Visioning Design for Making the Law Familiar - Four Utilization Models of the Law

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ABSTRACT

Purpose: The purpose of this paper is to propose a vision for the future of law that utilizes design, enabling non-specialists to participate. Design/Methodology/Approach: This paper explores the potential use of design in the legal field by addressing Japanese awareness of law and creating a bottom-up vision that incorporates individual perspectives. Findings: The paper proposes that non-specialists can also engage with the law by adopting a proactive outlook and categorizing it into four areas. It suggests that this categorization can be used to solve legal problems in Japan. Practical Implications: The paper sheds light on how designers can be involved in the legal domain and how non-professionals can participate as well. Originality/Value: The paper highlights the proactive engagement with law by categorizing it into four areas for the future, making it easier for individuals to understand how to engage with the law.

Keywords: Vision design, Legal design, Social design, Inclusive design

INTRODUCTION

The fourth industrial revolution is underway, with the government proposing Society 5.0 and increased attention being paid to the utilization of open data. As society and the industrial structure rapidly change and the post-war Japanese cyclical model collapses, the way of education and work is being reexamined (Honda, 2014). In response, the education sector aims to equip students with the ability to identify their own challenges, learn on their own, think critically, make their own decisions, and forge a better society and life. Starting in 2020, the teaching guidelines will gradually change from primary school (Government Public Relations Online, 2019). In the legal sector, the civil code was revised in 2017 and implemented in 2020 to respond to changes. In this changing society and industrial structure, the existence of law is also required to change. However, while law remains the foundation of all activities in a rule of law country, it is still considered the domain of experts and it is extremely important to make justice more accessible to the public, yet it remains unfulfilled (MOJ, 1999). It is also pointed out that rapid innovation has led to the creation and expansion of markets where legal systems are not yet in place, increasing the need for each company to deal with new

legal issues that they have never experienced before (METI, 2018). As the source of value shifts from "things" and "money" to "people" and "data", society as a whole is undergoing a major change.

The Legal Design Lab, established by Stanford Law School and the d.school, is an initiative of law and design. The Lab proposes new legal services, educates law students and professionals in design thinking, and conducts user surveys of legal services.

The Governance Lab (GovLab) at New York University is studying a legislative process with citizen participation called "CrowdLaw" and proposes a phase in the policy-making cycle in which citizen participation is required.

In Japan, the Legal Design Lab established at the Keio Research Institute at SFC, Keio University. The institute, led by researchers with diverse expertise in law, engineering, and design, states that it will conduct research on the development of legal and social systems with a focus on "people" across disciplines. The institute's Tasuku Mizuno describes legal design as the idea and method of spontaneous rulemaking on the part of private citizens, rather than following rules set unilaterally by the state. In the "GRP Contract Form" project conducted with the Yamaguchi Center for Arts and Media, the contract environment itself was converted into source code and shared on the "Git Hub" in an attempt to make it open source (Mizuno, 2017).

Based on these related studies, we found that citizen participation in the legislative process and the source coding of articles, as co-creation, involves a variety of people, not just legal experts. We believe that design can be effectively utilized by viewing law as a process of co-creation.

Based on the aforementioned background, this study investigates case studies of advanced initiatives regarding the relationship between the general public and law, and proposes a vision of utilizing law and design as a means of co-creation. We will also summarize our findings as a case study of efforts in the fields of law and design, utilizing design as a means of co-creation.

RESEARCH METHODOLOGY

A literature review was conducted to examine the legal consciousness of the Japanese people. As a premise, Japan is an indirect democracy with a parliamentary system of government, and the Constitution of Japan guarantees the sovereignty of the people. There are two ways to make laws in Japan today: first, the Cabinet submits bills to the Cabinet, and second, the Diet members make bills. In both cases, the people are indirectly involved in the process of legislation, as bills are passed by lawmakers elected by the people. Other methods include public comments, petitions, and petitions after the bills are passed. It has been pointed out that one of the issues with public comments is that there is a disparity in information among consumers and consumers, and that it is impossible to get true opinions (Mihune et al. 2008).

Survey Results on the Japanese and Legal Consciousness

The survey results show that the number of people who feel that the actions of the people (voting, demonstrations, petitions, and petitions) have an influence on national politics is decreasing (NHK Broadcasting Culture Research

Institute, 2019). The percentage of voters by age group in national elections has also been decreasing year by year (MIC, n.d.). It was found that while they do not trust the parliament, the prime minister, political parties, or the government in support of parliamentary democracy, they do trust the police and the judiciary and the courts, as well as the police and the police force as an actual organization (The Genron NPO, 2018).

The above indicates that they perceive the current laws as being made by legislators they trust but do not trust, and that they are not involved in making them. They are not aware that they are making the laws, and are only required to obey them. As a result, we think that the problems are that they do not know the existence of the law, they do not know how to use the law because they do not know the law, and the law is not in step with the times.

Case Study of the Use of the Law

We found that there are three problems with the law: people do not know it exists, they do not know how to utilize it, and it is not up to date. Therefore, we surveyed activities, technologies, and services that are trying to solve these problems and collected 60 examples, which we categorized into target areas. As a result, the cases were divided into LegalTech, Open Government, GovTech, CivicTech, and Others (non-technological applications).

From the case studies, we learned that there is a major trend toward the use of open data and citizen participation. It can be expected that the use of open data will not only increase transparency and accountability, but also make administrative procedures more efficient. Laws will become more accessible because they will become more plastic and easier to change than before by making them data-based, the legislative process, which was previously invisible to citizens, will facilitate data and visualization, and citizens will respond if they send in their opinions.

PROPOSED VISION TO MAKE THE LAW MORE ACCESSIBLE

A workshop was held to survey individuals' awareness of legal issues and use it as a reference for creating a vision. The theme was "issues and desires that you feel on a daily basis that you think are related to the law". The workshop was held from June 20 to July 20, 2019, in the basement of GVA TECH K.K. and participants were asked to write on post-its their awareness of issues related to the law and paste them on the post-its. The reason for the ambiguity of "I think the law is relevant" is not the fact that the law is actually relevant, but rather to find out "what the person who stated this relates to the law."

We were able to get 91 post-its put up during the period. The opinions expressed included, "I don't understand what it means to suddenly become a member of society and have to pay social insurance premiums," and "There are too many things that are not known about the law, even though it is for citizens." The main subjects of the opinions were relationships in the community, education, food and drink, weddings and funerals, dissatisfaction with the law and its content, companies, work style, and improvement of public

manners. These opinions were structured using a Laddering Method so that the relationship between each opinion could be seen.

As a result of organizing the relationships, it can be said that the state that "Law and Design for Everyone" aims for is a state where "people's awareness of the law is changing," "people are becoming more familiar with the law," "people are thinking about creating a better society," and "people feel that their individual opinions are reflected in policy and law. Next, we can say that in a society where these opinions are realized Next, we asked ourselves what the law would be like in a society where these opinions are realized.

As a result of our thinking, we believe that law is subject to change, that it is transformed from "a thing to be decided" to "a thing to be determined," and that active involvement is needed instead of passive involvement. Based on the above given conditions, we propose a model that perceives law in terms of four relationships: "utilizing," "protecting," "improving," and "creating" (Figure 1).

Protecting

The familiarity with the law will increase and this will lead to both private-led initiatives and initiatives resulting in actual legal revisions. The accumulation of individual opinions will become easier, enabling the collection of a diverse range of perspectives in the process of legal reforms.

Co-Creation / CIVIC TECH / GovTech / Open Government

Creating

Cross-sectoral efforts to create new structures become more widespread, leading to the incorporation of citizens' voices in policy making. citizens will work together with the administration to shape their vision for their community and the administration will support it as a policy.

Co-Creation / CIVIC TECH / Open Government

Laws that we feel we have decided for ourselves.

Improving

People's mindset shifts from simply abiding by the laws they have created to actively cooperating with the realization of the society depicted by the laws, promoting citizen participation and taking on the role of monitoring the system.

Co-Creation / CIVIC TECH / GovTech / Open Government

Utilizing

Through technology and design, making laws and systems more understandable and easier to comprehend will encourage people to actively utilize their rights (laws). As a result, their relationship with the law becomes more familiar and integrated into their daily lives.

Co-Creation / CIVIC TECH / Legal Tech / GovTech / Society5.0 / Open Government / Smart Cities / New Business Exception System / Gray Zone Resolution System / Regulatory Sandbox
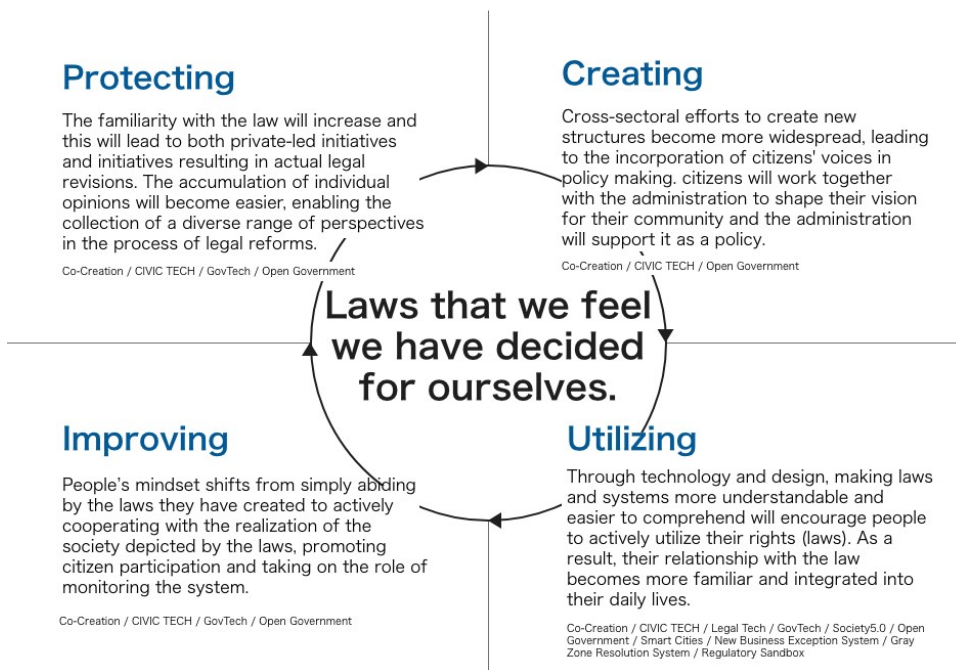
Figure 1: Proposed four models of utilization of the law.

RESULTS AND DISCUSSION

According to previous surveys, it was determined that the goal of "Law and Design for All" is to achieve the following: 1) a shift in people's understanding of the law, 2) an increase in familiarity with the law among the public, 3) a desire among people to build a better society, and 4) incorporation of individual perspectives into policy and law. In this type of society, it is recognized that laws are dynamic and must be actively evaluated and adapted if necessary by individuals themselves. It is also believed that citizen engagement in the creation of laws and their vision is crucial.

Law needs to shift from being perceived as a 'fixed entity' to a 'decision-making entity', and from a passive involvement as a 'created thing' to an active involvement as a 'thing to be created and improved', and from a 'thing to be obeyed' to a 'thing to be utilized'.

It has been pointed out that the subjects of legal consciousness as the social requirement of the designated legal system are both the target and the user of the law (Hiramatsu, 1974), and democracy can be said to exist through the constant monitoring and criticism of the functioning of the system (Maruyama, 1961). Thus, I propose to approach the law from four perspectives: 'utilizing', 'protecting', 'improving', and 'creating'.

Therefore, it is suggested to approach the law from four distinct perspectives: "using," "protecting," "improving," and "making." "Using" refers to the use of technology and design to make the law and institutions easier to understand and for individuals to become more proactive in their utilization. "Protecting" emphasizes the importance of individuals becoming aware of the laws they have created, not merely for compliance but for cooperation in realizing the envisioned society, promoting citizen participation and serving as a watchdog of the system. "Improving" involves increasing familiarity with the law and promoting initiatives, both from the public and private sectors, that lead to revisions of the law and the accumulation of individual opinions in the revision process. "Making" entails a greater emphasis on creating new mechanisms that cross multiple areas and ensuring that citizens' voices are reflected in policy-making. This approach would involve collaboration between citizens and the government in creating a vision for their community, with the government supporting this vision as policy.

The proposed model will enable us to understand the stages of legal utilization, and the cycle of the four stages will make it possible to realize the state that "Law and Design for All" is aiming for. In other words, the "vision of utilizing law and design" can be described as the creation of a story that utilizes the proposed model.

CONCLUSION

In this study, in order to develop a vision for utilizing law and design, we first investigated what the current law is to Japanese people. As a result, it was found that there are three problems in Japan: people regard the law as someone else's business and do not know it exists, people do not know how to utilize it because they do not know it, and the law is not in step with the times.

From the case studies, it was found that open data is being utilized as a policy. While "not knowing how to utilize the law" and "the law is not up to date" could be improved by making the law open data as well, the problem of "not knowing it exists," which was mentioned as a problem of the law, would remain.

The workshop revealed individual thoughts and concerns about the law. Based on these results, we made a clear statement of what kind of state "Law and Design for Everyone" is aiming for. The following is a summary of what

we have clearly stated: 1) People's awareness of the law is changing, 2) People are becoming more familiar with the law, 3) People want to create a better society, and 4) Individuals feel that their opinions are being reflected in policy and law.

In the above-mentioned society, we thought that, based on the premise that laws change, it would be necessary for citizens to be involved in the law from the vision of its enactment, rethinking the law as something that they can think about, actively utilize, and quickly change if it does not fit the actual situation. As a result, we proposed that the law be viewed from the four perspectives of "utilizing," "protecting," "improving," and "creating. We believe that "Law and Design for All" can be realized by repeating this cycle. In addition, by summarizing the case studies from the four perspectives, it will be beneficial to have a common understanding of which areas are involved and in which areas there are many case studies.

As for future development, we will continue to conduct case studies and further clarify the utilization methods, advantages, and disadvantages of the proposed model. In addition, we believe it is necessary to organize and clarify how design can be utilized in the field of law through this activity.

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