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## E-Notification in the Judicial Power of the Federation Reality or Fiction

José Santiago Peñaloza Pérez\*

### Introduction

Is knowledge society a main factor for the States and public organizations structural redesigning?

It is considered in fact that the creation of the knowledge society has proposed a modification in public administration's work, and we cannot evade the fact that new technologies existence, from a personal point of view, have given birth to such organization as a result of the changes due to the contact with IT and communication innovations human beings have had.

Now then, it can be considered that new technologies, procedures and processes of public organisms are intimately related, it is also correct to state that Mexican State is immersed in a progressive integral program at all government levels, as for instance the video cameras that the Federal District government has placed in several main avenues in Mexico City, for monitoring vehicle and pedestrian traffic.

On behalf of the Judicial Power of the Federation, an Electronic Signature and Follow up Reports System, that allows notifications sent by electronic means, has been integrated.

### Topic justification

Even though it is true that the Knowledge Society has committed the States to start a process reengineering to use the new technologies and integrate them to daily activities, so is that the Mexican State has integrated to such society.

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\* José Santiago Peñaloza Pérez has a Bachelor's Degree in Law by the Universidad del Nuevo Mundo and a Masters Degree in Public Administration by the National Institute of Public Administration.

The previous statement, not only represents a challenge for the State, but also for the Judicial Power of the Federation, who has the commitment of attending needs and solving conflicts as well as protecting individual rights that belong to each citizen.

If we consider the quality of the public services provided by the public Mexican organizations needs to be improved, the use of new technologies could be an excellent tool for complying with the redefinition and adjustment of their processes, procedures and standards.

Likewise it has been confirmed that while establishing quality standards, public organizations detected the need of justifying the economic deficit new programs, as an austerity engine.

### **Issue conceptualization**

Insofar as the Mexican Government has integrated into the knowledge society and that currently several modalities of the new technologies are applied, it might be important to recognize if the e-Notification concept is still in use, within the processes and procedures that the Judicial Power of the Federation performs.

### **Issue justification**

There is a change in the judicial notification process of the Judicial Power of the Federation due to the new technologies, which reflects great interest by the top judicial authorities in making more efficient the administration of justice.

It has been proven that the new technologies have been source of important benefits for human beings in most cases, and that currently, electronic means usage for commercial purposes (Internet buy/sale) as well as distant communications either personal, entrepreneurial, government and judiciary have efficiently worked through electronic means.

### **Issue scope**

New technologies have revolved the humans current circumstances, this is, all activities that would take some time for performing, are now done in less time and with less resources, this is why governments in all the countries have had the need to apply them in order to improve the quality of public services.

The Judicial Power of the Federation, has integrated communication technologies to IT's processes and procedures,

considering the great importance that the public service for administration of justice for general public has.

There is a great variety of judicial proceedings that are carried out through the use of new technologies; nevertheless it is important to limit this study to carrying out notifications through electronic means throughout the Electronic Signature for Follow up Reports.

### **Conceptual framework of the welfare State**

Liberal state has been surpassed by the new concepts of a Welfare State, since purposes have been modified, in order to attend the needs of the modern social life, which is ever changing and transforming, besides IT's other peculiarity, that as a consequence of IT's permanent transformation, it binds authority to regulate all social relationships; e.g: the tax system is established constituting the authority in a regulating being, inspector and generator of the public funds and subsidiary.

Welfare State has the purpose of complying with the common welfare through the State apparatus acting, which is in charge of complementing or substituting as much as possible the markets and the relations of the trading activities among individuals, by means of the instauration social rights, which are part of the citizens and other nations' inhabitants.

In order to face globalization, developing countries require to let globalized economy to enter through a new institutional order that establishes the rules of the game, and the negotiation with the different economies, not letting the social national ideologies abundance in a simple way, without guidelines or markets freedom; which would doom to failure.

Standards globalization allows fulfilling the clients requirement in any country, with the general acceptance of people in relation with the acquired benefits from new technologies, by means of the restructure of organizations and the instauration of new procedures that allow establishing parameters for applying them.

Power does not arise from the state's simple existence, since it is necessary that the authority has commanding faculty and inhabitants the obligation to obey, which is considered by the valid law.

From all the previous it is important to highlight the need of establishing and acknowledging new institutions, that fit to the national life, so that the globalization structural challenges can be faced and for designing new policies that allow states to face them successfully.

One of the Welfare State purposes is the state organization that provides protection and social security regarding certain basic goods

and services, which in turn integrate other institutions that pursue employment and public services provided by the state apparatus, assuming the responsibility of keeping a life's minimum level of the citizens.<sup>1</sup>

With the purpose that the State can be able to comply with IT's particular activities, it is necessary to allow the authorities to perform human rights and fundamental activities of the inhabitants, with this purpose it is greatly important and necessary to adequate the law, programs, processes and procedures to automation through IT systems that allow them to be cutting edge in providing the correspondent public service.

The bounded State transformation has driven public administration to a new conceptualization, which binds it to see that the services provided have an add value related to the agencies, entities and public organisms organization improvement, with the purpose of achieving more efficiency and efficacy in the use of their resources and in the benefit of the society.

In the Welfare State, legal and social security importance are coupled, it is important to mention that social security is a consequence of the first, since preserving the Rule of Law, this is, complying with what the valid legislation has established, social stability, honor to institutions, culture and ideology, and therefore the sustainable development of societies is generated.

Justice administration is considered to be a necessary element of the Welfare State, since it allows the Rule of Law on behalf of the society.

## **Society of knowledge general views**

Worldwide it has been important to preserve, acknowledge and analyze the way in which the human being behaves, as well as documenting the ideology generated by groups or leader individuals that have been accepted in different societies.

This preservation need has the purpose of identifying human beings ideological guidelines that have fostered social benefit as well as the ones that have severely affected the families' structures.

Concepts as information society (primary concept) and knowledge society (synonym concept in a wide sense)<sup>2</sup> arise from the

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<sup>1</sup> *Enciclopedia Jurídica Mexicana*, Instituto de Investigaciones Jurídicas de la UNAM, Tomo III, Editorial Porrúa, México, 2004, pp. 812

<sup>2</sup> Sally Burch, *Sociedad de la información / Sociedad del conocimiento* <http://vecam.org/article518.html>, searching date, July 8th, 2008.

new technologies which purpose is to express all humanity interest of seeking a kind relation between technological advances and new technologies, and human circumstances related to work, politics, economy and society, and personal life.

New technologies have generated a great breach among individuals having economical possibilities for moving towards them, and those that still are starving, analphabetism and extreme poverty.

Digital breach is a new concept arising from the knowledge society, due to technological advances, information access, socioeconomically factors and some society sectors difficulties from getting the benefits of IT and ITC, for which Serrano Santoyo and Martínez Martínez define as:

“... the division that exists among people (communities, states, countries...) that use ITC's as part of their daily lives, and those who cannot access them or that even though they have them, they do not know how to use them.”<sup>3</sup>

Regarding digital breach, it is important to highlight the difficulty that some population sectors face for accessing knowledge and information, and on the other hand, economies acceleration transforming conventional goods into services that modify people's economical realities.<sup>4</sup>

The economical development of each and every country, shows the distance that exists between one society and the other, related to knowledge, the use of TI and ITC's and new technologies exploitation, nevertheless salvation for under developing countries, regardless of their economy, is the education that the State provides to IT's population, which produces an important cut down in the digital breach.

Governments of the world are seeking nowadays to generate Internet spaces for providing their services, making use of new ITC's, in order that the response speed turns into an asset of public administrations.

Speaking about Internet a question arises, which organism is in charge of controlling the network of networks? It comes out that due to national security the United States of America holds control on Internet (13 computers known as root servers), and not an international

<sup>3</sup> Arturo Serrano Santoyo y Avelino Martínez Martínez, *La brecha digital: Mitos y realidades*, Departamento Editorial, Universidad Autónoma de Baja California, Mexicali, Baja California Mex. 2003, pp. 4.

<sup>4</sup> Jeremy Rifkin, *La era del acceso a la revolución de la nueva economía*, capítulo 5, pp. 124 y 125.

organism as it would be expected, with the great concern that any country decides to establish IT's own domain system, and therefore the system would fracture.<sup>5</sup>

From there the importance of acknowledging "information society's" work, which has devoted without any doubt with the hegemonic term, not necessarily because it expresses a theoretical clearness, but because it received the baptism in the official policies of the most developed countries, besides of the coronation resulting from honoring it with a World Summit.<sup>6</sup>

Culture is useful element for uniting a given society, for which Stiglitz considers as a main element for societies development, the preservation of cultural values. (Social cohesion)<sup>7</sup>

For knowledge society, scientific and technological development is important, as well as technological innovations that relates to IT and ITC, which allows a main easiness to access information, and so the world transforms into a global knowledge and information village, which gives rise to new ways of work organization and increases creativity.<sup>8</sup>

Knowledge accumulation together with ITC development boosts profitable and wide expanding activities such as: research and development, technology innovation, high education with much easiness.<sup>9</sup>

"Information and knowledge production, substitute merchandise production and foster the working market reorganization, turning into the fundamental assets or added values of the new economy."<sup>10</sup>

Scientific and technological development generate innovations in the way of activities performance and laboring tools, which modifies public, private and social structures organization of each country that leads to the creation of new productivity and efficiency paradigms through ICT use, which accelerates production, procedures and services timing response and the efficiency in the use of consumptions resulting in financial savings.

<sup>5</sup> *Política digital* No. 25, Fronteras virtuales agosto/septiembre 2005, Gobierno digital en el mundo pp. 9, <http://www.politicadigital.com.mx/anteriores.php>, searching date, July 8th 2008.

<sup>6</sup> Sally Burch, *Sociedad de la información / Sociedad del conocimiento* <http://vecam.org/article518.html>, searching date, July 8th, 2008.

<sup>7</sup> *Idem*

<sup>8</sup> Georgina González Sánchez, *Curso: la Sociedad del Conocimiento en el siglo XXI y el Gobierno en la gestión pública*, INAP

<sup>9</sup> v. Guellec Dominique, *Economic Growth in Europe Entering a new era*, (Curso: la Sociedad del Conocimiento en el siglo XXI y el Gobierno en la gestión pública INAP, M en AP, Georgina González Sánchez)

<sup>10</sup> Georgina González Sánchez, *Curso: la Sociedad del Conocimiento en el siglo XXI y el Gobierno en la gestión pública*, INAP

Since ancient times, communication has been a matter of great relevance among human being that perform any activity, and nowadays thanks to IT, communication has been issued to the point that a cell phone call or an email may solve a lot of problems and easy business development in a cheap way.

IT's have become a very important tool of public administration, since in both this sector as in the private one, software and hardware tools are required to boost and lighten their activities, this means that IT's have allowed the human being efficacy and efficiency in developing working tasks that impact professional and laboring lives of public and private employees.<sup>11</sup>

This has implied a social development set out for knowledge, leading ability and an instant information exchange in any place or form, by means of using IT's and ITC's.<sup>12</sup>

Application strategic systems or processes for upgrading public administration carry right to electronic administration for the purpose of eliminating paper usage.<sup>13</sup>

"ITC's are the engine and nucleus of the new knowledge society to where we are getting to", for which it has been INEGI interest and study to get some statics from strategic planning of certain offices in public federal administration, study that was divided in the following chapters:<sup>14</sup>

- Technology requirements
- Technology principles
- Technology projects
- Computer science staff
- Products related to IT
- Computer science budget
- IT environment.

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<sup>11</sup> España es., Administración pública del futuro y bienestar social, introducción, [www.monografias.com/trabajos901/administracion-publica-futuro-bienestar-social/administracion-publica-futuro-bienestar-social.shtml#\\_Toc131298816](http://www.monografias.com/trabajos901/administracion-publica-futuro-bienestar-social/administracion-publica-futuro-bienestar-social.shtml#_Toc131298816), searched in March, 2007.

<sup>12</sup> *Idem.*

<sup>13</sup> *Idem.*

<sup>14</sup> Gilberto Calvillo Vives, Información consolidada de los programas institucionales de desarrollo informático de la administración pública federal, *Política digital*, publicación de Nexos, Tecnologías de la información para el desarrollo de la administración pública, [http://www.politicadigital.com.mx/IMG/pdf/PD\\_15.pdf](http://www.politicadigital.com.mx/IMG/pdf/PD_15.pdf), p.10, searched in March, 2007.



## Communication between the public and digital government concept authorities

Good Government Agenda posed by ODCE (that refers to a better way of living in globalization), points out that public administration should be driven to satisfy citizen needs by means of cut edge criteria, and with the efficiency and efficacy purposes established in strategic programs.

Results seek from this are:<sup>15</sup>

- Government costs cut down.
- A quality government.
- A professional government.
- Introduction of digital technology in government.
- A government with a regulatory reform (point to which the creation of the Professional Degree Service Law applies)

Mexico integration to the so called information society started more clearly in 2000 with the creation of the Presidency webpage, with the purpose of spreading federal executive's activities, nevertheless that the previous administration had integrated the official site of the Republic's Presidency. It is worth mentioning that this last had to be modified in order to build a dynamic system and leaving out the html edition.<sup>16</sup> Circumstance that rose with the purpose of creating rigid or encapsulated systems.

One of the system's modifications was that it started to be administrated in situ, and not in extraneous offices to the administration, and a server based on Linux and FreeBSD as well as MySQL databases with LDAP services, which allowed quickness in responses and completing quality concept that permitted a saving for the Federal Government was launched on the basis of that this system can be used by any government office contributing with IT's points of view and specific requirement for IT's incorporation to it.<sup>17</sup>

Mexican government has carried out several programs in order to achieve compatibility between new technologies and social

<sup>15</sup> Jesús Mesta Delgado, *El buen Gobierno, Política digital*, publicación de Nexos, Tecnologías de la información para el desarrollo de la administración pública, [http://www.politicadigital.com.mx/IMG/pdf/PD\\_15.pdf](http://www.politicadigital.com.mx/IMG/pdf/PD_15.pdf), pp.14, searched in March, 2007.

<sup>16</sup> Alberto Bolaños, *El sistema de internet de la presidencia, Política digital*, publicación de Nexos, Tecnologías de la información para el desarrollo de la administración pública, [http://www.politicadigital.com.mx/IMG/pdf/PD\\_15.pdf](http://www.politicadigital.com.mx/IMG/pdf/PD_15.pdf), pp.46, searched in March 2007.

<sup>17</sup> *Idem* pp.47, searched on March, 2007



circumstances through integrating systems that allow to offer more efficient services to public.

An example on this government effort, is the creation of the e-Mexico Data Center, that has as the purpose to increase quality and safety in government's procedures offered to public, as well as communication among authorities.<sup>18</sup>

From SAT effort Declaraset was born as a well known public program by the people who must comply with tax obligations, allowing tax payers an easy and secure procedure, to be able to comply with tax obligations related to declarations.

Mexican government's response to IT's services systematization acceptance is clear and with positive results, from which it may be infer that there is a government immersed in digitalization, although not altogether, but with important advances.

Mexican State, through time has focused IT's interests in finding social welfare, and the purpose of achieving an improvement in economy in a general way; that is why, once united, state entities were able to create a fortified legal being in order to give satisfaction to some part of the citizens needs in general and in particular, some systems that allow the state's integration to world's modernity have been created, though the digital breach is still huge, it at least exists the our government's the expressed intention with acts to reach an integration to the digital era.

e-Government is a tool for fostering the country inhabitants integration to Internet, as well as increasing communication among all government levels authorities, either these being federal, state or municipal, and NGO's; which participate in information an development building of interest topics for the general public.

As it can be seen, technological advances, globalization and knowledge society, have driven human beings to be in contact with ICTs and IT's in a daily way, which have committed the world to be informed on these topics.

On the other hand, economic agents as traders and entrepreneurs in general, have seen themselves committed to apply processes automation for enhancing quality in products and services they offer to consumers in order to balance rivalry. Likewise authorities have adopted processes automation with the purpose of cutting down expenses for complying with austerity and quality programs reestablishing the State contemporary image.

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<sup>18</sup> *Política digital* No. 25, Fronteras virtuales agosto/septiembre 2005, gobierno digital en el mundo pp. 11, <http://www.politicadigital.com.mx/antiores.php>, searching date, July 8th 2008.

## Advance electronic signature

With Bonn ministerial declaration in July, 1977 the need for establishing a technical legal framework that regulated digital signature in e-commerce matter in Europe.<sup>19</sup>

The need for regulating e-commerce started as a consequence of the web's open publicity activity, with which ways of communication for providing services and products sales among people and companies were established, otherwise of communication focused in publicizing directly or indirectly an organization performance.<sup>20</sup>

As a consequence of e-commerce, the Electronic Signature Directive was created as a complement for IT's ruling, in order to unify regulations in communication and e-commerce matters, and avoiding IT's clumsiness by means of legal recognition of the e-signature in order to perform certain certification services guaranteeing interior market operation.<sup>21</sup>

Advanced e-signature features, compare it to autographic signature, on the basis that the mentioned certificate contains identity data of the person that displays it, and that the own advance signature is created by means that only the owner knows and therefore can exclusively control.<sup>22</sup>

E-signature's and autographic signature's features carry the formality of an evidence mean in the sense that there exists a will declaration.<sup>23</sup>

In view of the fact that use of new technologies is considered in modernization of current legislation in force and since advanced electronic signature has been accepted by the Mexican Supreme Court of Justice, in its jurisprudence criteria, as proof of a declared will of transmitting information that can be used as evidence.

Regarding this matter, the Jurisprudence thesis that the First Hall of the Supreme Court of Justice of the Nation registered number 173.071, visible in the Judicial Federation weekly newspaper and IT's Gaceta Seminario, XXV March, 2007, thesis 1a/J. 27/2007, page 30 is appointed and described as follows:

Article 210-A of the Federal Code of Civil Procedure, as supplementary application to the Writ of *Amparo*\* Law as

<sup>19</sup> Elíaz Azar Edgar, *La contratación por medios electrónicos*, editorial Porrúa, México, 2005, pp. 32

<sup>20</sup> *Idem*, pp. 30.

<sup>21</sup> *Idem*, pp. 32.

<sup>22</sup> *Idem*, pp. 34

<sup>23</sup> Elíaz Azar Edgar, *La contratación por medios electrónicos*, editorial Porrúa, México 2005, pp. 238 y 239

provided by article 2 of this Law, acknowledges as “*evidentiary media*” any information produced or communicated that is recorded by electronic, optical or any other technology media; it provides that its evidentiary force depends on the reliability of the method by which it was produced, communicated, received or recorded; and if it is case and if it is possible, it attributes the content of the relative information to its obligors and it makes such information available for further consultation. So, among electronic media, there is the system denominated fax that consists in a data transmission system that uses the telephone network by which a document is sent to the addressee who receives it as photocopy thereof. Accordingly, any documents transmitted by such media among any Federal Judicial Branch agencies being certified by the Court Clerk of the court to which message is transmitted, and being time and date of fax reception as well as sending federal jurisdictional agency duly stated thereon, have full evidentiary value because media by which such documents are communicated are reliable with a security level similar to that of documents issued in paper; because person to whom context is attributed is identifiable; and because documental origin and context is verified; since nowadays, the aforementioned agencies use to be electronically communicated by different media<sup>24</sup> allowing data verification from received fax.

It is worth pointing out that the e-notification through electronic means is legally admissible, with preservation of the legal security, for the notified and other parties that take part in a procedure or process, subject to the rules established by the corresponding procedures are followed, which would be the case of the Advanced Electronic Signature for the Files Follow up.

## ITC's adoption by the Judicial Power of the Federation

The administration of justice is one of the contemporary State essential public services, since it is by justice that the State strengthening comes

<sup>24</sup> Suprema Corte de Justicia de la Nación, Poder Judicial de la Federación, IUS 2007, *Jurisprudencia y Tesis Aisladas*, junio 1917- diciembre 2007, disco óptico. [Amparo is a constitutional provision peculiar to Mexico, used as remedy, action or proceeding for relief or as writ of relief, which resembles United States writ of prohibition, certiorari, injunction, and habeas corpus]

from, through Rules of Law respect, besides the access to speedy justice is a fundamental natural right of individuals.<sup>25</sup>

It has been proven that technological advances in lots of cases have been sources of important benefits for human beings, and that nowadays using electronic means for mercantile communications (Internet buy/sale) or simply the personal or working or entertainment, are having a great apex by cutting down costs, distances and insecurity in government matters. Tax Administration System has implemented the use of Internet for checking-up taxes, trusting the taxpayers' good faith.

ITC's use, has revolved human being's current circumstances, IT's application in the public administration activities, represent a good government principles implementation.

World communicates through ITC, that allow public and private agent to improve their services and products provisions, and the each time more accessible knowledge for human beings, which facilitates access to research and techniques in several subjects for applying them to daily life.

For that reason, the ITC application to the justice administration is very relevant because one of the main rights of the human been is to have access to justice, freedom to get litigations solved is very important and it is of paramount importance that individuals have the possibility of asking their personal constitutional rights in a immediate and efficient way, which gives them the possibility of improving the quality of justice from the Federate Justice Power.

As the Federated Judiciary Council has considered the quality and austerity to accomplish its activities, it is understood that the aim is to grant the justice public service in a efficient and effective way as well as a continuous improvement in the administration of the Federal Justice, in order to accomplish Article 17 from the Federal Constitution.

The Federated Judiciary Council on its functional and evolutive frame from the State and the Public Administration, specifies the bond existing between the legislator interest and the public management of innovating and modernize the government as authority, as well as the obligated modification generated by globalization and the knowledge society.

As we live in times of change, it is important to recognize that the State requires a renovation in order to not evade the social determination of demanding quality in the public services. This renovation has started by the use of the new technologies in the public services provision process.

<sup>25</sup> Héctor Fix Zamudio y José Ramón Cossío Díaz, pp. 110 y 111.

The Federal Judiciary Council has its own web page <http://www.cjf.gob.mx/transparencia/>, which provides information about activities, jurisdictional organs resolutions, Bond Unit phone book, and normative frame - among others -.

If the ITC are constantly changing and are adapted to human necessities, it is important to note that the judicial performances as an important part of providing justice development, are adaptable to the ITC.

Another point to consider is that legislation establishes peremptory terms for doing the notifications, which in most cases results impossible due to the previous considerations.

For that reason, the environmental situation related to the IT and ITC for the governmental activities has become in a priority.

The new necessity of implementing programs or information systems that automates jurisdictional and administrative activities such as notification, have a big relevance due to an optimization of material and human resources could be reached, and that take part in the notification process.

As it can be seen, the utilization of IT and ITC has been very effective to achieve optimization in judicial performances in compliance with the legislation.

One of the authorities that the Federal Judiciary Council is to modernize the structures established for obtaining and administering justice, taking advantage of the IT and ITC.

The Federal Judiciary Council as one of the representatives of the Judiciary Power of the Federation, is habilitated to implement the ITC use to elaborate the notifications.

When the ITC are used for judicial notifications elaborated by jurisdictional organs, by means district and circuit courts, the creation of administrative rules correspond exclusively to the Federal Judicature Council.

Recently the electronic signature for the files follow up has been adopted by the Federal Judiciary Council, which is a new tool that has facilitated the notifications development.

## **Notifications in the Judicial Power**

Notifications are judicial actions made instructed by judges to the attached personnel to the jurisdictional organs, who can apply for secretaries or court clerks,<sup>26</sup> due to they are judicial government employees that have the power given by legal certainty to their judicial performances.

<sup>26</sup> Cfr. Federal Rules Of Civil Procedure, article 67, second paragraph.

Notifications are communication forms that “are used to inform, to put in order or transmit ideas among people who are involved in conflicts”.<sup>27</sup> In summary, notifications are judicial acts realized from the beginning of the procedure to its ending.

Besides as we pointed before, notifications are communication forms for the people involved to have knowledge of the writs that are issued during a process, from the beginning to the end. It is important to add that in general communications in writs are involved actors, defendants, third person lost out, officials from the AG’s office, privilege judicial authorities, (A quo ans Ad quem when ordinary cases where appealing are promoted and/or protection judges according to the subject) and any other authorities of the Legislative and Executive Power.

It is considered that notifications made by the Federal Judicial Council can be made by electronic ways, which is an specific and clear benefit for the federal judges and in consequence, for the society.

Personal notification grants legal certainty to judicial performances, it means if there is proof that an employee of the court executed an act and had an agreement with the justifiable in a determinate place, time, and date as the judge ordered, the essential requirements established on the legal rule about notifications are accomplished, understanding that the judicial authorities at all levels and all parties can have legal certainty or claim their rights in case there are some defects on the judicial communication process to the parties of a trial, which is very relevant for the development of the procedure.

It is necessary to point out that notifications are acts that form the platform for the development of the procedures and processes that are substantial in the jurisdictional organs of the Federated Judiciary Council; otherwise the impossibility of doing court records, would become in the interruption of the judicial machinery functioning, which would avoid the administration of justice and would affect the right of law and would deteriorate the political entity denominated State.

Nowadays, we can have access to the following information, by the system and other mechanisms established by the Federated Judiciary Council to consult agreement lists published by the jurisdictional organs on the corresponding electronic methods:

- By circuit
- By State

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<sup>27</sup> *Enciclopedia Jurídica Mexicana*, Volume I, Editorial Porrúa, Juridic Research Institute, UNAM, Second edition, 2004, page 76.

- By city
- By jurisdictional branch office<sup>28</sup>

From January 2nd, 2006 it has been possible to know via electronic methods (internet) the lists that the jurisdictional organs issues, as well as the complete texts of the relevant resolutions.

It is considered that notifications elaborated by the Federated Judiciary Council can be elaborated by electronic methods, which represents a clear and specific benefit for federal judges and for the society.

### ***Theoretical and technological aspects of the electronic signature use***

The General Agreement that regulates the electronic signature for the parties use and authorized persons in trials, taken to the judicial organs of the Federated Judiciary Council, was published on June 7 of 2007.

The electronic signature is recognized as the personal password, which will allow the access to the "Electronic Signature for the Files Follow up" (FESE) that will control the information flow from all the jurisdictional organs of circuit courts and district courts of the Federated Judiciary Council.<sup>29</sup>

A Unit for Control and Signature Certification was created and will be formed by the ministries authorized for these responsibilities by the holders of the jurisdictional organs, and it will perform the function of concentrating and controlling the electronic signature expedition.<sup>30</sup>

The system has the following functions:

- Allow access to the digitalized files.
- Issue electronic signatures for the files follow up, liberation and reception of official documents, promotions and digitalized documents related to judicial procedures.

People responsible for digitalization and integration of promotion and official documents are the main heads of the jurisdictional organs; the documents that can be added are:

<sup>28</sup> [www.cjf.gob.mx/transparencia/](http://www.cjf.gob.mx/transparencia/)

<sup>29</sup> v. General Agreement number 21/2007 and the Administrative Agreement Delegation (FESE), published on July the 3rd in the Official Journal, articles first and second depending on the issue

<sup>30</sup> v. Administrative Agreement Delegation (FESE), published on July 3 on the Official Journal article THIRD.



- Agreements
- Resolutions
- Sentences
- Issued official determinations related to that matter.

The Electronic Signature System Use for the Files Follow up (FESE), performs the function of issuing the evidence of the realized seek by authorized people in the files, and who have an electronic signature certified by the mentioned Unit.<sup>31</sup>

The acknowledge receipt will allow the issuing of acknowledge receipts including day, hour and identification of the person who gives it away, which is applicable to the presented promotions by the system.<sup>32</sup>

The electronic signature shall be incorporated to the FESE, once it has been obtained, substituting the original written signature in promotions and process that require it that way, it means that the use of the original written signature has no value anymore, and the use of the electronic signature will be requested to validate promotions entered by the follow up files system.<sup>33</sup>

From the analysis of agreements 21/2007 and the one published by the Federal Judicial Council on the Official Journal on July 3, 2007, is understood that the FESE system allows consulting files, reception and send promotions, as well as the follow up of the files that are taken to the federal courts. However it is not clearly specified the development of notifications by electronic forms.

Nevertheless, it is important to point out that to process the notifications by electronic forms it is necessary the acceptance and existence of a system that regulates the electronic signatures, what the studied agreements show on the section related to the releases reception and supporting these agreements, it is possible to realize the notifications automatically for the jurisdictional organs, because the FESE allows the full identification of the people who get into the digital files to give follow up in these affairs in which they are authorized. In this case, the system issues an acknowledge receipt (proof of the request),<sup>34</sup> with the person's identification, time, and date when the inquire was made for.

Legal safeguard offered by this kind of notifications is complemented with the identification of the person who is aware of

<sup>31</sup> v. *Administrating Commission Agreement of the Judicature Council* (published on July 3 on the Official Journal), Article Sixth.

<sup>32</sup> v. *Idem*, Article Sixth.

<sup>33</sup> v. *Idem*, Article Sixth, fraction VI.

<sup>34</sup> v. *Idem*, First paragraph.

the official release (sentence, agreement, issued), and date and time in which they were knowledged.

In this way it can be appreciate that the Federal Judiciary Council has enough installed capacity to make use of the new information technologies and communications as tools to speed up the notification's procedure.

## Conclusions

Notification's is addressed to the jurisdictional and auxiliary organs that receive big amounts of work, so it modernizes the Federal Judicial Mexican system, assistants and administrative personnel from the Federal Judicial Council are authorized to regulate, modernize and optimize the obtaining and administering justice procedures, excepting the Supreme Court and the Electoral Court as is established in the article 100 on the Mexican Constitution.

On June 27, 2007 the Federal Judiciary Council published on the Official Journal a General Agreement in which the electronic signature is recognized, which will allows the issuing of the acknowledge receipts take place and that will be used as an evidence related to a better understanding according to the acts performed during the process.

Notifications made by the Federal Judicial Power can be made by electronic procedures, which represents a clear and specific benefit for the federal judges and that makes it a tool to do their job, and for the society that facilitates the justice administration.

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