

Technology beats the law?

by Georgios N. Yannopoulos

Lecturer, Law Faculty, National and Kapodistrian University of Athens,

gyannop@law.uoa.gr

ABSTRACT for 4th International Conference on Information Law

Several examples show that computer programs in critical areas, such as systems for dematerialised securities, for the payment of public servants and for bank accounts, ignore or even disregard fundamental legal rules, like those of the Civil Code or even of the Constitution. Under the pressure of computerised transactions, most users are forced to consent to such distorted and erroneous application of law and even to accept *contra legem* consequences. It is beyond doubt that Information Technology presents advantages and benefits for lawyers, but have we reached a point where technology has beaten the law? The paper argues that any IT application having legal effects must, in the first place, abide by the substantive, procedural and methodological rules of the particular legal system. This is not merely a purely theoretical view, but a direct expression of the “rule of law” doctrine: citizens anticipate that computerised applications comply with the law. It follows that the theoretical description and the analysis of any IT application in law must be guided by and obey the law, not the technology. In that sense, such analysis should be carefully designed and directed by persons holding legal qualifications; not by computer technicians.