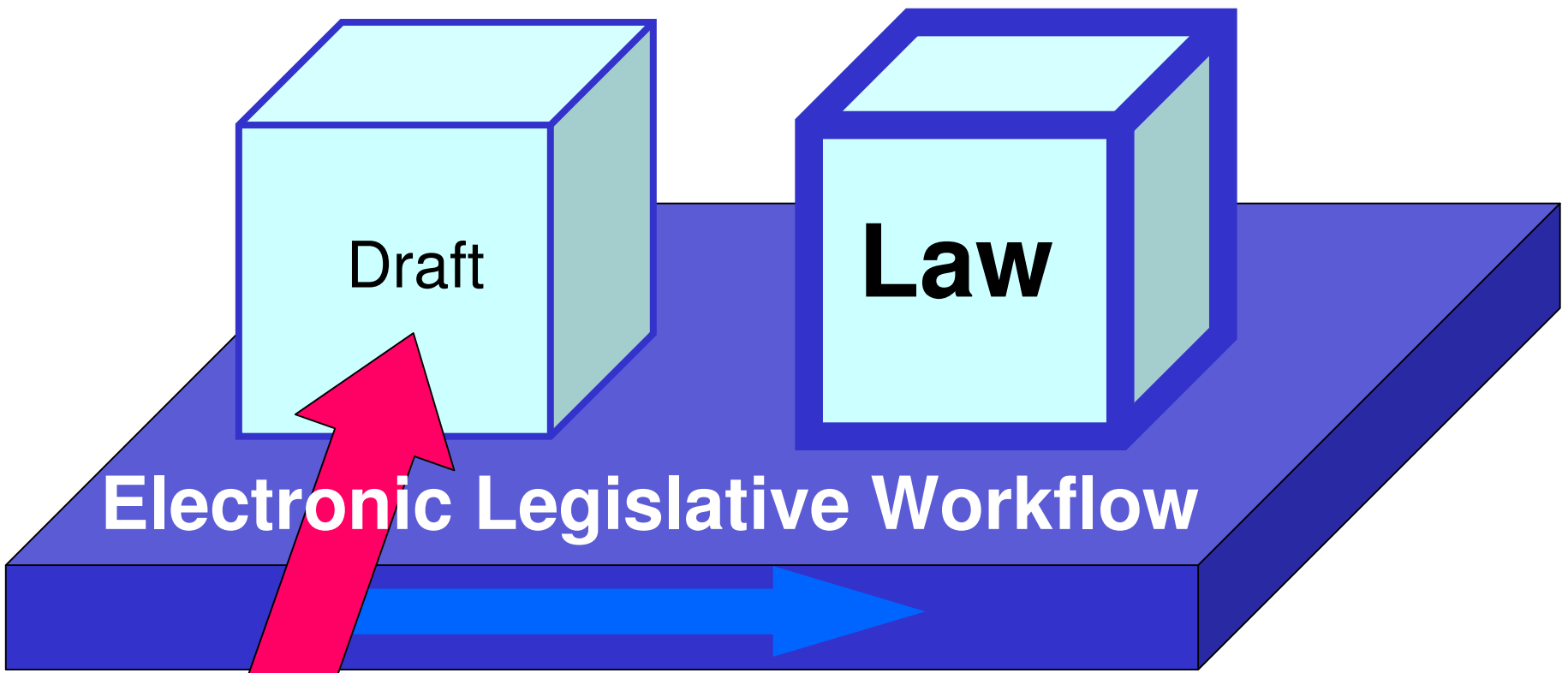


Draft

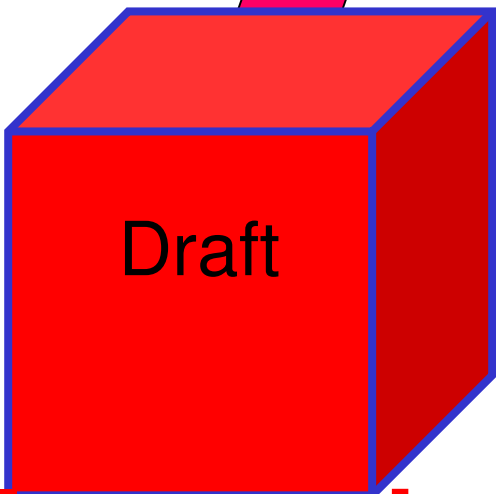
Law

Electronic Legislative Workflow

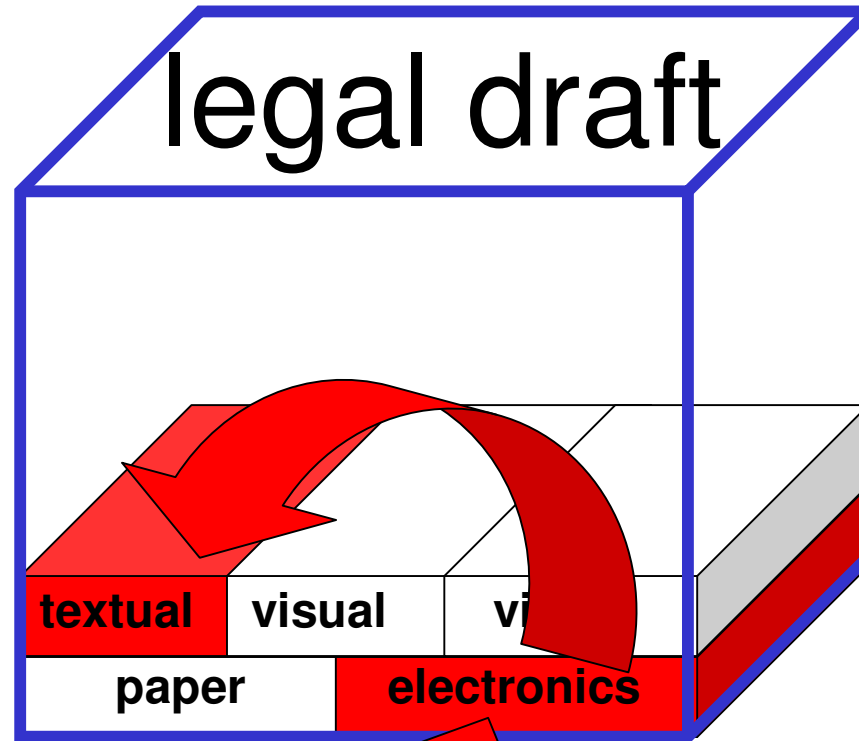
Draft



Electronic Legislative Workflow

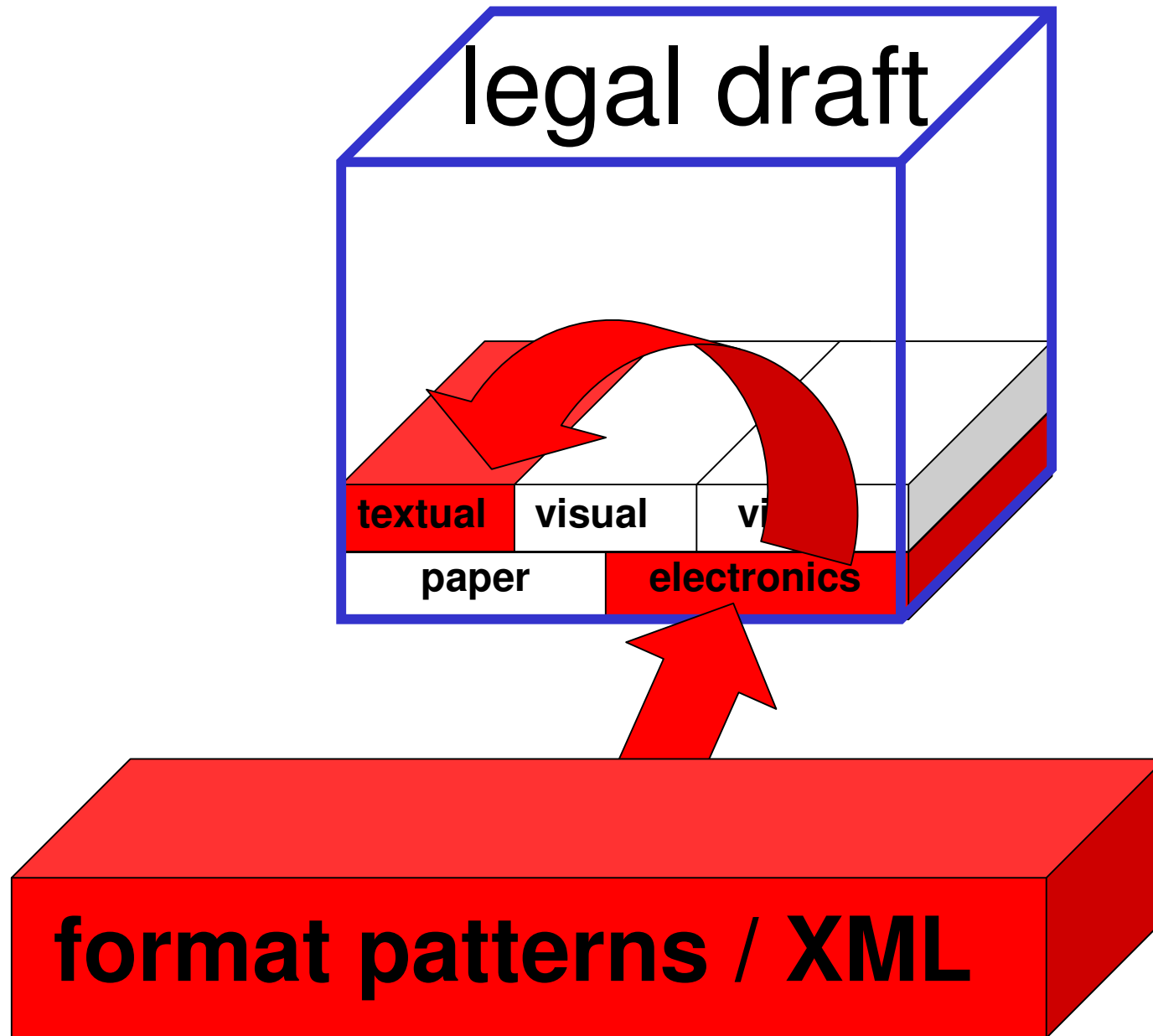


Electronic Support



perform the work of drafting

format patterns / XML

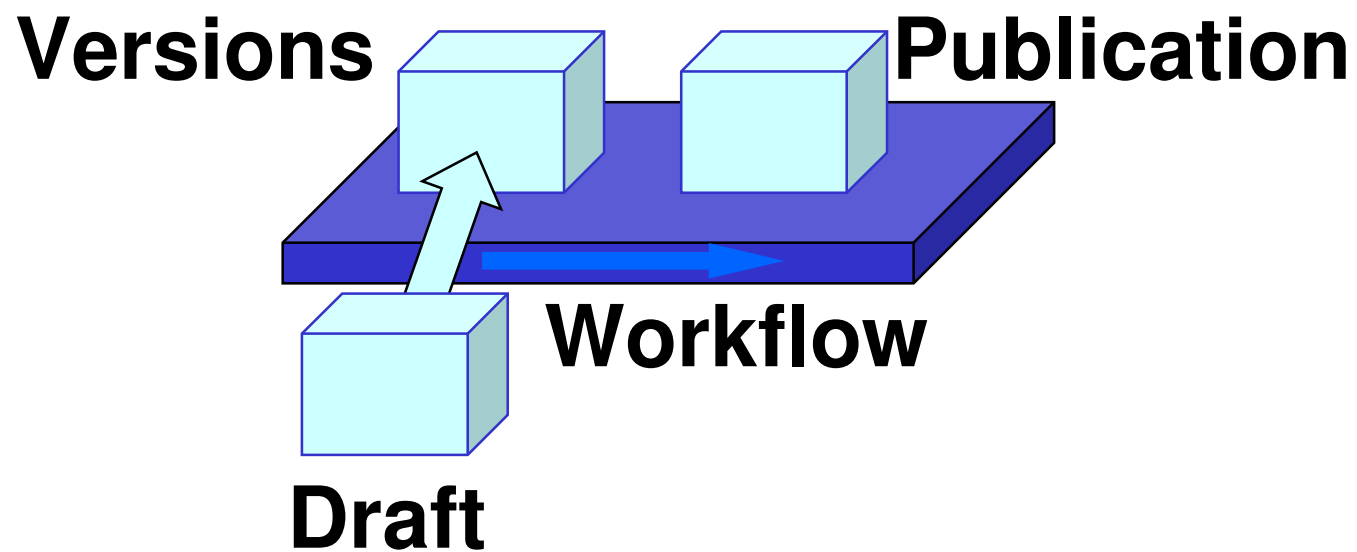


compromise: MS Word (conversion → XML)



Changes of Metanorms

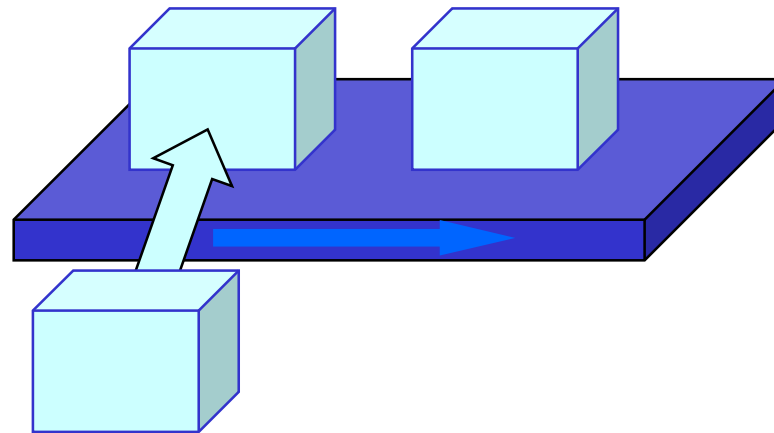
new meta-norms



Constitution: new Art.49

new **Publication Law**

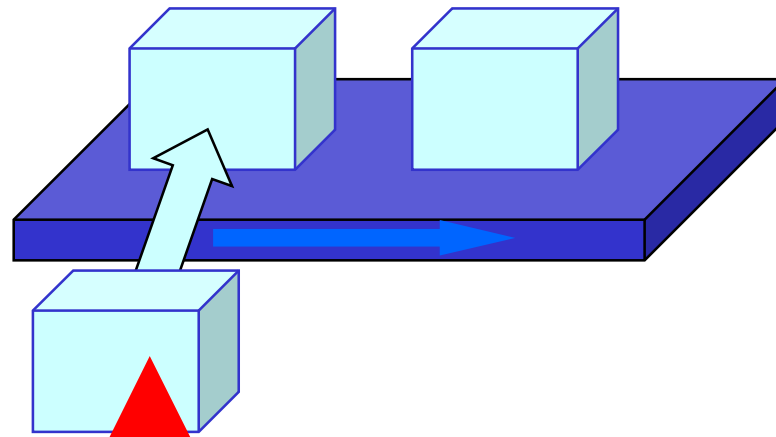
new **Rules of Legislative Techniques**



Constitution

Publication Law

Rules of Legislative Techniques

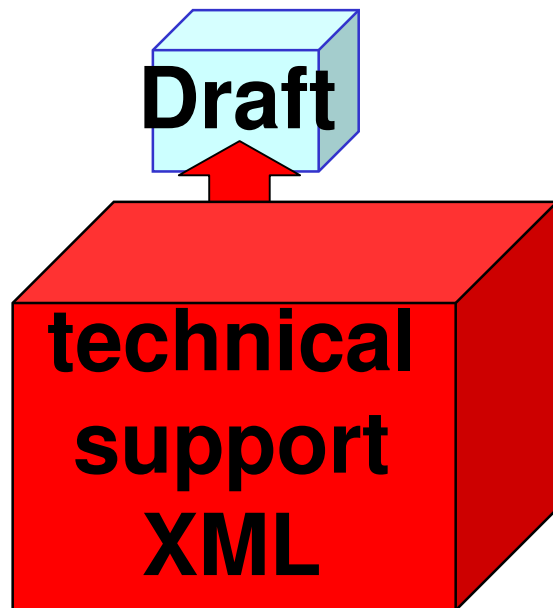


Format Patterns / XML

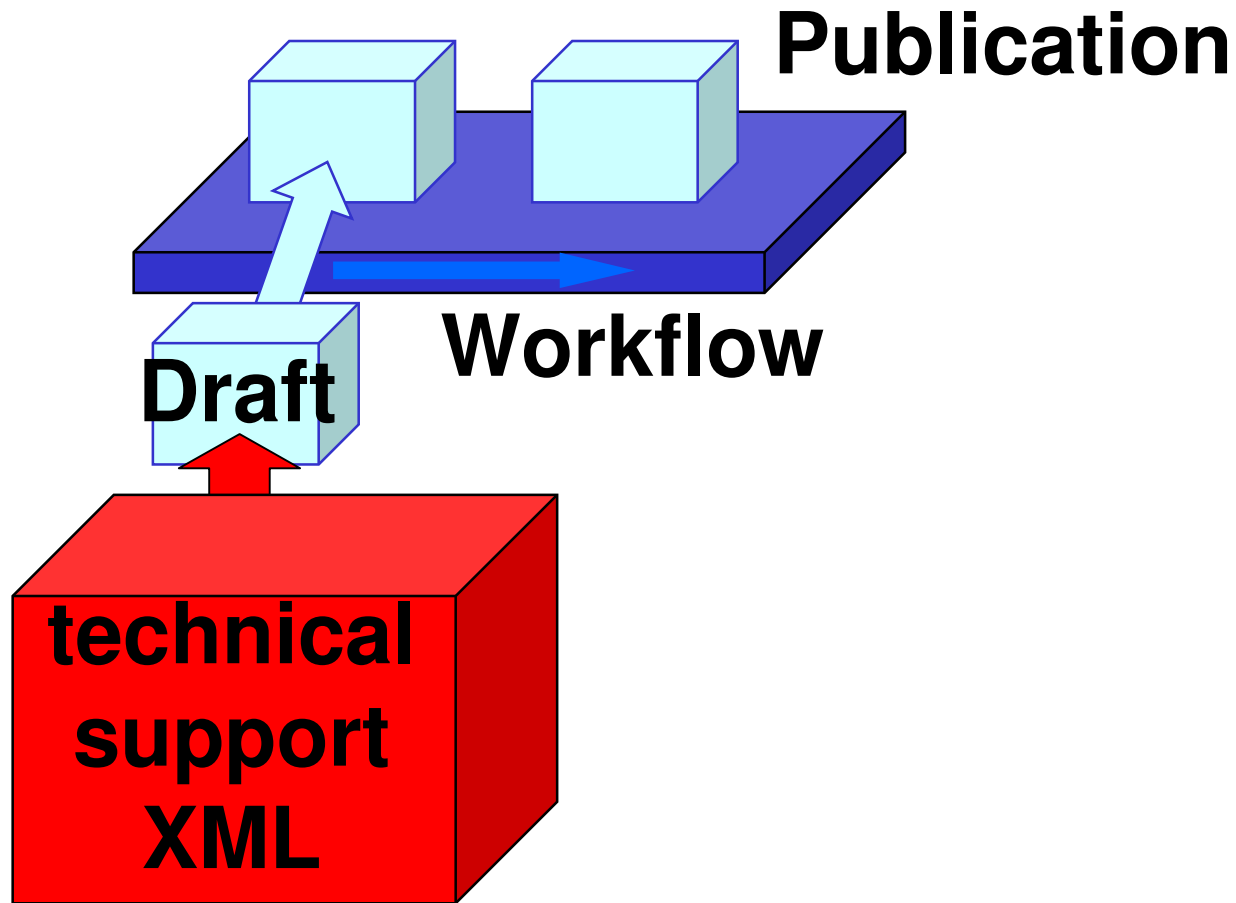


Situations of Citizens

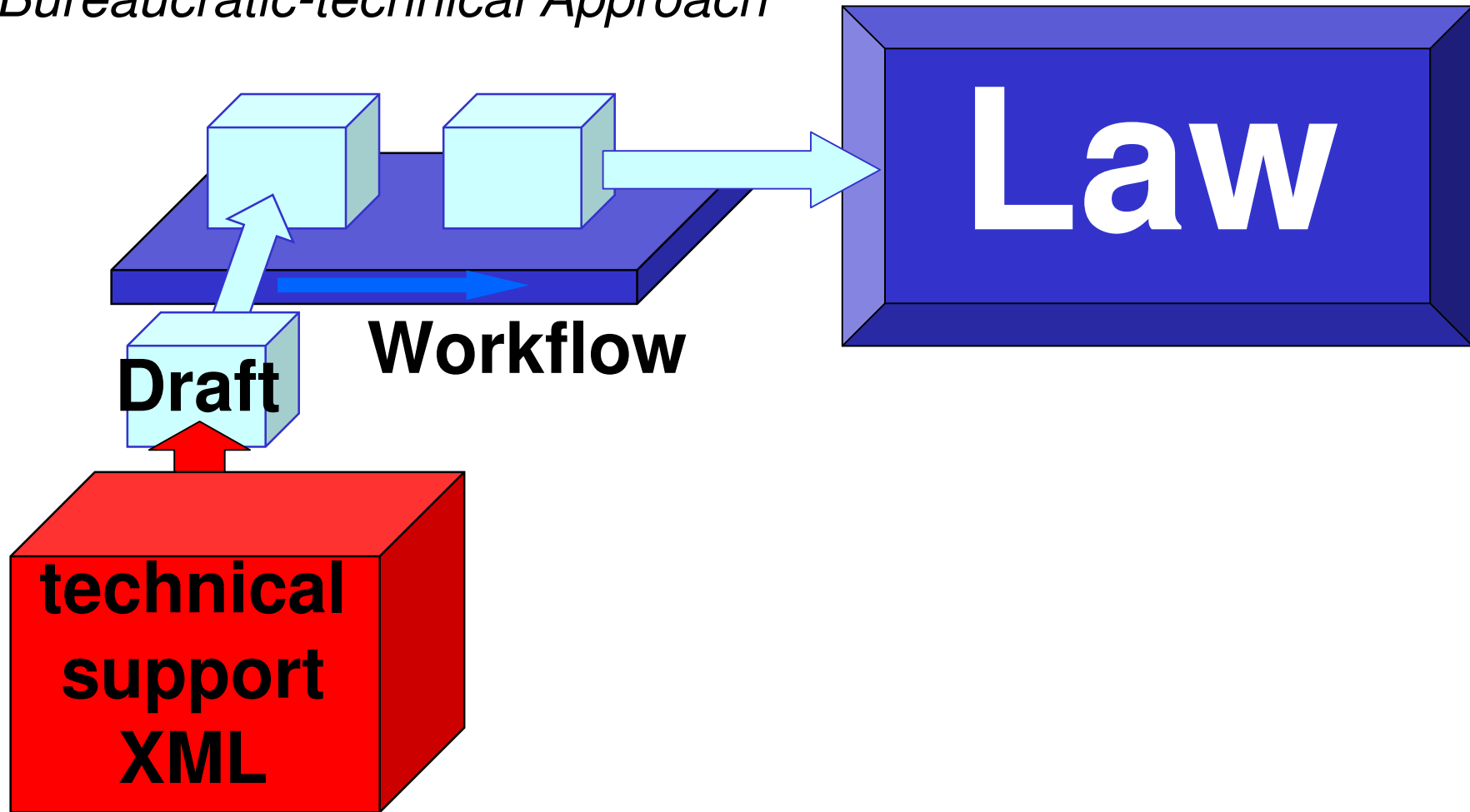
Bureaucratic-technical Approach



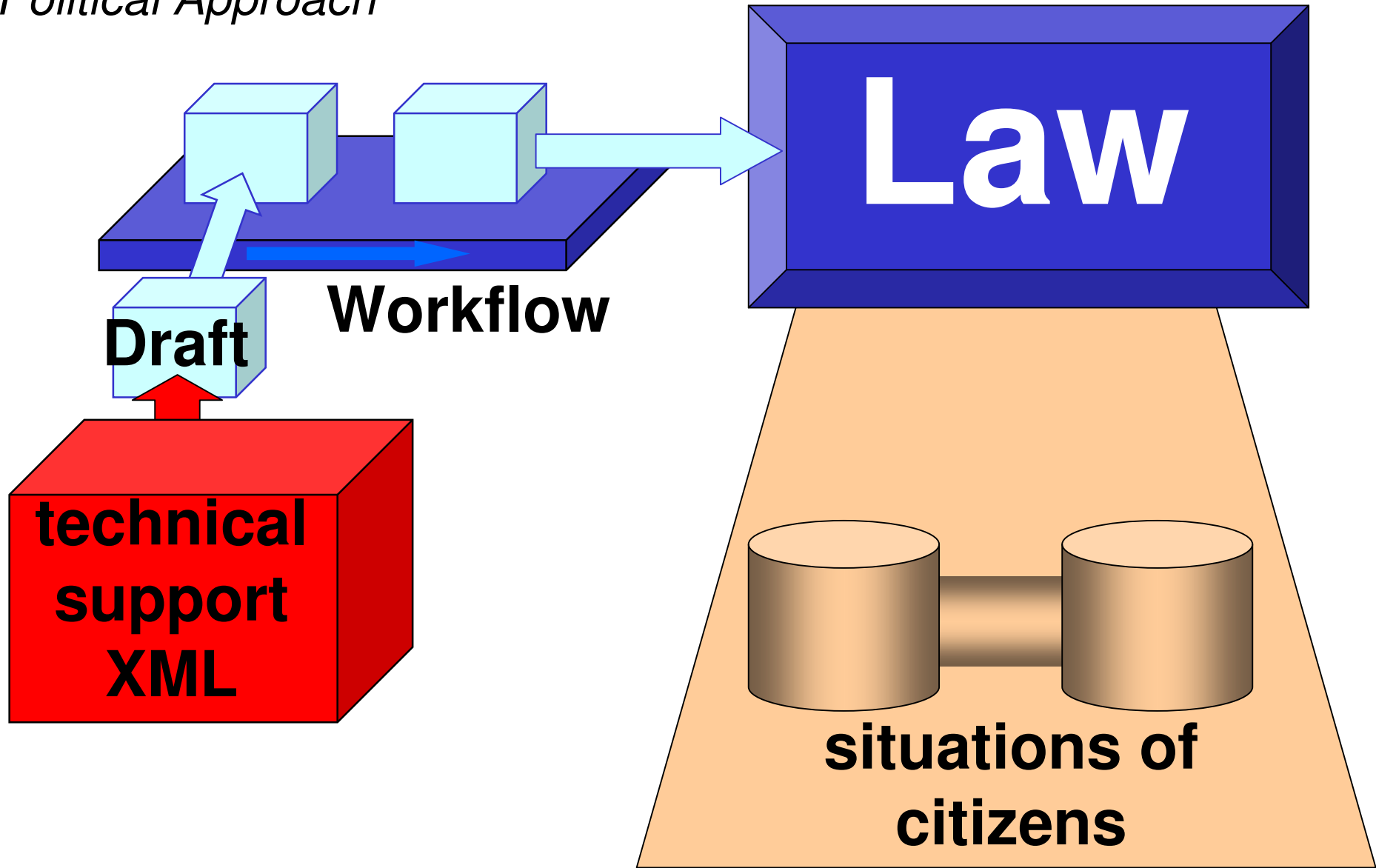
Bureaucratic-technical Approach



Bureaucratic-technical Approach



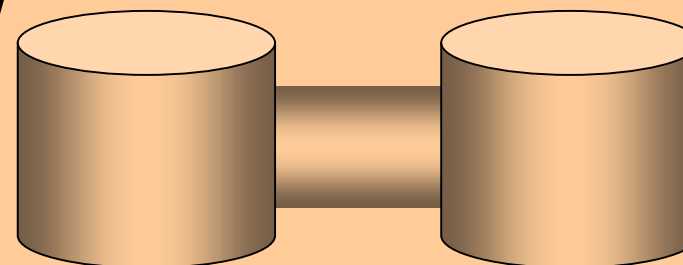
Political Approach



Political Approach

Law

final focus of laws
(telos & end)



**situations of
citizens**

www.help.gv.at

**Thank you very much
for your attention!**

lachmayer@chello.at

*This contribution
is devoted to the memory
of the great Polish scholar
(legal theory, legal logic, theory of legislation)*

Jerzy Wroblewski

Former Professor in Lodz

Kärntner Verwaltungsakademie

<http://www>

[verwaltungsakademie.ktn.gv.at](http://www.verwaltungsakademie.ktn.gv.at)

Klagenfurter Legistik @ Gespräche 04

18./19. November 2004

Simon.Korenjak @ ktn.gv.at

IRIS 2005

*Internationales Rechtsinformatik-Symposium
24.-26. Februar 2005*

Universität Salzburg

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