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## **Legal Culture and E-government in Sweden and Japan**

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**Abstract** The rapid development of information communication technology (ICT) over the past 20 years, and the introduction of the internet have significantly changed everyday life and how information is communicated. This also tends to include information sharing between the government and its citizens. Sweden and Japan are both industrialized, democratic countries with existing channels for exchanging ideas and lessons learned. They both have similar aspirations in terms of becoming world leaders within the development of e-government. The infrastructure exists in both countries to make the implementation of e-government possible, yet the observed outcomes differ. To examine the cases of Sweden and Japan further, I compare and contrast the laws and legal cultures pertaining to e-government. I demonstrate similarities and differences between the countries in terms of how they relate to and interact with e-government and the surrounding legal culture. Furthermore, I explain that the origins of the legal system and cultural orientation have contributed to the development of the legal cultures in Sweden and Japan.

## Table of Contents

1	Introduction .....	1
1.1	Purpose .....	2
2	Background .....	3
2.1	E-government – previous research.....	3
2.2	E-government – a definition .....	4
2.3	Sweden and Japan have implemented e-government .....	8
2.4	Legal Culture .....	9
2.4.1	Origins of the legal system.....	15
2.4.2	Cultural orientation.....	16
3	Methodology.....	18
3.1	Interviews.....	19
3.1.1	Ethical considerations when conducting interviews.....	20
3.2	Content analysis.....	20
3.3	Statistical data.....	23
4	Results.....	25
4.1	Japan .....	25
4.1.1	Laws pertaining to e-government in Japan.....	25
4.1.2	E-government in Japan .....	26
4.1.3	E-IDs in Japan .....	29
4.1.4	Extensive roadmaps until 2020 but few concrete goals .....	32
4.1.5	Trust in the Government.....	34
4.1.6	Origins of the legal system.....	43

4.1.7	Cultural Orientation .....	45
4.2	Sweden.....	46
4.2.1	Laws pertaining to e-government in Sweden .....	47
4.2.2	E-government in Sweden.....	48
4.2.3	E-IDs in Sweden.....	51
4.2.4	Action plans and future targets expressed by Sweden .....	52
4.2.5	Action Plans and future targets expressed by the European Union.....	55
4.2.6	Trust in the Government.....	57
4.2.7	Origins of the legal system.....	64
4.2.8	Cultural Orientation .....	65
5	Analysis and Discussion.....	67
5.1	Substantive component.....	67
5.2	Cultural component .....	70
5.2.1	Origins of the legal system and cultural orientation – Japan .....	72
5.2.2	Origins of the legal system and cultural orientation – Sweden.....	73
6	Conclusion.....	74
7	References .....	78
7.1	Interviews – Japan.....	84
7.2	Interviews – Sweden.....	85
7.3	Laws – Japan .....	85
7.4	Laws – Sweden.....	85
Appendix I	.....	87
Relevance to Sociology of Law .....		87
Appendix II	.....	89
Laws pertaining to e-government in Japan.....		89

Laws pertaining to e-government in Sweden ..... 91

Laws and Directives pertaining to e-government in the European Union ..... 93

# 1 Introduction

The rapid development of ICT (information communication technology) over the past 20 years, and the introduction of the internet have significantly changed everyday life and how information is communicated. This also tends to include information sharing between the government and its citizens. E-government (electronic government) is the government's use of ICT to provide information and services to its citizens and the opportunity for citizens to engage in transactions with the government with the help of ICT. The role and function of ICT is still evolving and there is a great range of factors that influence the relationship between the government and its citizens, which in turn impacts the development of and support for e-government.

Examining the development of and support for e-government and the potential impact of legal culture on that development is relevant to the field of sociology of law since legal culture is a core part of the discipline. I highlight aspects of the legal cultures in Sweden and Japan that potentially influence the development of and support for e-government and explore similarities and differences between the two countries. I also analyze possible reasons why the legal cultures pertaining to e-government in Sweden and Japan have developed to be characterized the way they are.

My interest in e-government was inspired by my participation in meetings with the Swedish e-delegation during their visit to Japan in the spring of 2012. I have worked as an Analyst/Research Assistant Intern at the Office of Science and Innovation at the Embassy of Sweden in Tokyo, Japan since January 2012. The Office hosted the Swedish e-delegation, led by Annika Bränström, Chairman of the Swedish e-delegation and Director General of the Swedish Companies Registration Office (Bolagsverket) during the spring of 2012 and I accompanied the delegation to meetings in Tokyo with their counterparts and other important actors within e-government.

Prior to the delegation's arrival, I was responsible for conducting background research on the development of e-government in Japan. My interest in the topic grew during the delegation's visit and the meetings and interviews we conducted. I also had the opportunity to interview members of the Swedish e-delegation and that way learnt about the e-government initiative in

Sweden. My research is based on the interviews as primary data, complemented by statements and documents released by the governments, as well as statistical and quantitative data.

A reoccurring theme during the interviews was that the success of e-government to a large extent depends on the citizens' utilization of what is provided by the government. Legal culture influences citizens' relationship to the law and governmental initiatives. By exploring the influence of legal culture on the development of e-government, I examine law in action versus law in the books in the case of e-government in Sweden and Japan. To further the analysis, I analyze some reasons that explain why the legal cultures in Sweden and Japan have developed the way they have.

## **1.1 Purpose**

The purpose of my research is to compare and contrast the laws and legal cultures pertaining to e-government in Sweden and Japan. I also analyze the origins of the legal system and cultural orientation as factors that help explain why the legal cultures pertaining to e-government in Sweden and Japan have developed as they have. Both countries aspire to be world leaders in e-government and hope to serve as role models for other nations. They both tend to be ranked highly on international e-government rankings, like the United Nations (UN) e-government ranking in which both Sweden and Japan are ranked amongst the top 20 countries in the world.

The questions I answer through my research are:

- *How do Sweden and Japan differ in terms of laws and legal cultures pertaining to e-government?*
- *What are some observed similarities?*
- *Why have the legal cultures pertaining to e-government developed to be characterized as they are?*

This research is significant because it provides information applicable to benchmarking and comparing experiences and strategies. It allows for a deeper, more comprehensive sociology of law perspective than overarching rankings and statistics. The research is of value as it presents an analysis of legal cultures, which sheds light on societal aspects that contribute to the observed outcomes. (See also Appendix I.)

## 2 Background

This section begins with an overview of trends within previous e-government research, followed by a more detailed description of what e-government is and the definition I use for the purpose of my research. I present the previous research first in order to provide readers with a sense of context in order to gain a better understanding of what e-government is and how it has evolved over the years. Once a context has been established, I specify the definition utilized throughout my research. Based on the definition I use, I demonstrate that both Sweden and Japan have implemented e-government. A conceptualization of legal culture follows the e-government overview.

### 2.1 E-government – previous research

Since e-government is a fairly recent development, the research on the topic also tends to be recent, most having been published during the 21<sup>st</sup> century. Some of the research relevant for the sociology of law perspective has explored the potential relationship between the development of e-government and the level of trust in or satisfaction with the government.<sup>1</sup> Researchers have also examined differences between theoretical and practical developments of e-government.<sup>2</sup>

Research has resulted in mixed conclusions regarding the correlation between the introduction and use of e-government and citizens' trust in the government. On the one hand, some scholars have argued that there is a positive correlation between the utilization of e-government features and citizens' level of trust in the government. Furthermore, arguments have been made that the successful introduction of e-government has the potential to help improve how the government is viewed, its distribution of information and transparency.<sup>3</sup>

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<sup>1</sup> Tolbert, C. J. & Mossberger, K. The Effects of E-Government on Trust and Confidence in Government. *Public Administration Review*, May/June (2006), p. 354-369.

Welch, E. W., Hinnant, C. C. & Jae Moon, M. Linking Citizen Satisfaction with E-Government and Trust in Government. *Journal of Public Administration Research and Theory*, vol. 15, no. 3 (2005), p. 371-391.

<sup>2</sup> Heeks, R. & Bailur, S. Analyzing e-government research: Perspectives, philosophies, theories, methods, and practice. *Government Information Quarterly*, vol. 24 (2010), p. 243-265.

Åkesson, M., Skälén, P., & Edvardsson, B. E-government and service orientation: gaps between theory and practice. *International Journal of Public Sector Management*, vol. 21 no. 1 (2008), p. 74-92.

<sup>3</sup> Tolbert, C. J. & Mossberger, K. The Effects of E-Government on Trust and Confidence in Government. *Public Administration Review*, May/June (2006), p. 354-369.

Welch, E. W., Hinnant, C. C. & Jae Moon, M. Linking Citizen Satisfaction with E-Government and Trust in Government. *Journal of Public Administration Research and Theory*, vol. 15, no. 3 (2005), p. 371-391.

On the other hand, scholars have suggested that e-government has yet to reach its full potential in terms of improving the relationship between citizens and governments. It has been argued that e-government may improve the confidence in the future performance of a government, but that it has not been found to increase the level of satisfaction with the overall performance of the government. Research carried out during the first few years of the 21<sup>st</sup> century tends to report that government sites focus on providing information and that e-government lacks the interactive aspect. Such findings contribute to the conclusions that it has yet to reach its full potential, and that it has not been observed as being correlated with increased public trust in the government.<sup>4</sup>

Scholars who have conducted literature reviews have reported gaps between theoretical and empirical findings.<sup>5</sup> For example, there have been claims in conceptual research that the introduction of e-government will lead to a reduction in employees as their tasks are digitalized, yet the empirical research does not support such claims. The authors acknowledge that it might be too early to tell though, and that e-government has yet to be implemented to the extent where the manual function is eliminated. They conclude that more in depth data are likely required to gain a more thorough understanding of the developments of e-government compared to the theoretical perspectives presented in the scholarly literature.<sup>6</sup> Overall, the recent introduction of e-government has the potential to lead to further research as it becomes more of an established practice and has had time to develop further, providing data to analyze.

## **2.2 E-government – a definition**

The concept of e-government is still relatively recent and constantly developing so an agreed upon definition has yet to be established. However, most definitions tend to include references to the use of ICT and the internet to improve the communication of information between the government and other parties. The other parties most commonly referred to are citizens,

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<sup>4</sup> Morgeson, F. V., VanAmburg, D., & Mithas, S. Misplaced Trust? Exploring the Structure of the E-Government-Citizen Trust Relationship. *Journal of Public Administration Research and Theory*, vol. 21 (2010), p. 257-283.  
West, D. M. E-Government and the Transformation of Service Delivery and Citizen Attitudes. *Public Administration Review*, vol. 64, no. 1 (2004), p. 15-27.

<sup>5</sup> Heeks, R. & Bailur, S. Analyzing e-government research: Perspectives, philosophies, theories, methods, and practice. *Government Information Quarterly*, vol. 24 (2010), p. 243-265.

Åkesson, M., Skålén, P., & Edvardsson, B. E-government and service orientation: gaps between theory and practice. *International Journal of Public Sector Management*, vol. 21 no. 1 (2008), p. 74-92.

<sup>6</sup> Ibid.

businesses and other governmental agencies. The e-government channels are typically summarized as: Government-to-Citizens (G2C), Government-to-Businesses (G2B), and Government-to-Government (G2G). The G2B and G2G channels are important aspects of e-government, but they are not essential to the understanding of the nature of the interaction and relationship between the government and its citizens. Hence, for the purpose of my research I focus on the G2C channel in order to gain a better understanding of the interaction and relationship between the government and society and how this impacts the development and utilization of e-government.

The United Nations defines e-government as “The employment of the Internet and the world-wide-web for delivering government information to the citizens.”<sup>7</sup> This definition captures the utilization of ICT by the government to communicate with its citizens which is good because e-government intends to increase the flow of information and transparency. The Organization for Economic Co-operation and Development (OECD) uses a similar definition that focuses on the use of ICT by the government to improve functions and potentially “transform the structures and operation of government.”<sup>8</sup> While both definitions address the government usage of ICT, they exclude the aspect where citizens can interact with the government. E-government should be understood as a multi-directional relationship that strives to increase and improve the flow of information from the government to the citizens and from the citizens to the government.

The World Bank provides a definition that partially incorporates the multi-directional nature of e-government. It conceptualizes e-government as “the use by government agencies of information technologies...that have the ability to transform relations with citizens, businesses, and other arms of government.” Furthermore the definition states that the technologies can serve different purposes like: “better delivery of government services to citizens, citizen empowerment through access to information, or more efficient government management.”<sup>9</sup> This definition captures the fact that e-government is dependent on both the government and its citizens to make it an interactive relationship that aims to improve the communication in general.

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<sup>7</sup> The United Nations. *E-Government Survey 2012: E-Government for the People*. Available: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan048065.pdf> [2012-09-15]

<sup>8</sup> OECD Glossary of Statistical Terms. *E-Government*. Available: <http://stats.oecd.org/glossary/detail.asp?ID=4752> [2012-09-26]

<sup>9</sup> The World Bank. *Definition of E-Government*. Available: <http://go.worldbank.org/M1JHE0Z280> [2012-09-15]

Unlike the UN and the OECD, the World Bank incorporates citizen empowerment as a component of its definition of e-government. However, it is still lacking the dynamic relationship that e-government intends for where it increases and eases the flow of information between the government and its citizens.

Ari-Veikko Anttiroiko and Andrew Chadwick incorporate the role of the citizens in their definitions of e-government. Anttiroiko defines e-government as the government's use of ICT "to support responsive and cost-effective government by facilitating administrative and managerial functions, providing citizens and stakeholders with convenient access to government information and services...and providing better opportunities to participate in democratic institutions and processes."<sup>10</sup> Anttiroiko does not specify what he means by "democratic institutions and processes" which makes it difficult to operationalize his understanding of e-government. Citizen participation is important, but without the specification of what is meant by democratic institutions this aspect cannot be operationalized and measured. The definition offered by Chadwick characterizes the G2C relationship as using the internet "to improve the design and delivery of services by incorporating rapid electronic feedback mechanisms, such as instant polls, Web surveys, and email."<sup>11</sup> E-government should not be thought of as a static G2C scenario where it is only the government supplying the citizens with information, instead the citizens need to be an active part of e-government for it to be successful. Anttiroiko and Chadwick seek to capture the multi-directionality of the exchange of information which is important.

The European Union (EU) conceptualizes e-government as the use of ICT "to provide better public services to citizens and businesses."<sup>12</sup> It goes on to state that reorganizing institutions and processes in order to deliver information in a more efficient manner are part of well implemented e-government.<sup>13</sup> This definition is helpful to consider because it incorporates the notion that the implementation of e-government tends to lead to the need to reconsider how the government is structured and how information is distributed. However, the EU's

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<sup>10</sup> Anttiroiko, A-V. Democratic E-Governance. *Encyclopedia of Information Science & Technology*. 2. Pennsylvania: IGI Global, 2009. p. 990-995.

<sup>11</sup> Chadwick, A. E-Government. *Encyclopedia of Governance*. Thousand Oaks: SAGE Publications, Inc., 2007. p. 262-64.

<sup>12</sup> The European Union. *ICT for Government and Public Services*. Available: [http://ec.europa.eu/information\\_society/activities/egovernment/index\\_en.htm](http://ec.europa.eu/information_society/activities/egovernment/index_en.htm) [2012-10-02]

<sup>13</sup> Ibid.

conceptualization is problematic because it does not specify that it is the government using ICT and providing information and services to the citizens. It is difficult to define and operationalize “better public services” and “a more efficient manner” since it is not made clear what the thresholds for “better” and “more efficient” are. This makes it problematic to use the EU’s conceptualization of e-government. For the purpose of my research, I need a definition that is well defined and can be operationalized in order to properly demonstrate that both Sweden and Japan have implemented e-government.

The definition used by the Swedish eGovernment Delegation describes e-government as the “organizational development of public administration that takes advantage of information and communication technologies combined with organizational change and new skills.”<sup>14</sup> The goal is to make it “as easy as possible for as many people as possible to exercise their rights and fulfill their obligations, and to take advantage of government services, through efficient e-services” and furthermore, the services should be available to all.<sup>15</sup> While this definition is useful in its description of what the eGovernment Delegation aims to accomplish, it is problematic in the context of my research. There is no elaboration of what is meant by “organizational development,” “organizational change” and “new skills” and it is not specified how it will be made available to all. Since these conceptualizations are excluded from the description, it is a challenge to operationalize this definition and show that Sweden and Japan are using e-government.

Through the use of e-government, Japan strives to improve operations, simplify the administrative management system and improve the convenience, efficiency, reliability and transparency for the public. Furthermore, the goal is to provide a one-stop administrative service to reduce duplication and increase centralization between the various ministries, while streamlining the government budget.<sup>16</sup> It is the Japanese Ministry of Economy, Trade and Industry (METI) that is responsible for developing e-government and the focus in this case is more on conceptualizing what they intend to achieve with e-government than on establishing a definition of what it is. Like several of the previously mentioned understandings of e-

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<sup>14</sup> The eGovernment Delegation. *Om e-förvaltning och E-delegationen*. Available: <http://www.edelegationen.se/sida/om-e-forvaltning-och-e-delegationen> [2012-10-02]

<sup>15</sup> Ibid.

<sup>16</sup> Ministry of Economy, Trade and Industry. *Information policy*. Available: [http://www.meti.go.jp/policy/it\\_policy/e-meti/index.html](http://www.meti.go.jp/policy/it_policy/e-meti/index.html) [2012-10-02]

government, the Japanese description also lacks the multidirectional relationship. The focus is on what the government will do for the citizens, which is important as the government aims to increase transparency and accessibility of the services offered. However, I believe it is a mistake to exclude the citizen participation aspect of e-government.

The definitions and conceptualizations of e-government mentioned tend to focus on the government providing information and services to its citizens. Citizen participation is only rarely included and this is problematic because citizen participation is an important component of e-government. The citizens accessing the information and utilizing the services offered provides a measure for how effective and user friendly the government has made it. While e-government may also include the efficiency improvement of information sharing and storing amongst various government agencies, I do not focus on this aspect during my research. I am researching the relationship between the government and the citizens and am therefore more interested in the government's efforts to provide its citizens with information and services through e-government, and the citizens being able to access and utilize the information and services made available.

With technology rapidly changing, e-government is not limited to computers and the internet, it extends to other areas as well like smart phones, fax machines, Bluetooth systems, tracking systems and identity cards to mention a few. ICT in its many diverse forms can be utilized for the purpose of e-government. However, these different channels are not the focus of my research. Instead my research focuses on the communication and exchange of information in general, not the means used, and how this impacts and influences the relationship between the government and its citizens, and legal culture surrounding e-government. For the purpose of my research, I use a conceptualization of e-government that stems from the aforementioned definitions. E-government is the use of ICT by the government to provide its citizens with access to information and services, and the possibility for citizens to participate in transactions with the government using ICT. In this context 'transactions' has a broad meaning and is defined as a communication or exchange between two or more parties that influences or affects all of those involved.

### **2.3 Sweden and Japan have implemented e-government**

To help determine if Sweden and Japan have implemented e-government the UN E-government Development Index, the UN E-participation Index and the countries' e-government portal

websites are used. Both Sweden and Japan have been ranked amongst the top 20 countries on the UN Development Index since it started in 2003. This suggests that both countries have developed and implemented e-government. The UN E-participation Index ranks both Sweden and Japan amongst the top 20 countries in the world<sup>17</sup>, suggesting that citizens in both countries have the possibility to engage in transactions with the government and to participate in e-government. The fact that both countries are ranked amongst the top 20 countries in the world on the UN E-government Survey and have been since the survey began in 2003 indicates that the governments in Sweden and Japan are using ICT to provide their citizens with access to government information and services. In addition to the UN rankings, the fact that both Sweden and Japan have portal e-government websites verifies that both countries are engaging in e-government. The Swedish website [www.edelegationen.se](http://www.edelegationen.se) and the Japanese website [www.e-gov.go.jp](http://www.e-gov.go.jp) demonstrate that the governments are providing citizens (who have access to the internet and to a computer, or any other device that can connect to the internet) with access to government information digitally. Based on the above mentioned information it can be concluded that both countries have implemented e-government.

## **2.4 Legal Culture**

The literature on legal culture is increasing as interdisciplinary studies become more common and as the importance of the study of legal culture is increasingly recognized. However, there is no agreed upon definition, which is understandable considering the difficulty associated with defining culture in general. While the lack of an agreed upon definition does not present a hinder for the purpose of my research, it is important to acknowledge that without one it is important to specify the definition used in order to ensure that the reader is made aware of the definition used. This helps maintain transparency as well as increases the reliability of the research.

Eugen Ehrlich (1862 – 1922) was an Austrian legal scholar who is often credited as the founder of the sociology of law discipline. He found legal theory alone to be a limiting way of studying the legal reality as observed in society. Already in the foreword of his book *Fundamental Principles of the Sociology of Law*, Ehrlich highlights the importance of recognizing that it is society itself that is the “center of gravity of legal development” rather than

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<sup>17</sup> UN Public Administration Programme. *United Nations E-Government Survey 2012*. Available: [http://www2.unpan.org/egovkb/global\\_reports/12report.htm](http://www2.unpan.org/egovkb/global_reports/12report.htm) [2012-10-01]

legislation, juristic science or judicial decision.<sup>18</sup> With this he introduced the concept of living law and argues that the concept of living law “constitutes the foundation of the legal order of human society”.<sup>19</sup> Ehrlich suggests that despite living law not being formally included in legal propositions, or in positive law, it is living law that tends to govern life itself. Furthermore, living law does not always match the rule of law that is being enforced through the legal system.<sup>20</sup>

In other words, Ehrlich’s argument suggests that society tends to be governed by living law which is based on the norms and developments within the society rather than the formal law posited in legal propositions. He highlights that there may be differences between the laws implemented by the government and the rules and norms adhered to by society during daily life. This is the foundation of the study of sociology of law, and it leads in to legal culture since it emphasizes the importance of society’s influence over the rules that citizens actually follow.

Georges Gurvitch’s work was in part inspired by Leon Petrazycki, whose work is largely unrecognized. Petrazycki differentiates between official law and intuitive, or unofficial law, and Gurvitch conceptualizes it as social law.<sup>21</sup> Both intuitive law and social law aim to capture the importance of society’s involvement in molding the norms and rules that society actually adheres to in practice. These, like Ehrlich’s living law, are concepts similar to legal culture, which is the focus of my research.

Ralf Michaels highlights that legal culture has been “intensively discussed” and is believed to be of significant value, but adds that establishing a precise definition has not been as important amongst those studying the topic.<sup>22</sup> The anthropology and sociology disciplines have worked hard to tackle the challenges associated with the concept of culture, but unfortunately those problems have mostly been ignored by scholars studying legal culture. Michaels argues that it is difficult to separate legal culture from culture in general because so much of daily life is concerned with law. Legal culture, culture and the law are all interconnected and in a sense legal culture can be understood as the cultural context that influences the legal system and gives

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<sup>18</sup> Ehrlich, E. *Fundamental Principles of the Sociology of Law*. New Brunswick: Transaction Publishers, 2002.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Gurvitch, G. *Sociology of Law*. New Brunswick: Transaction Publishers, 2001.

<sup>22</sup> Michaels, R. Legal Culture. Forthcoming in *Oxford Handbook of European Private Law* (Basedow, Hopt, Zimmermann eds.), Oxford University Press. p. 2.

meaning to the law.<sup>23</sup> This in turn leads to the problems associated with defining culture spilling over to any attempts to conceptualize and define legal culture. Michaels' conceptualization of legal culture provides an overview of what the concept entails, but it is not specific enough to measure or operationalize.

Michaels argues that legal culture is comparable to Ehrlich's concept of "living law" and can be thought of as an "extended understanding of law". Although Ehrlich has been credited as one of the founders of the sociology of law discipline, Michaels refers to Lawrence M. Friedman for a legal sociologist perspective on legal culture. Based on Friedman's work Michaels suggests that legal culture, within sociology of law tends to be conceptualized as "the values, ideas and attitudes that a society has with respect to its law".<sup>24</sup>

Friedman has been credited as one of the first scholars to formally address legal culture and his work is recurrently referenced in the legal culture literature. Friedman argues that there is a two-way flow of feedback and influence between society and the legal system. Societal norms and values have a tendency to influence the legal system, and the law, legal behavior and institutions associated with the law can affect society.<sup>25</sup> It is difficult, if not impossible, to determine a causal relationship between society and the law since the two are interconnected and interdependent. I agree with Friedman's assertion that society and law influence each other, however, he neglects to define society and does not specify how large or small part of a country makes up a society. In the broad sense a society can be thought of as consisting of all of the citizens within a country, and in a more narrow sense it can be limited to the local community of a city or town.

For the purpose of my study I define society as including all of a country's citizens. The population size of Sweden and Japan vary greatly; Sweden has a population of around nine million people<sup>26</sup> while Japan's population is estimated to be close to 127 million<sup>27</sup>. Cities in Japan, like Tokyo and Osaka, have populations greater than all of Sweden. The great difference

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<sup>23</sup> Michaels, R. Legal Culture. Forthcoming in Oxford Handbook of European Private Law (Basedow, Hopt, Zimmermann eds.), Oxford University Press.

<sup>24</sup> Ibid.

<sup>25</sup> Friedman, L. M., 'Is There a Modern Legal Culture?', *Ratios Juris*, Vol.7 No.2, 1994. p. 118.

<sup>26</sup> The CIA World Factbook. *Sweden*. Available: <https://www.cia.gov/library/publications/the-world-factbook/geos/sw.html> [2012-10-22]

<sup>27</sup> The CIA World Factbook. *Japan*. Available: <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html> [2012-10-22]

in population size is likely to influence the legal cultures and the work of the governments in terms of an initiative like e-government. Sweden and Japan are similarly sized countries in terms of landmass though. Sweden is roughly 450,000 km<sup>2</sup> large while Japan is slightly smaller at about 378,000 km<sup>2</sup>. Sweden and Japan are comparable cases because both countries are industrialized, democratic countries with existing channels for exchanging ideas and lessons learned. They both have similar aspirations in terms of becoming world leaders within the development of e-government. The infrastructure exists in both countries to make the implementation of e-government possible, yet the observed outcomes differ.

It is important to acknowledge that it is likely that not all parts of society have equal influence over the law. It is probable that the norms and values of the communities located in close physical proximity of the lawmakers will have a higher level of interaction with the legal system than those of communities located further away. This is further supported by the idea that the lawmakers are likely members of the close-by communities, suggesting that the lawmakers themselves share and influence the norms and values of those communities. However, assessing and analyzing the impact of physical distance on the level of influence and interaction between society and the law is beyond the scope of this study. Hence, I include all of the country's citizens when I refer to 'society' throughout my research since the goal of e-government is to be inclusive and to make information and services available to all citizens.

Susan S. Silbey differentiates between legal culture and legal consciousness. She argues that legal culture, on the one hand exists at the macro level, meaning that it is more of a group phenomenon. In other words, it refers to a groups' understanding of its interaction with the legal system. Legal consciousness on the other hand tends to focus on the micro level, concentrating on the ways individuals, rather than groups, interact with the legal system. Furthermore she argues that the two concepts describe "ways in which formal legal institutions and everyday social relations intersect and share cognitive resources".<sup>28</sup> Silbey, like Ehrlich, Michaels and Friedman suggests that the link and interaction between the legal system and society are intricate enough that they are difficult to separate. Her distinction between legal culture and legal consciousness is valuable to consider when conducting research to ensure that the intended subject is in fact legal culture and that it has not been confounded with legal consciousness. My

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<sup>28</sup> Silbey, S. S., 'Legal Culture and Legal Consciousness', *International Encyclopedia of Social and Behavioral Sciences*, 2001. p. 8623-8624.

study focuses on the legal cultures of Sweden and Japan, rather than the legal consciousness of individual citizens in the two countries. I examine the macro perspective, the generalized legal culture of the citizens and similarities and differences between Sweden and Japan.

Friedman describes legal culture as an “intervening variable” and suggests that indirectly “social forces make law”.<sup>29</sup> It is an intervening variable rather than a causal variable since the causal relationship is difficult to isolate considering the vast amount of potential influences. The influence is indirect because developments within society alone do not influence or change law. Instead, the developments influence or change the way the citizens view their society, which in turn effects expectations. It is the altering of citizens’ expectations that influences norms and values, and eventually the legal system.<sup>30</sup> The influence on the legal system is extensive and complex. Legal culture is only part of the broad range of influences affecting the legal system, hence the label as an intervening variable.

Legal culture can be understood as the “ideas, values, attitudes, and opinions people in some society hold, with regard to law and the legal system”.<sup>31</sup> This description captures the concept well, but it is difficult to operationalize ideas, values, opinions and attitudes. Also, there is neither an agreed upon definition of culture nor an effective way to measure it, contributing to the challenges associated with defining and measuring legal culture.

In an effort to make legal culture more tangible and easier to operationalize Friedman breaks it into three components. He argues that a working legal system is made up of and influenced by *structural*, *substantive* and *cultural components*. In other words, Friedman suggests that the “network of values and attitudes relating to law” is what makes up legal culture and “determines when and why and where people turn to law or government, or turn away”.<sup>32</sup> Legal culture is the way in which society interacts with the law and in a sense it represents the citizens’ level of trust in or support for the legal system, and the government behind it. For the purpose of my research I use Friedman’s components to structuralize and operationalize legal culture in Sweden and Japan.

The *structural component* of the legal system consists of the institutions, their form and the role they play in society. The number of courts, the existence of a constitution and the

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<sup>29</sup> Friedman, L. M., ‘Is There a Modern Legal Culture?’, *Ratios Juris*, Vol.7 No.2, 1994. p. 118-19.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Friedman, L. M., ‘Legal Culture and Social Development’, *Law & Society Review*, Vol.4, 1969. p. 34.

division of power within the legal system are examples of the structural components.<sup>33</sup> Although the structural component contributes to the understanding of legal culture, it has not been of main concern for the development of and support for e-government so far since the legal institutions tend not to be directly involved. For example, the number of courts does not directly affect the development of e-government, hence this aspect is not be focused on throughout my research. Instead the *substantive* and *cultural components* are of more interest for the purpose of my study as they capture the laws in place and the attitudes of the citizens.

The second piece discussed by Friedman is the *substantive component*, which is made up of the laws of the legal system. More specifically it includes the laws, rules and decisions used to govern the society and how and to what extent they are actually utilized.<sup>34</sup> For the purpose of my research, I examine the laws implemented in Sweden and Japan pertaining to e-government. In the case of Sweden, I include both Swedish and European Union law relevant to e-government. EU law is included because as a member of the EU, Sweden is expected to implement and adhere to EU law.<sup>35</sup> For both Sweden and Japan I use content analysis to consider similarities and differences between the laws relating to e-government. When relevant, I also examine press releases, action plans, and official statements made by the governments concerning areas associated with e-government. I analyze the wording and themes, specifications and limitations stipulated by the laws and relevant documents to examine the legal cultures of Sweden and Japan.

The third and final component is the *cultural* one, consisting of the attitudes and values that help place the legal system within its societal context. This component is made up of the extent to which the citizens turn to the law or government, their opinion of the law and the legal system, and the reasons why people use the courts.<sup>36</sup> Citizens' level of trust in the government and their e-government participation level are used to measure part of the *cultural component*. Trust in the government is used as a proxy for trust in the legal system due to data availability. Of course the government's role goes beyond the legal system, but it is an appropriate proxy because the government is the foundation of and the enforcement mechanism supporting the legal system and the authority behind e-government. Statistical data, rankings and indices are

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<sup>33</sup> Friedman, L. M., 'Legal Culture and Social Development', *Law & Society Review*, Vol.4, 1969. p. 34.

<sup>34</sup> Ibid.

<sup>35</sup> European Commission. *Application of EU Law*. Available: [http://ec.europa.eu/eu\\_law/index\\_en.htm](http://ec.europa.eu/eu_law/index_en.htm) [2013-02-09]

<sup>36</sup> Friedman, L. M., 'Legal Culture and Social Development', *Law & Society Review*, Vol.4, 1969. p. 34.

also used to represent citizens' attitudes towards the legal system and e-government. A more detailed description of the data and the methodology used follows in the methodology section.

To further understand the *cultural component* and the attitudes people have towards the legal system, and why they may have developed as they have, I include the origins of the legal system and cultural orientation.

#### 2.4.1 Origins of the legal system

A part of legal culture is the attitude people in society have with regard to the law and the legal system in place.<sup>37</sup> The origins of the legal system influence the attitude towards it. Laws are more likely to be effective and used in practice if there is a demand for them. This in turn increases the likelihood of people having a positive attitude towards the system, If the laws are transplanted, meaning imposed and not adapted to the local conditions, they are likely to work less effectively since the demand for them is weak. A legal system that works less effectively is likely to be associated with a negative attitude towards the system since it is transplanted and not adapted to the domestic needs. It is advantageous for countries to develop their own legal order because that way it is built based on domestic knowledge and better able to adapt to the existing legal situation and perceived problems. However, if the legal order is transplanted, there tends to be a divergence between the existing approach to the legal system and the imposed system. Such a divergence leads to the “transplant effect,” meaning that the disconnect between the old and new legal orders leads to the weakened effectiveness of the legal system.<sup>38</sup>

It is the process of lawmaking and the development of the legal system that influences the effectiveness of the utilization of the laws, rather than the written laws themselves. This means that it is not necessarily the content of the laws that determines if the laws are utilized effectively or not, but rather the origins of the legal system itself. The voluntary compliance with the laws will likely be high if the demand for the laws within society is high. Transplanting law tends to be limited to the written law, while the living law and legal culture tend to retain aspects of the previous, domestic system. This results in the transplanted law being less effectively utilized.

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<sup>37</sup> Friedman, L. M., ‘Is There a Modern Legal Culture?’, *Ratios Juris*, Vol.7 No.2, 1994. p. 118-19.

<sup>38</sup> Berkowitz, D., K. Pistor & J-F. Richard., ‘The Transplant Effect’, *The American Journal of Comparative Law*, Vol. 51, No.1, 2003. p.163-203.

When the legal system is allowed to develop indigenously, it is more likely to gain support from the society and in turn be utilized more effectively.<sup>39</sup>

According to Friedrich Karl Von Savigny, law has “a fixed character, peculiar to the people like their language, manner and constitution” indicating that laws are difficult to transplant successfully.<sup>40</sup> Furthermore he suggests that in order for transplanted law to be effective and avoid simply being words in legal texts, it needs to adapt to the domestic norms and needs.<sup>41</sup> Laws exist in a social context, a claim that is reinforced by the sociology of law discipline and legal culture. With this social context in mind, laws are less likely to function effectively if they are transplanted without taking the domestic context into consideration. People choose how to behave, and simply transplanting laws will not result in an effective change of behavior.<sup>42</sup>

A part of legal culture consists of the attitude society has towards the legal system, and this attitude is influenced by whether or not the legal system and laws are transplanted. The attitude can be considered to be negative if there is a lack of demand for the laws and legal system since the people did not choose the laws, they have not been adapted to meet the society’s needs and do not align with the established norms. However, if the demand exists, the attitude is likely to be positive since the people want the laws and legal system to develop and they have done so while considering the domestic rules and norms.

## 2.4.2 Cultural orientation

Legal culture and the attitudes towards the legal system are also influenced by a society’s cultural orientation.<sup>43</sup> Societies tend to be characterized by a collectivist or individualistic cultural orientation, which influences how people within the society relate to dispute resolution.

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<sup>39</sup> Berkowitz, D., K. Pistor & J-F. Richard., ‘The Transplant Effect’, *The American Journal of Comparative Law*, Vol. 51, No.1, 2003. p.163-203.

Pistor, K., Y. Keinan, J. Kleinheisterkamp & M. D. West., ‘Evolution of Corporate Law and the Transplant Effect: Lessons from Six Countries’, *The World Bank Research Observer*, Vol. 18, No. 1, 2003. p.89-112.

<sup>40</sup>Savigny, F. K., *Of the Vocation of Our Age for Legislation and Jurisprudence* (trans. Abraham Hayward). Clark: The Lawbook Exchange Ltd., 2002. p. 24.

<sup>41</sup> Ibid.

<sup>42</sup>Lui, D., ‘The Transplant Effect of the Chinese Patent Law’, *Chinese Journal of International Law*, Vol. 5, No. 3, 2006. p. 733-752.

<sup>43</sup> Bierbrauer, G., ‘Toward an Understanding of Legal Culture: Variations in Individualism and Collectivism between Kurds, Lebanese, and Germans’, *Law & Society Review*, Vol. 28, No. 2, 1994. p. 243-264.  
Hamilton V. L. & J. Sanders, ‘Punishment and the Individual in the United States and Japan,’ *Law & Society Review*, Vol. 22, 1988. p. 301.

On the one hand, an individualistic cultural orientation is characterized by a preference for formal procedures and rules when faced with resolving disputes. On the other hand, traditional and religious norms are preferred tools for dispute resolution in the case of a collectivist cultural orientation.<sup>44</sup> E-government is not focused on dispute resolution, but examining the preference in terms of dispute resolution gives an indication of society's attitude towards the legal system. A situation where people are likely to turn to the formal system in order to resolve disputes is suggestive of a positive attitude towards the system. The opposite is likely to be true for a situation where people do not prefer to utilize the legal system to resolve disputes.

The collectivist orientation suggests the people are more in favor of using traditional and religious norms to resolve potential disputes involving social relationships. Close social relationships, with for example family, extended family or the local community, tend to be a characteristic of the collectivist orientation. People from within the group may serve as mediators, and disputes are more likely to be resolved using flexible rules that are better able to "preserve social harmony".<sup>45</sup> The preservation of the group is more important than the expression of individual opinions.<sup>46</sup> The collectivist orientation can be associated with a negative attitude towards the government and the legal system since there is a strong preference for using traditional means to govern group relationships.

The individualistic orientation tends to favor written, formal laws and evidence when settling disputes. The norms and values of society tend to be less influential over people in a society with an individualistic cultural orientation. There is less of a tight social control. The focus is more on the law as a tool to help resolve problems than on informal means like traditional and religious norms present within the society. The focus is on the individual rather than on maintaining the group.<sup>47</sup> The preference for independence and disputes being resolved in a formal manner suggests a positive attitude towards the government.

Societies that have more of a collectivist orientation are more likely to be characterized by a legal culture that is in favor of traditional and religious norms. This suggests that the attitude towards the legal system is less supportive, and that the laws will likely be used less effectively.

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<sup>44</sup> Bierbrauer, G., 'Toward an Understanding of Legal Culture: Variations in Individualism and Collectivism between Kurds, Lebanese, and Germans', *Law & Society Review*, Vol. 28, No. 2, 1994. p. 243-264.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

The traditional norms are favored and the legal culture is characterized by a negative attitude towards the government.

### 3 Methodology

The purpose of my research is to examine similarities and differences in the laws and legal culture pertaining to e-government in Sweden and Japan. I also analyze potential reasons why the legal cultures have developed as they have in Sweden and Japan. I use mixed methods research, employing both qualitative and quantitative methods. When a researcher uses both qualitative and quantitative methods to collect, present and analyze data in a single study, it is considered mixed methods research. It is important to recognize that using multiple quantitative, or multiple qualitative methods is not categorized as mixed methods research.<sup>48</sup> There are various ways to mix and use different qualitative and quantitative methods depending on the study, the data and the needs of the researcher.

Like there are different ways to mix methods, there are also various reasons for doing so. I am using mixed methods because of the triangulation, or concurrent methods design. It allows me to collect and analyze qualitative and quantitative data throughout the research process and to develop one interpretation of the data in order to gain a better understanding of the observed outcome. Together the data describe the situation in a more holistic way than either type of data could achieve independently.<sup>49</sup> Restricting my research design to only qualitative or quantitative methods would limit the understanding of the observed outcome. Employing mixed methods allows me to use the qualitative methods interviewing and content analysis, and the quantitative method of statistical analysis.

There are other ways to use mixed research methods as well, like the explanatory sequential mixed methods design and the embedded mixed methods design.<sup>50</sup> The explanatory sequential design is based on the initial research being complemented by data collected later using a different method. It can take the form of qualitative research being followed up with and tested using a quantitative sample from a larger population. It can also be used by a researcher who wants to further explain quantitative results based on a large population sample with a

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<sup>48</sup> Creswell, J. W. Mixed Methods Research. I L. M. Given (red.) *The SAGE Encyclopedia of Qualitative Research Methods*. SAGE Publications, Inc., 2008. p. 526-527.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

smaller, more specific qualitative sample. The embedded mixed methods design can be carried out when a researcher conducting an experiment takes the opportunity to gather qualitative data about the participants' experiences. That way the researcher captures both the macro perspective and more detailed accounts of the observed outcome.<sup>51</sup>

### **3.1 Interviews**

I use structured-nonscheduled interviews, meaning that there is certain information that is sought after during the interview, but there are no specifications for how to obtain that information. Open ended questions are used during the interviews in order to avoid restricting the responses and information provided.<sup>52</sup> This approach is suitable for the purpose of my research because those interviewed were made aware of the desired information and could that way prepare for the presentations accordingly. It also allows for interaction between the parties involved, and makes it possible for the interviewer to ask questions and receive follow-up information that is of interest and relevance.

The information sought after during the interviews focuses on the themes of: how various filing and application processes are carried out, e-IDs, future initiatives and budgeting responsibilities, starting up companies using e-government, website traffic, and overall challenges associated with e-government efforts.

I interviewed the Japanese parties in person in Tokyo, together with the Office of Science and Innovation (Tillväxtanalys), Embassy of Sweden, Tokyo and the Swedish e-delegation led by Annika Bränström. When needed, translation was provided. Those interviewed received the topics of interest to be discussed prior to the interview in order to best prepare for the discussion. The interviews began with formal greetings from the Swedish and Japanese sides, followed by a presentation made by the Japanese party about their role in terms of e-government. Clarifying and follow-up questions were asked throughout and after the given presentations. The Ministry of Justice (MOJ), the Ministry of Internal Affairs and Communications (MIC), Dr. Kawashima, Special Advisor to Saga Prefecture and Member of the Electronic Administration Task Force for

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<sup>51</sup> Creswell, J. W. *Mixed Methods Research*. I L. M. Given (red.) *The SAGE Encyclopedia of Qualitative Research Methods*. SAGE Publications, Inc. 2008. p. 527.

<sup>52</sup> Crano, W. D. & M. B. Brewer. *Principles and Methods of Social Research*. 2 ed. New Jersey: Lawrence Erlbaum Associates, 2002. p. 231-233.

the IT Headquarters, Cabinet Office, and Naomi Kumagai from the Swedish Trade Council, Business Support Office (BSO) were interviewed in Japan.

I used a combination of in-person interviews and email correspondence to interview members of the Swedish e-delegation. I interviewed Annika Bränström, Lena Warstrand, Communication and Press Relations within the e-delegation and Heléne Lindqvist, Head of Department at the Swedish Companies Registration Office.

During both the Swedish and Japanese interviews I took notes on the information presented. I use content analysis to analyze the information obtained from the interviews. This method is also used to examine the laws in place, announcements, press releases, action plans and road maps released by the governments and other relevant agencies, and interviews conducted with companies, government, and e-delegation members in Sweden and Japan.

### 3.1.1 Ethical considerations when conducting interviews

For ethical reasons, those interviewed were informed that they were being interviewed and they consented to allowing the information obtained during the interviews to be used for analytical purposes and published in different reports. Leading questions were avoided in order to not influence the interviewee and prevent the data obtained from being biased.

## 3.2 Content analysis

Content analysis is a collection of methods used to examine and analyze various forms of textual data.<sup>53</sup> It can be applied to a broad range of data forms like interview transcripts, speeches, questionnaire responses and even photographs and videos. As a method content analysis is used independently of a theoretical framework, meaning it can be applied to research regardless of the theoretical framework employed for the analysis. Within social scientific research, content analysis is frequently used when analyzing data in text formats.<sup>54</sup> The broad range and diverse forms of data that content analysis can be applied to makes it applicable to my research. I use it to analyze the laws in place, announcements, press releases and road maps released by the governments and other relevant agencies, and the interviews conducted. It is also used to analyze

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<sup>53</sup> Franzosi, R. Content Analysis. I M. S. Lewis-Beck, A. Bryman & T. F. Liao (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2003. p. 186.

<sup>54</sup> Julien, H. Content Analysis. I L. M. Given (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2008. p. 120.

historical data included to describe the origins of the legal system and cultural orientation aspects of legal culture. All types of data that I analyze using content analysis are written, including the interviews since I use transcripts and notes from the interviews.

It is important to acknowledge that whenever analyzing textual data there is a chance of a subjective interpretation and that the text can suggest multiple meanings. The information contained in the text tends to be context dependent.<sup>55</sup> These nuances associated with interpreting and analyzing qualitative data make it important to consider the macro perspective in order to ensure that no aspect is lost along the way. I examine different aspects of e-government, from the implemented legislation to future plans expressed by the governments, from comments made by citizens to e-participation rates in order to minimize the potential for subjective interpretation and to capture a large part of the e-government context. The historical data analyzed contributes to the macro perspective in terms of the reasons for the developments of the legal cultures surrounding e-government.

The most basic approach to content analysis is the word count, which can be carried out by counting the number of times a certain word is used in the studied text. It can be done using as simple tools as pen and paper, but there are also computer programs that can be used. Thematic content analysis is another approach within content analysis and according to Franzosi, it is the most common approach employed.<sup>56</sup> It can be done by searching for dominant and reoccurring themes throughout the data that can be categorized into broader clusters.<sup>57</sup> Identifying the themes and categories to use tends to be a continuous process ongoing throughout the research. It is often necessary to revisit both the data and the selected themes in order to make sure the categorization is consistent and that everything is included. Non-findings, meaning what is left out or not mentioned in the textual data can be equally important as the information

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<sup>55</sup> Julien, H. Content Analysis. I L. M. Given (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2008. p. 120.

<sup>56</sup> Franzosi, R. Content Analysis. I M. S. Lewis-Beck, A. Bryman & T. F. Liao (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2003. p. 186-188.

<sup>57</sup> Julien, H. Content Analysis. I L. M. Given (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2008. p. 120-121.

Franzosi, R. Content Analysis. I M. S. Lewis-Beck, A. Bryman & T. F. Liao (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2003. p. 186-188.

that is explicitly stated.<sup>58</sup> It is important to be aware of what is being communicated via the information that is excluded from the textual data.

It is possible that a single part of the textual data is relevant to multiple themes. Keeping the language consistent with that used in the data analyzed is important and helps with accurately representing the message communicated. Qualitative content analysis tends to be inductive, meaning that the researcher reads the textual data to be analyzed and through a deep analysis seeks to uncover the less explicit information contained in the data.<sup>59</sup>

Content analysis is a flexible approach that allows the researcher to tailor the methods within content analysis to suit the textual data to be analyzed. The textual data analyzed is already collected once the content analysis is carried out, making it a nonintrusive method.<sup>60</sup> This is positive since it decreases the chances that the researcher biases the results.

While the content analysis approach is efficient, there is potential that it overlooks nuances in the meaning of the textual data.<sup>61</sup> For the purpose of my research, the positive aspects outweigh the potential risk of not accounting for subtle nuances in the textual data analyzed. I use the thematic content analysis approach because it allows me to capture the main aspects of the legal cultures and the governments' attitudes and stances on e-government. My research focuses on the explicit messages of the textual data analyzed, and examining reoccurring themes is appropriate for this purpose.

Identifying reoccurring themes allows me to analyze textual data like the laws in place, announcements, press releases, action plans and road maps released by the governments and other relevant agencies, and interviews conducted with companies, government, and e-delegation members in Sweden and Japan. The overarching themes identified in Japan are: a low level of trust in the government, limited government efforts, transplanted and imposed laws, and a collectivist cultural orientation. In Sweden the themes identified are: trust in the government, government efforts focusing on the needs of the users, an indigenous legal system and an individualistic cultural orientation.

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<sup>58</sup> Julien, H. Content Analysis. I L. M. Given (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2008. p. 120-123.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Franzosi, R. Content Analysis. I M. S. Lewis-Beck, A. Bryman & T. F. Liao (red.) The SAGE Encyclopedia of Qualitative Research Methods. SAGE Publications, Inc., 2003. p. 186.

### 3.3 Statistical data

Indices, rankings and statistics make up the quantitative part of the mixed methodology used. Statistics became an acceptable way to describe society during the nineteenth century and can be thought of as “numeric statements about social life”.<sup>62</sup> It gained popularity since it was believed to be able to help provide information about the social situation that could lead to improved policies and summarize large amounts of information in a succinct manner.<sup>63</sup> I am incorporating statistics for similar reasons.

The World Values Survey is utilized because it provides information about the level of confidence the populations of Sweden and Japan have in various aspects of the governments and the press. The surveys used are based on questions that have been used and replicated since the early 1980s. A network of social scientists from leading universities around the world organized under the World Values Survey Association is responsible for carrying out the surveys. Data is available online between 1980 and 2000 for Sweden and Japan and is used to represent the attitudes of the populations towards their governments leading up to the launch of e-government. Citizen support is essential in order for the G2C relationship to be successful and their attitudes towards the governments characterize the level of support for e-government as well since it is embedded in the governments’ efforts.

Transparency International is a non-profit organization founded in 1993 that works without government influence and has published the Corruption Perception Index (CPI) since 1995.<sup>64</sup> The CPI is also used to represent the citizens’ attitude towards the governments and e-government. Low levels of perceived corruption tend to be associated with higher levels of support for the government and governmental efforts, which is positive for e-government.

The Hofstede Center focuses on researching the fields of culture and management, with the help of academic research and practical experience. As part of their research they research countries and assign them a score in terms of how individualistic the country is on a scale from 0 to 100, with 100 being the most individualistic. Their measure of individualism, defined as the

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<sup>62</sup> Best, J. *Damned Lies and Statistics: Untangling Numbers from the Media, Politicians and Activists*. Berkeley, University of California Press, 2001. p. 11-13.

<sup>63</sup> Ibid.

<sup>64</sup> Transparency International. *Corruption Perception Index*. Available: <http://www.transparency.org/research/cpi/overview> [2012-12-06]

“degree of interdependence a society maintains among its members” is used to further develop the understanding of Sweden and Japan’s cultural orientation.<sup>65</sup>

The United Nations e-Government Survey “presents a systematic assessment of the use and potential of information and communication technologies to transform the public sector by enhancing efficiency, effectiveness, transparency, accountability, access to public services and citizen participation”.<sup>66</sup> For the purpose of my research I use the UN E-government Readiness Index, which became known as the UN E-government Development Index in 2010, and the UN E-participation Index. Scores and rankings are included for both Sweden and Japan. The Readiness/Development Index is employed because it gives an indication of how well prepared Sweden and Japan were for the initiation of e-government and how well it has developed once the initial implementation was completed. This information complements the earlier indicators of the citizens’ attitudes towards the government because data becomes available from around the time when the World Values Survey data ends. Together they provide information about the level of trust the citizens had towards the government and how well the government was doing in terms of presenting and developing e-government. The E-participation Index is used to represent the extent to which citizens in Sweden and Japan are participating and utilizing e-government. Like mentioned before, citizen participation is important for successful e-government and this measure captures to what extent citizens are utilizing what the governments are providing.

The Economist, Brown University and Waseda University are some examples of other institutions that also compile e-government rankings. However, I have chosen to focus on the UN rankings because the UN is an international organization committed to promoting peace, developing friendly relations between nations and providing humanitarian assistance to countries around the world. It seeks to present unbiased information that can contribute to efforts to make the world a safer place. The UN’s survey is comprehensive and the status and scale of the organization led to it being included in my data collection.

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<sup>65</sup> The Hofstede Center. *About Us*. Available: <http://www.geert-hofstede.com/about-us.html> [2013-06-14]

<sup>66</sup> United Nations. UN E-Government Development Database. Available: <http://www2.unpan.org/egovkb/> [2013-01-20]

## 4 Results

The results are used to examine and analyze potential similarities and differences in the laws and legal culture surrounding e-government in Sweden and Japan. This section begins with the country case Japan, followed by Sweden. Within each country, I begin by giving an overview of the laws implemented that tend to be discussed in relation to e-government. This is in order to provide a legal context for e-government before moving on to more specific aspects of e-government like portal websites, their functions and the number of visitors. E-IDs are then discussed, followed by future plans and targets. Statistics used to evaluate the level of confidence in various aspects of the government are included, followed by an overview of the origins of the legal system and cultural orientation.

### 4.1 Japan

The *substantive component* of legal culture consists of the laws that are implemented and the *cultural component* focuses on the attitudes and values of the citizens. This section consists of an overview of the laws pertaining to e-government and ICT in Japan, followed by an overview of the development of e-government in Japan and e-IDs. Future plans and ambitions of the government are then discussed, followed by data explaining the status of trust in the government around the time of the introduction of e-government. The origins of the legal system and cultural orientation are included at the end of the section.

#### 4.1.1 Laws pertaining to e-government in Japan

Japan has implemented seven laws concerning e-government since 2000. The goal has been to improve the functionality of the government's usage of ICT and to make it possible to file, store and request data online. The laws are also meant to make it easier for citizens to interact with the government, in terms of both receiving and submitting information. Simplification and streamlining of the administrative processes are the intentions of the introduction of e-government.<sup>67</sup>

The three earliest of the laws were implemented in 2000, around the time of the introduction of e-government and the most recent law was implemented in 2004. There is a law in place

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<sup>67</sup> Nilsson, A. et. al. E-förvaltning i Japan och Sydkorea – nuläge, politik och implementering. Östersund: Tillväxtanalys, 2012.

enabling and promoting the usage of electronic signatures, or e-IDs. Another law makes e-voting possible in order to increase administrative and vote counting efficiency. All of the laws included address ICT or e-government related areas, including the Act on the Protection of Personal Information, which stipulates that personal information should be stored so that it can easily be retrieved by a computer. For a more detailed overview of the laws, please see Appendix II.

#### 4.1.2 E-government in Japan

Despite the laws mentioned above having been implemented and the Japanese government having allocated a large budget to develop its e-government, the system is not widely used by corporations or citizens in Japan. The law allowing documents to be stored digitally seems to be the most commonly used since it is cost effective and reduces the physical space necessary for companies to store the required documents.

Japan's main portal website for e-government is [www.e-gov.go.jp](http://www.e-gov.go.jp) and it offers services like: "Police legal counsel and communication services; School education and learning information; Employment and the national insurance system; Health issues; Income tax issues; Driver's license and payment of road and automobile tax; Marriage and business certificates; and Information about travelling and nationwide transportation".<sup>68</sup> A new national e-government portal website was expected to launch at the end of 2010, or early 2011 to replace the previous website which, as of June 2010 received an estimated 100 million visitors per year.<sup>69</sup> However, as of May 2013 the new website has not been launched. Overall, the utilization of the e-government services offered by the Japanese government has not reached the anticipated level of popularity.<sup>70</sup>

Most filing and application processes in Japan are still carried out in person, submitting hard copies signed using an *inkan*, a personalized traditional Japanese stamp/seal used in place of a signature. The usage of e-signatures or e-IDs is not very common in Japan, partly due to the concern about information leakage and partly due to the complicated process of obtaining an e-ID. There are multiple forms of e-IDs in Japan to be used for different purposes. Public and

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<sup>68</sup> Ministry of Internal Affairs and Communications. *e-Gov*. Available: [www.e-gov.go.jp](http://www.e-gov.go.jp) [2012-10-13]

<sup>69</sup> Ng, K. Japan Reveals Key e-govt Projects. 2010. Available: <http://www.futuregov.asia/articles/2010/jun/29/japan-reveals-key-e-govt-projects/> [2012-11-16]

<sup>70</sup> Hori, Y. Creating a vision of Japan: Achieving e-government. 2011. Available: <http://www.japantoday.com/category/opinions/view/creating-a-vision-of-japan-achieving-e-government> [2012-11-16]

private companies have different ones and there are also different ones to be used by individual people. The Ministry of Justice (MOJ) estimates that about 70 percent of all the requests they handle are ones where people physically visit the office to hand in or pick up the requests.<sup>71</sup>

The ICT infrastructure and the laws are in place making it possible to process most applications electronically, but the usage rates amongst individuals and private corporations remain lower than expected.<sup>72</sup> There are numerous and complex steps required before being able to use the online application services offered, hence users are hesitant to abandon the traditional system that they know and feel comfortable with for a system that is described as more challenging by those who have tried. Low usage rates have led to an announcement on the e-government website stating that certain ministries and departments are suspending, or partially suspending some of their online services.<sup>73</sup>

Figure 1 below depicts the complexity of the Japanese e-tax system, relevant to both individuals and corporations. The e-tax process is similar to that of submitting other online applications so looking at the e-tax system provides insight into how filing electronic applications tend to work in Japan.<sup>74</sup> The figure is included as a visual representation of the complexity associated with e-IDs and e-services in Japan. It helps shed light on why people tend to be hesitant to transition to e-government when the traditional system is familiar and usually less complicated to use.

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<sup>71</sup> Meeting with Ministry of Justice. Interview. 26 Mar. 2012.

<sup>72</sup> Science and Technology Foresight Center, NISTEP. *Quarterly Review: Current Status of E-Government in Japan and its Future Directive*. 2010. p. 4.

<sup>73</sup> Ministry of Internal Affairs and Communications. *e-Gov*. Available: [www.e-gov.go.jp](http://www.e-gov.go.jp) [2012-10-13]

<sup>74</sup> Higashikawa, A. *Past and Future: e-Government in Japan*. 2010. Available: <http://www.asocio2010.org.tw/files/11-1000-159.php> [2012-04-15]

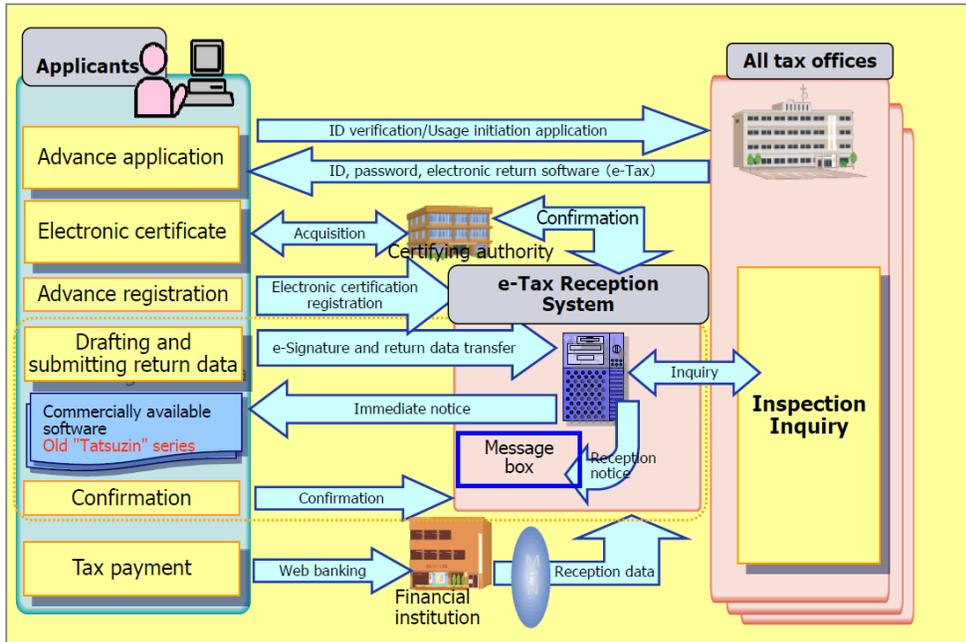


Figure 1: Depiction of the Japanese national e-tax system.<sup>75</sup>

Despite the complexity of the e-tax filing system, the usage rate of submitting taxes electronically is increasing, especially amongst corporations. The Japanese National Tax Agency reported that during FY 2010, 56 percent (about 1.5 million submissions out of a total of 2.7 million submissions) of all corporate taxes filed were submitted using the e-tax service. 45 percent of all tax submissions during FY 2010 (about 10 million submissions out of a total of 23 million submissions) were filed using an IT-service. When filing tax submissions using an IT-service there are several ways to do it, including: filling out the information on a computer at the local tax office, printing it and turning in a paper copy, this can also be done by filling out the information on a computer outside of the tax office; the information can be entered on a computer at the tax office and submitted online from the same computer, using the online e-tax service. However, if counting only the taxes submitted using the online e-tax service, excluding even those who have used the e-tax service at the local tax office while receiving assistance, the

<sup>75</sup> Higashikawa, A. Past and Future: e-Government in Japan. 2010. Available: <http://www.asocio2010.org.tw/files/11-1000-159.php> [2012-04-15]

usage rate of e-tax for filing income tax is low, only 14 percent (about 3.2 million submissions out of a total of about 23 million submissions).<sup>76</sup>

#### 4.1.3 E-IDs in Japan

The Act on Electronic Signatures and Certification Business specifies that an electronic signature (also known as e-ID) is required in order to submit forms and applications online, yet only about 1.5 percent of the Japanese population has registered for an e-ID. To obtain an e-ID, the individual needs to apply for an ID card, which has to be renewed every three years, and acquire both hardware and software in order to use the ID card to verify their identity. To then be able to use the e-ID for the e-tax service an electronic certificate needs to be obtained and registered with the e-Tax Reception System prior to filing the taxes. Once the e-ID has been obtained and registered, a tax filing can be submitted online to the e-Tax Reception System, signed using the e-ID and verified by the Tax office.<sup>77</sup>

There are several different types of e-IDs in Japan and the amount of time it takes to obtain the necessary certificates and authorization depends on the type of e-ID, making it difficult to estimate the amount of time needed to obtain one. There are numerous steps involved and trips to the local city hall may be required, suggesting that it is a time consuming process. The local government offices tend to only be open during business hours so there may also be delays depending on personal availability.<sup>78</sup>

The authorization of the e-ID is done by the agency issuing it. For example, when filing taxes online and signing with an e-ID from the Ministry of Justice (MOJ) the process for acquiring the e-ID consists of downloading software, obtaining a “key” for using the software, filing an application consisting of an application form, a residency identification card and the “key” mentioned earlier. Once the application has been filed, it takes some time before it is processed, however the instructions do not specify how much time. Once the application has been approved, a serial number is issued and used to register the e-ID.<sup>79</sup>

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<sup>76</sup> National Tax Agency Japan. *National Tax Agency Report 2011*. Available: [http://www.nta.go.jp/foreign\\_language/](http://www.nta.go.jp/foreign_language/) [2012-11-15]

<sup>77</sup> Higashikawa, A. *Past and Future: e-Government in Japan*. 2010. Available: <http://www.asocio2010.org.tw/files/11-1000-159.php> [2012-04-15]

<sup>78</sup> “Meeting with Ministry of Justice.” Interview. 26 Mar. 2012.

<sup>79</sup> Ibid.

Currently, Japan does not have a social security number system in place. Individuals are not identified by a social security number given to them at birth, but rather there are different ID numbers associated with an individual, like resident registry and insurance numbers. This lack of a basic identification number linking all the different information associated with an individual makes it difficult to launch a single, comprehensive e-ID in Japan.

The Ministry of Health, Labour and Welfare (MHLW) is responsible for determining the requirements related to and necessary for establishing such an identification system, and an “official-purpose IC card”. The plan for 2012-2013 is to involve “all relevant Ministries” in the development of the system and to establish a third-party agency to monitor the system. The Cabinet Secretariat and “all relevant Ministries” are scheduled to start deploying the citizen ID system between 2014 and 2020 and the goal is for at least 50 percent of local governments to have amended their legislation and implemented “e-Administration” by 2020.<sup>80</sup> Before this initiative there was an earlier attempt to establish an e-ID in 2002 with the launch of Juki Net.

Juki Net, “juminkihondaichou” network system (Residents’ Registry Network System) is a way of connecting the local governments’ residents registries (juminhyo). These are records of who lives in the area and where, that are held on a multiplicity of different local servers. Juki Net started in 2002, and is restricted by law to only store four pieces of personal data (name, sex, date-of-birth, and address), plus a randomly generated 11 digit unique number. A smart card carries this data, and is used to receive the personal certification and to issue a so called e-Seal or e-Stamp, which is essential in order to utilize the public online services offered via the Government Public Key Infrastructure. Users need to purchase a smart card reader for their computer in order to use the Juki card to access services offered online by the government. About 1.9 million individual users have registered for the so called “Juki Net” electronic ID card and the e-signature so far, which is only about 1.5 percent of Japan’s population of about 127 million people.<sup>81</sup>

When Juki Net and the Juki smart card were introduced, there were parties and groups of people that opposed the system because of the risk of data leakage and the potential violation of

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<sup>80</sup> IT Strategic Headquarters. *Head of Information Technology by each Ministry Liaison Committee (CIO)*. 2011. Available: <http://www.kantei.go.jp/jp/singi/it2/cio/index.html> (Japanese only) [2012-11-29]

<sup>81</sup> Ako, Taijiro. “Meeting with Ministry of Internal Affairs & Communications, Administrative Management Bureau.” Interview. 26 Mar. 2012.

privacy.<sup>82</sup> Such fears dominated and the Juki Net and card have not gained popularity amongst citizens or local governments. It would be strategic for the Japanese government to launch a comprehensive e-ID system that is user friendly if they want to increase citizens' utilization of the services offered online.<sup>83</sup>

Although previous attempts to create an e-ID system have not been successful, the Japanese government is expected to establish a form of a social security number system by January 2016. The system will connect the government and citizens through several different electronic channels and will eventually encompass 93 different services that, at the moment require physical identification documents. If successful, this change will significantly alter how pensions are paid out, filing for taxes and changing of one's address for example. As many as 26 different forms need to be submitted and processed by up to seven different government offices when citizens change their address under the current system. It is estimated that the change will result in the government saving 100 billion yen (about 9 billion SEK). Companies and citizens are also likely to benefit from the change.<sup>84</sup>

The report does not mention how such savings will be achieved or over what timeframe, and does not account for the job loss associated with digitalizing various application processes that currently employ a large part of the population. The estimated savings are beneficial for the government as it faces a large national debt, but it can be damaging for the welfare of the population and the employment rate. There is no discussion included about how the job loss would be remedied.

Filing taxes and registering a company are amongst the most popular services offered online. The Ministry of Justice (MOJ) reported that about 27 percent of newly registered companies in Japan register online and that about 55 percent of requests for certificate of registration of a company are submitted online. In order to verify the submitted information,

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<sup>82</sup> Seeman, R. H. 2003 Japan Law: e-Government does not compute. 2004. Available: [http://www.japanlaw.info/law2004/JAPAN\\_LAW\\_2004\\_E\\_GOVERNMENT\\_DOES\\_NOT\\_COMPUTE.html](http://www.japanlaw.info/law2004/JAPAN_LAW_2004_E_GOVERNMENT_DOES_NOT_COMPUTE.html) [2012-11-19]

<sup>83</sup> Murakami Wood, D. Identification in Japan (Part 1 and 2). 2009. Available: <http://ubisurv.wordpress.com/2009/07/23/identification-in-japan-part-2-juki-net/> [2012-11-19]  
Japanese Government (2011a), Heisei 23 nendo gyousei jigyo review sheet (FY2010 governmental project review sheet), Ministry of Internal Affairs and Communications March 2011 Available: [http://www.soumu.go.jp/main\\_content/000130761.pdf](http://www.soumu.go.jp/main_content/000130761.pdf) [2012-11-15]

Fujitsu. *Why was Juki Net Made Out to be a Bad Guy?* 2011. Available: <http://jp.fujitsu.com/group/fri/en/economic/publications/report/2011/report-368.html> [2012-11-19]

<sup>84</sup> Tillväxtanalys. *Kvartalsrapport juni 2012*. Östersund: Tillväxtanalys, 2012.

software downloaded from MOJ and an e-ID are required. There are times when the information required to register a company online only exists as paper copies, and if that is the case the originals need to be submitted. The registration license tax that needs to be paid can either be submitted via online banking, by cash at the local tax office or by buying special stamps available at most government offices.<sup>85</sup> The different payment methods available can be thought of as a representation of the structure of the Japanese e-government system. Paying using online banking represents the new, technologically advanced e-government that is developing. The options of paying using cash or by buying stamps represent the old, traditional system that remains intact and is preferred by many because of its familiarity.

During an interview with Naomi Kumagai, the Office Manager at the Swedish Trade Council Business Support Office (BSO), she explained that most Swedish companies that she helps start up in Japan do so on paper rather than online. The process is more complicated online and for smaller companies it is more efficient to continue using the traditional route, submitting the paperwork using hard copies. Furthermore, even the process of registering on paper is considered complicated enough that often, as is the case with the BSO office it is done by outsourcing the registration work to companies specializing in the task.<sup>86</sup>

The learning curve for the new system appears steep, making individuals more likely to continue using the traditional system, since it is more familiar and comfortable. Arguments have been made that the electronic system has to be simplified, and made easier than the traditional system in order to increase the incentive to use it.

#### 4.1.4 Extensive roadmaps until 2020 but few concrete goals

In June 2010, the Strategic Headquarters for the Promotion of an Advanced Information and Telecommunications Network Society, which falls under the Cabinet Secretariat, published a document containing 30 roadmaps outlining the responsibilities of each ministry under the New Strategy in Information and Communications Technology (ICT). The Strategic Headquarters is still operating and the roadmaps developed in 2010 are still being utilized.

The document includes short-term plans and goals to be covered between 2010 and 2011, mid-term plans intended for 2012 to 2013 and long-term strategies ranging from 2014 until

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<sup>85</sup> Kawai, Yoshimitsu. "Meeting with Ministry of Justice, Civil Affairs Bureau." Interview. 26 Mar. 2012.

<sup>86</sup> Kumagai, Naomi. "Tour of Swedish Trade Council Business Support Office." Interview. 27 Mar. 2012.

around 2020.<sup>87</sup> Despite the roadmaps stretching as far as 2020 they are vague, and lack ambition and concrete goals. Political will also seems to be minimal and, even in the short term, concrete will for action appears relatively low on the political agenda.

The budget for realizing these roadmaps comes from the budgets of the responsible ministries. The ministry responsible for developing or realizing a certain area has to, together with the Ministry of Finance develop and agree on a proposal and an appropriate budget. The timeline for the roadmaps is currently being followed, however the committees are still mostly investigating, discussing and planning so not much actual action has been taken.<sup>88</sup>

Dr. Kawashima, a member of the E-administration Task Force for IT Headquarters under the Cabinet Secretariat and Special Advisor to Saga Prefecture, located in south-western Japan, argued that e-government in Japan is a very political issue and that it is difficult for all the ministries to agree on how to move forward and implement it. Electing a Prime Minister who is interested in implementing e-government is likely to help with achieving consensus and making progress. Dr. Kawashima also explained that there are overall very few IT specialists within the government, making the development, understanding and implementation of e-government more challenging. Japan is moving forward, albeit slowly when it comes to e-government, but there are some local governments that are, based on their own initiatives, implementing e-government at a quicker pace. Saga Prefecture is an example of such a local government and residents can for example access all their medical records online.<sup>89</sup> Interestingly, the Saga Prefecture e-government turn-key solution was not implemented by a Japanese company, but by the South Korean company Samsung SDS.

As part of the overall roadmap, the Cabinet Secretariat and the Ministry of Internal Affairs and Communications (MIC) are responsible for reviewing and establishing guidelines for furthering e-government. E-government services are in the Japanese policy context often called “e-Administration”, hinting at the administration-centric rather than citizen-centric principles that are dominant in Japanese e-government policy. The roadmap does not mention specifically how the follow-up will be carried out, or what the areas or measures to be followed up are.

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<sup>87</sup> The Strategic Headquarters for the Promotion of an Advanced Information and Telecommunications Network Society (2010) *The New Strategy in Information and Communications Technology (IT): Roadmaps*. Available: <http://www.kantei.go.jp/foreign/policy/it/100622.pdf> [2012-12-03]

<sup>88</sup> Kawashima, Hiroichi. “Meeting with Dr. Hiroichi Kawashima.” Interview, 27 Mar. 2012.

<sup>89</sup> Ibid.

As one of the more tangible goals, in terms of improving general access to e-government services the Cabinet Secretariat together with MIC, Ministry of Justice (MOJ), and Ministry of Economy, Trade and Industry (METI) are responsible for initiating the installation of “government kiosk terminals (administration terminal booths)” in for example post offices and government offices, and increasing the government services available online 24/7. The purpose of the kiosks is to make it possible to request and receive government documents at more locations and during extended hours. As an example of the level of ambition of one of the few set targets, the roadmap outlines the establishment of a one-stop service-portal that is open 24/7 as a goal to achieve by FY 2020 and a 50 percent usage rate of online administrative services as a goal by FY 2013.<sup>90</sup>

Another overall goal that the Japanese government is working towards is for citizens to feel that the government is transparent and that information held by administrative agencies is available. As part of this plan MIC is responsible for amending the laws as necessary and for striving to expand the services offered. METI is responsible for “developing, improving, spreading, and deploying anonymization techniques and methods” while all relevant Ministries are scheduled to increase their use of information held by administrative agencies.<sup>91</sup> Again, the roadmap is very vague and does not specify how or for what purpose the information should be used, it just states that generally the use of such information should be increased.

#### 4.1.5 Trust in the Government

Working towards transparency and gaining support and recognition from the citizens is important for e-government to be successful. According to a report published by the Office of Science and Innovation (Tillväxtanalys), Embassy of Sweden, Tokyo “public trust is perhaps the most important cornerstone when implementing e-government policies – but nevertheless often omitted from discussions”.<sup>92</sup> The report also highlights that it is important to keep in mind that Japanese public support of the government tends to be low compared to in a country like

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<sup>90</sup> The Strategic Headquarters for the Promotion of an Advanced Information and Telecommunications Network Society (2010) The New Strategy in Information and Communications Technology (IT): Roadmaps. Available: <http://www.kantei.go.jp/foreign/policy/it/100622.pdf> [2012-12-03]

<sup>91</sup> The Strategic Headquarters for the Promotion of an Advanced Information and Telecommunications Network Society 2010, p. 26.

<sup>92</sup> Nilsson, A. et. al. E-förvaltning i Japan och Sydkorea – nuläge, politik och implementering. Östersund: Tillväxtanalys, 2012.

Sweden. Numerous and regular scandals involving politicians and business leaders are cited as possible reasons contributing to the relatively low level of trust. Government bodies mentioned to have high levels of trust include the Ministry of Justice, and local governments, while the ministry responsible for pensions and the police are considered as having low levels of trust.<sup>93</sup>

To analyze the development of the Japanese public's confidence in the government I use data from the World Values Survey. In the case of Japan the survey presents data from the years 1981, 1990, 1995 and most recently 2000. The World Value Survey is a large scale, cross national and longitudinal survey research. The surveys are based on a large set of questions that have been used and replicated since the early 1980s. The ASEP/JDS Data Archive in Madrid is responsible for processing the data associated with the World Values Survey. The survey has been carried out six different times: 1981-1984, 1989-1993, 1994-1999, 1999-2004, 2005-2006 and 2008-2010.<sup>94</sup> Online data for Japan is not available for the last three surveys carried out so I focus my study on the data presented from 1981, 1990, 1995 and 2000 in order to show the progression of trends in confidence levels over time. E-government was initiated during the early 2000s so using the data leading up to that time provides an indication of the citizens' attitude towards the government around the time of the launch of e-government. This helps shed light on how supportive or against government initiatives the citizens might have been at the time. A negative attitude towards the government at the time when e-government was launched is likely to result in lower support for the e-government initiative and a positive attitude is likely to result in higher support. The developments in attitude and confidence levels after 2000 and following the initiation of government efforts surrounding e-government are beyond the scope of the data available from the online World Values Survey.

Data on the peoples' confidence in the Parliament is used to represent the level of trust towards the government. The data is presented in Table 1 below.

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<sup>93</sup> Nilsson, A. et. al. E-förvaltning i Japan och Sydkorea – nuläge, politik och implementering. Östersund: Tillväxtanalys, 2012.

<sup>94</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWS.jsp?Idioma=1> [2012-12-03]

Table 1: Confidence in Parliament in Japan				
	1981	1990	1995	2000
A great deal	4.2%	4.7%	1.7%	1.7%
Quite a lot	24.6%	24.4%	23.2%	20%
Not very much	58.5%	58.1%	58%	56.7%
None at all	12.7%	12.9%	17%	21.6%
Total:	100%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

Over time the percentage of people who do not have confidence in the parliament has increased slightly, suggesting that the citizens' trust in the government has become lower. The percentage of people who have no confidence in the parliament has increased from just above 12 percent to about 22 percent. In 1981, about 30 percent of the population had confidence in the parliament (including 'a great deal' and 'quite a lot') but this number dropped to around 22 percent by 2000, with the remaining 78 percent having little or no confidence in the parliament.<sup>95</sup>

Table 2: Confidence in Civil Services in Japan				
	1981	1990	1995	2000
A great deal	3.8%	4.7%	2%	1.8%
Quite a lot	27.7%	29.1%	24.5%	30.2%
Not very much	58.8%	55.6%	52.5%	54%
None at all	9.7%	10.6%	11%	14%
Total:	100%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

<sup>95</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I> [2012-12-03]

Table 2 shows the statistics over time regarding citizens' confidence in civil services. The percentage of people who have “a great deal” of confidence in civil services was initially low, 3.8 percent, but has been reduced further to 1.8 percent in 2000. Although the percentage of people who do not have “very much” confidence in civil services decreased slightly between 1981 and 2000, the percentage of people who have “none at all” increased. Overall, 68 percent of the population did not have much confidence in the civil services offered in Japan in 2000.<sup>96</sup> This makes for a challenging environment for the introduction of e-government because without citizen confidence and support, the system is less likely to be successful.

	1981	1990	1995	2000
A great deal	6.4%	7.9%	4.8%	7.4%
Quite a lot	47.3%	47.7%	69.2%	65.6%
Not very much	41.3%	39.2%	23.7%	24.9%
None at all	5%	5.2%	2.3%	2.1%
Total:	100%	100%	100%	100%

Data source: World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWS.jsp?Idioma=I> [2012-12-03]

Unlike the fairly low levels of confidence in the parliament and civil services, the confidence in the press has increased over time. In 1981 only a slight majority of people had confidence in the press whereas in 2000, 73 percent of the population had “quite a lot” or “a great deal” of confidence in the press. Few people are on either extreme, “a great deal” or “none at all”, instead they tend towards the middle, “quite a lot” or “not very much”. 47.3 percent of the population had “quite a lot” of confidence in the press in 1981, and 41.3 percent had “not very much”. Over the years the percentage of people with “quite a lot” of confidence increased to 65.6 percent while those with “not very much” confidence decreased to 24.9 percent by 2000.<sup>97</sup>

<sup>96</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWS.jsp?Idioma=I> [2012-12-03]

<sup>97</sup> Ibid.

The confidence in the more political aspects have tended to decrease over time, possibly in light of various scandals and corruption charges as mentioned earlier. The press is likely the source of the uncovering of such instances which may have contributed to the increased confidence in the press. With a majority of the population having confidence in the press it is possible that it could have the power to increase confidence in the government's activities as well. It is also conceivable that the press could have the influence and reach to encourage the citizens to engage with e-government, however this does not seem to be happening. The reasons behind not utilizing the press and media more for the promotion of e-government are not mentioned.

Transparency International, is a non-profit organization without governmental influence that is dedicated to fighting corruption. The organization was founded in 1993, and since 1995 it has published its Corruption Perceptions Index (CPI). The index measures the perceived level of corruption in countries around the world. Countries are given a score ranging from zero to ten, with zero being 'highly corrupt' and ten being 'highly clean'. In 2012 the scoring system changed from zero to ten to zero to 100.<sup>98</sup> I use Transparency International's CPI to further capture citizens' level of trust in the government and the perceived level of corruption in their country.

I have included both Japan's ranking and score in Table 4 below. Japan's score has fluctuated between a low of 5.8 in 1998 and a high of 8.0 in 2011. The 2012 score released in December 2012 shows Japan having dropped a few points, down to 74 out of 100. The score is in the middle to upper range but suggests that the perception amongst the population is that there still exists corruption in the Japanese government. It is a positive sign that Japan's score has tended to increase over the years though. It suggests that the perceived level of corruption is decreasing, that the public's trust in the government is increasing, and that the government is becoming increasingly transparent.<sup>99</sup> If the trend continues, increased transparency from the government's side and a decreased perception of corruption may help citizens trust the government more and be more accepting of its e-government efforts. However, it is important to acknowledge that the CPI is measuring the *perceived* level of corruption, not the actual level of

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<sup>98</sup> Transparency International. *Corruption Perceptions Index*. Available: <http://www.transparency.org/research/cpi/overview> [2012-12-06]

<sup>99</sup> Ibid.

corruption. The index does not necessarily provide a measure of the amount of corruption that exists. Instead it gives an indication of the citizens' attitude towards the government, suggesting that high levels of perceived corruption are correlated with low levels of trust in the government.

The ranking provides a comparative measure, indicating how Japan is doing compared to other countries surveyed. Since the ranking is comparative it is less telling of the actual situation in Japan than the score discussed earlier. It is still beneficial to examine the ranking because it provides insight into how Japan is doing compared to other countries. However, it is important to keep in mind that the number of countries participating in the survey increased from 41 in 1995 to 182 in 2011.<sup>100</sup> The increased number of countries participating in the survey makes for more competition in the ranking yet Japan has improved its comparative standing over the years.

When the CPI was initiated in 1995, Japan was ranked 20 out of 41 countries surveyed. Soon after, Japan dropped to a low of 25<sup>th</sup> place in 1998 and 1999. Since then the score has fluctuated over the years as more and more countries have been included in the survey but Japan reached a high of 14<sup>th</sup> place in 2011. The 2012 data shows Japan slipping back down to 17<sup>th</sup> place.<sup>101</sup> The Japanese public was not pleased with how the government handled the situation following the Triple Disaster in Fukushima on March 11, 2011, which likely contributed to the lower score and ranking seen in the 2012 CPI. Overall the perceived level of corruption has decreased over the years, which is a positive development for Japan.

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<sup>100</sup> Transparency International. *Corruption Perceptions Index*. Available: <http://www.transparency.org/research/cpi/overview> [2012-12-06]

<sup>101</sup> Ibid.

Table 4: Corruption Perception Index, Japan			
Total number of countries surveyed	Year	Ranking	Score
41	1995	20	6.72
54	1996	17	7.05
52	1997	21	6.57
85	1998	25	5.80
99	1999	25	6.00
90	2000	23	6.40
91	2001	21	7.10
102	2002	20	7.10
133	2003	21	7.00
145	2004	24	6.90
158	2005	21	7.30
163	2006	17	7.60
179	2007	17	7.50
180	2008	18	7.30
180	2009	17	7.70
178	2010	17	7.80
182	2011	14	8.00
176	2012	17	74 (scale used: 0-100)
Data source: Transparency International. <i>Corruption Perceptions Index</i> . <a href="http://www.transparency.org/research/cpi/overview">http://www.transparency.org/research/cpi/overview</a> [2012-12-06]			

The United Nations surveys countries around the world and their willingness and ability to utilize the opportunities made available by e-government. The E-government Readiness Index measures the readiness of governments to develop and implement e-government. Specifically the UN considers “website assessment, telecommunication infrastructure, and the human capital

endowment” when making their Readiness Index assessment.<sup>102</sup> The E-government Readiness Index focused on measuring countries’ capacity to adopt e-government. In 2010, the UN updated its index and replaced the E-government Readiness Index with the E-government Development Index. The change took place in order to adapt to the advancements that have taken place and in order to describe and measure how far countries have developed their e-government.<sup>103</sup>

Table 5 below shows Japan’s ranking and score since the UN began its e-government survey in 2003 until the most recent one released in December 2012. The score is on a zero to one scale with one being the most ready or most developed, and zero being the lowest score possible.

Year	Ranking	Score
2003	18	0.6930
2004	18	0.7260
2005	14	0.7801
2008	11	0.7703
2010	17	0.7152
2012	18	0.8019

Data source: UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

Japan’s ranking has remained fairly consistent around 18 except for in 2005 and 2008. It was ranked 14 in 2005 and 11 in 2008. In 2010 it fell down to 17, possibly as a result on the change in index and continued to fall in the 2012 ranking, slipping back to 18<sup>th</sup> place. Although Japan’s ranking has not consistently improved over the years, its score has. In 2003 Japan scored 0.6930 and has over the years increased to 0.8019 in 2012. In 2005 when the ranking jumped to 14, the

<sup>102</sup> UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

<sup>103</sup> United Nations. E-Government Survey 2010. Available: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan038851.pdf> [2012-01-02]

score increased to 0.7801 and in 2008 when the ranking was up to 11 the score was 0.7703, slightly lower than the previous year.

The increase in ranking between 2005 and 2008 but decrease in score shows that the ranking is a comparative measure. Japan was able to increase its ranking despite its score declining. The ranking provides a measure for how Japan is performing compared to the other countries surveyed, while the score is a measure of how Japan itself is doing. The increase in score suggests that Japan over the years became increasingly ready to adopt e-government and that its performance within e-government development has improved from 2010 to 2012.

Only the top 20 or 25 countries, depending on the year are reported for the UN E-participation Index and Japan did not make the top in 2003 and 2004. E-participation examines the level of participation and online engagement with the government amongst citizens. It can be thought of as “the empowerment of citizens to have an open dialogue with government.”<sup>104</sup>

Year	Ranking	Score
2003	-	-
2004	-	-
2005	21	0.4603
2008	12	0.6136
2010	6	0.7571
2012	13	0.7368

Data source: UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

The ranking has fluctuated over the years that Japan made it into the top 20 or 25 countries. In 2005 it came in 21<sup>st</sup> place and by 2008 Japan had moved up to 12<sup>th</sup> place. The climb continued in 2010 when Japan came in 6<sup>th</sup> place but in 2012 it fell to 13<sup>th</sup> place. Overall the trend is positive, which is an indication that compared to other countries surveyed, Japanese citizens are participating more. The score increased from 0.4603 in 2005 to a high of 0.7571 in 2010. In 2012

<sup>104</sup> UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

the score decreased slightly, down to 0.7368. The score exhibits a positive trend, similar to the ranking, suggesting that e-participation in general, as well as in comparative terms, is increasing in Japan.

#### 4.1.6 Origins of the legal system

Japan has borrowed foreign law throughout history, for the purposes of reform, survival and independence, and at time it has been imposed. Law is considered to be prescriptive rather than serving the purpose of resolving actual problems in Japan. Based on a long tradition, law is considered to be a “statement of morals” and used as a “basis of moral education” also known as *shuushin*.<sup>105</sup>

Traditionally the Japanese legal system depended on mediation rather than litigation, on disputes being resolved with consideration to the complex social context instead of using generalized principles. Brute force and power were also means used to resolve disputes. Although the reflex to use these means is less prominent now than prior to the Meiji period, they still exist, and more importantly, no alternatives have been fully accepted in the society. Litigation based on universal principles is not considered an acceptable alternative.<sup>106</sup> Despite a legal system being in place, this is telling of the attitude within society towards that legal system. The legal culture is characterized by a negative attitude towards the legal system in place.

Japan began to form as a unified state in the 5<sup>th</sup> century by a group of powerful tribes that ruled using customary norms. Over time the Emperor became the head of a centralized regime, but the law remained consistent with customs and was unwritten. Chinese legal codes were transplanted in the later part of the 7<sup>th</sup> century as the first attempt at codifying the law in Japan. The Imperial Court was keen to adopt the Chinese legal, governmental and tax system as a way to modernize and strengthen its power. Ancient customs and traditional norms were incorporated into the law in order to ensure that that transplanted law conformed to the Japanese society’s legal needs.<sup>107</sup>

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<sup>105</sup> Von Mehren, A. T., ‘The Legal Order in Japan’s Changing Society: Some Observations’, *Harvard Law Review*, Vol. 76, No.6, 1963. p. 1174.

<sup>106</sup> *Ibid*.

<sup>107</sup> Abe, M. & L. Nottage, ‘Japanese Law: An Overview,’ *Encyclopedia of Comparative Law*, 2006. p. 1-23. Vargö, L. *Japan: Makt och Tanke*. Stockholm: Carlsson Bokförlag, 2006.

The centralized regime failed soon after because a manorial system. The Imperial Court was still intact and the formal law was supposed to be valid, but it was not very effective. The legal pluralism remained and was reinforced when the warrior class developed their own government, *shogunate*, in the 12<sup>th</sup> century.<sup>108</sup>

After a bloody civil war in the late 16<sup>th</sup> century, Japan's legal system was centralized and laws that had national validity were enacted for the first time in Japan. In the 17<sup>th</sup> century Japan closed itself off from foreign contact and enforced an isolationist foreign policy. Limited trade with China and the Netherlands was the only contact Japan had with foreign states until the 19<sup>th</sup> century when the isolation policy was forced to end. It ended in 1853 with the arrival of American Navy Commodore Matthew Perry and his warships. The Meiji Restoration period (1868-1912) that followed sought to modernize the Japanese legal system and strengthen the monarchy.<sup>109</sup>

During the Meiji period the government sent officials to study Western law in order to gain knowledge to help modernize the Japanese legal system. After considering French law, various laws from the German system were implemented toward the end of the 19<sup>th</sup> century. The Meiji Constitution, also known as the Constitution of Imperial Japan, was enacted in 1889 and was based on the Prussian Constitution. Japan became a constitutional monarchy on paper, and the Emperor held the power while governmental agencies assisted the Emperor. There were limits set on the rights guaranteed by the Constitution, and the rights were arbitrarily restricted by the Imperial Diet.<sup>110</sup>

The situation continued in a similar manner until Japan's defeat in WWII, after which the new Constitution was enacted in 1946 by the Supreme Commander of the Allied Powers and came into effect in 1947.<sup>111</sup> The legal system was influenced by the American legal system and Anglo-American law, and in several cases imposed during the postwar Allied Occupation of

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<sup>108</sup> Abe, M. & L. Nottage, 'Japanese Law: An Overview,' *Encyclopedia of Comparative Law*, 2006. p. 1-23.  
Vargö, L. *Japan: Makt och Tanke*. Stockholm: Carlsson Bokförlag, 2006.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Abe, M. & L. Nottage, 'Japanese Law: An Overview,' *Encyclopedia of Comparative Law*, 2006. p. 1-23.  
Vargö, L. *Japan: Makt och Tanke*. Stockholm: Carlsson Bokförlag, 2006.  
Hook, G. D. & G. McCormack, *Japan's Contested Constitution: Documents and Analysis*, London: Oxford University Press, 2001.

Japan (1945-1952).<sup>112</sup> The new Constitution changed the power order and declared that the sovereignty was with the people and that the Emperor was merely a symbol of the state and its unity. It also emphasized that the rights specified in the Constitutions were guaranteed to the people. As of June 2013, the imposed Constitution has not been amended and still makes up the core of the Japanese legal system.<sup>113</sup>

Historically, Japan has not favored the use of the legal system to resolve disputes, instead the law has been considered more of a moral code and disputes tend to be settled within the group. The legal system has on multiple occasions been imposed on Japan without taking domestic norms into account. Rights being arbitrarily denied makes it difficult for people to trust the system. With a transplanted system and a legal system that cannot be trusted, it is understandable why the people have continued to favor means outside of the system for dispute resolution. The origins of the system are telling of the negative attitude towards the government that characterizes the legal culture.

#### 4.1.7 Cultural Orientation

Preservation of loyalty, avoidance of conflict and conciliation are prominent ideologies in Japan, and there is a tendency to avoid the formal legal system in order to preserve the group relationship.<sup>114</sup> Traditionally, the Japanese society only relied on the formal legal system and litigation to a limited extent to resolve disputes. This is true in the 21<sup>st</sup> century as well, albeit to a lesser extent. The way the society is structured makes it so that most disputes are considered as arising within group relationships, suggesting a collectivist cultural orientation. Harmony within the group and relationships are reinforced by the Confucian beliefs that are infused in society and place a higher value on maintaining the group than on individual rights.<sup>115</sup> Therefore, law has a limited role in Japan and disputes tend to be resolved either through negotiations between the

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<sup>112</sup> Von Mehren, A. T., 'The Legal Order in Japan's Changing Society: Some Observations', *Harvard Law Review*, Vol. 76, No.6, 1963. p. 1170-1205.

Haley, J. O., *Authority without Power: Law and the Japanese Paradox*. New York: Oxford University Press, 1991.

<sup>113</sup> Abe, M. & L. Nottage, 'Japanese Law: An Overview,' *Encyclopedia of Comparative Law*, 2006. p. 1-23.

Vargö, L. *Japan: Makt och Tanke*. Stockholm: Carlsson Bokförlag, 2006.

<sup>114</sup> Haley, J. O., *Authority without Power: Law and the Japanese Paradox*. New York: Oxford University Press, 1991.

<sup>115</sup> Von Mehren, A. T., 'The Legal Order in Japan's Changing Society: Some Observations', *Harvard Law Review*, Vol. 76, No.6, 1963. p. 1170-1205.

involved parties or through mediation, which can at times be provided by the courts.<sup>116</sup> Such characteristics highlight Japan as a society with a collectivist orientation.

Japan scores 46 out of 100, according to the Hofstede Center's evaluation, suggesting that it is a fairly collectivist society. Group harmony is valued higher than individual opinions, there is shame associated with losing face in front of the group and Japanese people are famous for their loyalty to their companies. Compared to Asian neighbors, Japanese society is considered more individualistic as there are not the same close ties with extended family in Japan as in societies like China and South Korea. However, compared to Western countries, Japan is considered to express a collectivist orientation.<sup>117</sup>

Social order and equilibrium are maintained via the pressures exerted by the group and society. Because of these traditions, the Japanese legal system itself did not develop means to settle disputes that arise in an individual setting.<sup>118</sup> The focus on the individual came with the imposed legal system, which conflicts with the traditional approach.

Although e-government is not primarily concerned with dispute resolution, exploring the collectivist cultural orientation and the resulting attitude towards the legal system and the government is telling of the legal culture in Japan. A legal culture characterized by a collectivist orientation, and a negative attitude towards the legal system and the government is relevant to the study of the support for and development of e-government since it is a government initiative.

## 4.2 Sweden

The *substantive component* of legal culture consists of the laws that are implemented and the *cultural component* focuses on the attitudes and values of the citizens. This section consists of an overview of the laws pertaining to e-government and ICT in Sweden, followed by an overview of the development of e-government in Sweden and e-IDs. Future plans and ambitions of the government and the EU are discussed, followed by data explaining the status of trust in the government around the time of the introduction of e-government. This in turn is followed by an overview of the origins of the legal system and cultural orientation.

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<sup>116</sup> Abe, M. & L. Nottage, 'Japanese Law: An Overview,' *Encyclopedia of Comparative Law*, 2006. p. 1-23.

<sup>117</sup> The Hofstede Center. *Japan* Available: <http://www.geert-hofstede.com/japan.html> [2013-06-14]

<sup>118</sup> Von Mehren, A. T., 'The Legal Order in Japan's Changing Society: Some Observations', *Harvard Law Review*, Vol. 76, No.6, 1963. p. 1170-1205.

#### 4.2.1 Laws pertaining to e-government in Sweden

Sweden does not have specific laws concerning e-government; instead e-government is being developed using the laws already in place. Members of the e-delegation have expressed concern that the current laws are preventing e-government from reaching its full potential and need to be updated. Claes Thagemark, member of the e-delegation, argues that the technology has been available since the 1990s but that the rules and regulations are hindering the development of e-government.<sup>119</sup> Thomas Wahlberg, project manager for e-government at the Immigration Office, expresses similar concerns. The laws need to be updated in order for the different authorities to be able to continue developing e-government.<sup>120</sup> The comments do not explain in more detail how the current legal framework is hindering the development of e-government.

Six laws and four EU directives and action plans tend to be mentioned in connection to e-government in Sweden. The Freedom of the Press Act in its current form was implemented in 1949, but dates as far back as 1766 and is the oldest law mentioned in relation to e-government in Sweden.<sup>121</sup> There is a law implemented concerning the monitoring of electronic bulletin boards, which is the only Swedish law specifically addressing ICT or aspects of e-government. The other laws mentioned in relation to e-government cover the protection of personal information, the freedom of speech, access to information and how the government should manage its archives. For a more detailed overview of the Swedish laws discussed in relation to e-government, please see Appendix II.

EU laws are also included in this discussion because as a Member State, Sweden is required to adhere to EU law as well as national law. Within the EU, most of the efforts surrounding e-government are captured through Action Plans and Initiatives rather than through laws. In 1999, an EU Directive seeking to establish the legal framework for e-IDs was adopted. The focus of the Directive is to ensure that e-IDs become legally recognized by Member States in order to ease cross border transactions. The EU also has regulations in place mandating that people should be able to access documents of the European Parliament, the Council and the

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<sup>119</sup> Kaj, L. Gamla regler en broms för e-förvaltning. 2011. Available: <http://computersweden.idg.se/2.2683/1.380709/gamla-regler-en-broms-for-e-forvaltning> [2012-12-04]

<sup>120</sup> Ogelid, H. Lagen sinkar för e-förvaltning. 2012. Available: <http://www.idg.se/2.1085/1.441869/lagen-sinkar-e-forvaltning> [2012-12-04]

Kaj, L. Gamla regler en broms för e-förvaltning. 2011. Available: <http://computersweden.idg.se/2.2683/1.380709/gamla-regler-en-broms-for-e-forvaltning> [2012-12-04]

<sup>121</sup> Law No.105 of 1949. Freedom of the Press Act. Sweden: The Ministry of Justice.

Commission. EU citizens as well as non-citizens should be able to access the documents and if they are not available online the institution should provide the documents by other means.

There are several Action Plans and strategies in place focusing on developing and improving e-government within the EU. I focus on the most recent ones since they are most telling of the latest developments within e-government in the region. The i2010 eGovernment Action Plan focuses on five priority areas that are identified as: access for all, increased efficiency, high-impact eGovernment services, putting key enablers in place and increased participation in decision making. The Action Plan also includes a discussion about cost saving aspects of e-government, but does not specify who or what organizations stand to benefit from the expected savings. The goal was for e-government to be implemented by 2010, but it has not been made clear if the implementation successfully reached its targeted savings.

The Interchange of Data between Administrations (IDABC) Programme was active between 2004 and 2009 and sought to transition the European administration from being paper based to it using electronic exchanges more. The main beneficiaries of the IDABC Programme were EU Member States' governments and European institutions. The IDABC served as an information forum and offered funding for IT solutions in order to help governments improve their networks, online communication repertoire and e-government efforts.<sup>122</sup>

Overall there are few laws in Sweden specifically focusing on ICT and e-government and instead the focus is on developing the system using the laws already in place. Within the EU there are more Directives and Action Plans than laws focusing on improving e-government. Not enough time has elapsed since the most recent initiatives to determine their level of success and to what extent the sought after goals have been achieved.

#### 4.2.2 E-government in Sweden

As demonstrated by the above mentioned legal framework, there are no laws specifically targeting e-government in Sweden or the EU. This contributes to the arguments that the laws and regulations need to be updated in order to keep up with the developments within ICT. Updating the legislation can also help make the work of the e-delegation easier and e-government more efficient.

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<sup>122</sup> European Commission. *IDABC Programme*. Available: <http://ec.europa.eu/idabc/en/chapter/3.html> [2013-01-07]

There is no overarching portal website for e-government in Sweden, instead the different government agencies have individual websites where their information and services are available. For example, the E-delegation (eDelegationen) can be found at [www.edelegationen.se](http://www.edelegationen.se), the Company Registrations Office (Bolagsverket) has [www.verksam.se](http://www.verksam.se), and the Tax Agency's (Skatteverket) website is [www.skatteverket.se](http://www.skatteverket.se). There have been discussions about establishing a portal website to serve as a form of one stop service, containing links to the different agencies and their information and services but this has yet to be actualized.

The e-delegation's website receives between 3,000 and 6,000 unique visitors per month, or between 36,000 and 72,000 unique visitors per year. According to Lena Warstrand, Communication and Press Relations at the e-delegation, one of the most popular e-services offered allows the user to request information about who the owner of a specific vehicle is. About 28.5 million requests are processed annually via this e-service.<sup>123</sup> Furthermore, despite it not being possible to register all types of newly formed companies online, about 50 percent of all applications for newly registered companies are submitted online. The table below shows data from 2011 and 2012 to give an indication of how the numbers are divided. The total number of companies registered decreased slightly from 2011 to 2012 but the percentage of applications submitted online increased from about 49 percent to circa 52 percent.<sup>124</sup> The trend suggests that the percentage of company registration applications submitted online will continue to increase.

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<sup>123</sup> Warstrand, Lena. "Interview with Lena Warstrand." Interview, 4 Oct. 2012.

<sup>124</sup> Lindqvist, Heléne. "Interview with Heléne Lindqvist." Interview, 15 Oct. 2012.

	2012					2011				
	Total	Submitted electronically	Percent submitted electronically	Number possible to submit online	Percent possible to submit online	Total	Submitted electronically	Percent submitted electronically	Number possible to submit online	Percent possible to submit online
<b>Register</b>										
<b>Limited Liability Companies Registered</b>	12 903	5 844	45.3%	12 848	45.5%	21 132	8 904	42.1%	21 036	42.3%
<b>Bank and Insurance Companies</b>	8	0	0.0%	0		11	0	0.0%	0	
<b>European Companies</b>						2	0	0.0%	0	
<b>Branch Offices</b>	510	0	0.0%	0		755	0	0.0%	0	
<b>Association Register</b>	1 255	426	33.9%	1 253	34.0%	1 740	531	30.5%	1 732	30.7%
<b>Insurance Intermediaries</b>	299	0	0.0%	0		258	0	0.0%	0	
<b>Trade Register</b>	19 067	11 336	59.5%	19 004	59.7%	28 877	16 579	57.4%	28 750	57.7%
<b>Total</b>	<b>34 042</b>	<b>17 606</b>	<b>51.7%</b>	<b>33 105</b>	<b>53.2%</b>	<b>52 775</b>	<b>26 014</b>	<b>49.3%</b>	<b>51 518</b>	<b>50.5%</b>

Overall the e-delegation considers e-government in Sweden to be successful. Sweden consistently ranks at the top of European and international e-government rankings. The catch phrase that is used for e-government is “As easy as possible for as many as possible,” hence the focus is on the users and their needs.<sup>125</sup> Based on the 2011 survey of the internet habits of Swedes, Statistics Sweden found that seven out of ten people visit government websites. It is very seldom that e-services are removed, but according to Warstrand it is possible that it could happen if the service is not meeting the needs of the users. Despite the generally positive development of e-government, the delegation has highlighted management, collaborations and making information publically available as areas that still need to be improved.<sup>126</sup>

Without specific laws pertaining to the development of e-government it can be difficult to ensure that the laws in place are being adhered to. However, it is crucial to protect the citizens’ rights based on the legislation that is in place. It is the responsibility of the agencies and institutions that collect the citizens’ personal information to make sure that it is adequately protected throughout the process, including when it is gathered, transferred, stored and used.<sup>127</sup>

<sup>125</sup> The eGovernment Delegation. *Om e-förvaltning och E-delegationen*. Available: <http://www.edelegationen.se/sida/om-e-forvaltning-och-e-delegationen> [2012-10-02]

<sup>126</sup> Warstrand, Lena. “Interview with Lena Warstrand.” Interview, 4 Oct. 2012.

<sup>127</sup> Datainspektionen. *IT-säkerhet och myndigheters e-tjänster*. Available: <http://www.datainspektionen.se/lagar-och-regler/personuppgiftslagen/e-forvaltning/it-sakerhet-vid-inforande-av-e-tjanster/> [2012-12-7]

As technology improves, the threats tend to become greater, reinforcing the importance of the laws needing to be updated. Fortunately, the e-delegation reports that there are no major threats that e-government in Sweden has faced or is facing. The Swedish Civil Contingencies Agency is responsible for ensuring that the proper precautions are being adhered to and that adequate protection is being used when processing, storing, communicating and reproducing data and information.<sup>128</sup>

### 4.2.3 E-IDs in Sweden

E-IDs are used in a similar manner to how a driver's license, passport or other forms of identification are used in person. It is the form of identification used online to verify that a person is indeed who they claim to be when contacting a government agency, or companies online. An e-ID is personal and belongs to a single person, hence it is not enough for a family to have a joint e-ID, instead each individual needs their own e-ID if they want to identify themselves online.<sup>129</sup>

Banks and Telia, a market leader within telecommunication in Sweden, are responsible for distributing e-IDs. In order to qualify for an e-ID a person needs to have a Swedish social security number and be a Swedish resident. It is up to the different providers of e-IDs to set their own age requirements, for example, the Swedish Tax Agency requires individuals to be 18 years old in order to register for an e-ID.<sup>130</sup>

Registering for an e-ID with your bank is usually free of charge,<sup>131</sup> contributing to the ease and success of spreading the use of e-IDs. There are currently over four million registered e-ID users in Sweden,<sup>132</sup> which is over 40 percent of Sweden's population of about nine million people. About 1.5 million of those people are between the ages of 0 and 14,<sup>133</sup> which increases

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<sup>128</sup> Warstrand, Lena. "Interview with Lena Warstrand." Interview, 4 Oct. 2012.

Swedish Civil Contingencies Agency. Available: <https://www.msb.se/> [2012-12-25]

<sup>129</sup> e-legitimation.se. *Vad är en e-legitimation?*. Available: <http://www.e-legitimation.se/Elegitimation/Templates/NormalPage.aspx?id=9> [2012-12-30]

<sup>130</sup> e-legitimation.se. *Vad är en e-legitimation?*. Available: <http://www.e-legitimation.se/Elegitimation/Templates/NormalPage.aspx?id=9> [2012-12-30]

<sup>131</sup> e-legitimation.se. *Frågor och Svar*. Available: <http://www.e-legitimation.se/Elegitimation/Templates/NormalPage.aspx?id=145> [2012-12-30]

<sup>132</sup> Warstrand, Lena. "Interview with Lena Warstrand." Interview, 4 Oct. 2012.

<sup>133</sup> Statistics Sweden (Statistiska Centralbyrån). *Population Statistics*. Stockholm: Statistics Sweden, 2012.

the e-ID user percentage to over 50 percent of the population above 14 years old. E-IDs were used more than 250 million times in 2011,<sup>134</sup> which is about 700,000 times a day.

The intention is to ensure that a user's e-ID can be used to contact both government agencies and private enterprises. The Swedish eIdentification Board is responsible for supporting and promoting developments striving to make this possible.<sup>135</sup> The Board is working on launching new infrastructure and novel ways for individuals to acquire e-IDs, set to launch during the summer of 2013.<sup>136</sup>

A project group within the Data Inspection Board has conducted studies examining two government agencies that provide e-services that can be accessed using an e-ID and two companies that administer e-IDs to evaluate the e-ID usage process, from that of acquiring the e-ID to utilization. The Board concludes that minimal personal information is processed when e-IDs are used. This is positive and in accordance with the Personal Data Act, which states that only the necessary personal information should be processed.<sup>137</sup>

Overall e-IDs have been successful in Sweden with over 40 percent of the entire population being registered for an e-ID. Obtaining an e-ID from your bank is usually free and it is relatively easy to use for those with computer and ICT experience. Those without access to or knowledge of computers and ICT tend to be excluded from the conversation unfortunately. For those who are able to take advantage of the benefits that e-IDs bring it can be a positive development, but it can make the situation more difficult for those who are unable to use the e-services.

#### 4.2.4 Action plans and future targets expressed by Sweden

In the late 1990s, the Swedish government became more service oriented and focused on providing information and services to the citizens online to increase the convenience. The concept '24/7 government' caught on, stemming from the idea that the government should be

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<sup>134</sup> Warstrand, Lena. "Interview with Lena Warstrand." Interview, 4 Oct. 2012.

<sup>135</sup> The Swedish eIdentification Board (elegitimationsnämnden). *Frågor och Svar*. Available: <http://www.elegnamnden.se/fragorsvar/faq/mastejaghaolikaelegitimationerberoendeomjaganvanderoffentligaellepri vataetjanster.5.5fc8c94513259a4ba1d800017507.html> [2012-12-30]

<sup>136</sup> The Swedish eIdentification Board (elegitimationsnämnden). *Om E-legitimationsnämnden*. Available: <http://www.elegnamnden.se/omelegitimationsnamnden.4.348a0e4412dd74b751f80002786.html#Tabell1> [2012-12-30]

<sup>137</sup> The Data Inspection Board (Datainspektionen). *Grönt ljus för e-legitimationer*. Available: <http://www.datainspektionen.se/press/nyheter/2011/gront-ljus-for-e-legitimationer/> [2012-12-07]

available for the citizens 24 hours, seven days a week. The term was soon changed from 24/7 government to e-government. E-government was considered a more inclusive term since the change aimed to incorporate more than government agencies offering e-services. Increased efficiency, organizational changes, competence building amongst employees and making the internal handling of errands more effective are aspects, in addition to e-services, included in the changes associated with e-government.<sup>138</sup>

In a press release from January 2008, Mats Odell, at the time Minister for Financial Markets, announced the new action plan for e-government. The press release and the associated action plan include areas to be improved in order to ease the legal, technological and economical conditions for the government to enhance its communication and interaction with citizens and companies. Odell also announced the goal that “by 2010, Sweden should have the world’s simplest e-government.”<sup>139</sup> The action plan strives to make it as easy as possible for as many as possible to utilize the services offered by the government.<sup>140</sup>

Neither the press release nor the associated action plan (Handlingsplan för eFörvaltning) explain how the government intends to measure if Sweden’s e-government is the simplest in the world. Based on the UN E-Government Survey 2010, Sweden is ranked 12<sup>th</sup> on the E-Government Development Index,<sup>141</sup> which can be considered a world leading position but if this meets the goal outlined by the action plan is unclear.

The action plan outlines four focus areas: the framework for inter-agency collaboration and information management, technological prerequisites and IT-standardization, joint operational support and communication with citizens and companies. It also specifies goals and initiatives that should be targeted during 2008 and 2009, and which ministries are responsible for addressing the different areas.<sup>142</sup> The action plan does not specify a budget to go with the initiatives since usually the ministries are responsible for their own budget<sup>143</sup>.

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<sup>138</sup> Regeringskansliet. *År 2010 ska Sverige ha världens enklaste förvaltning*. Available: <http://www.regeringen.se/sb/d/9942/a/96512> [2012-12-04]

<sup>139</sup> Regeringskansliet. *År 2010 ska Sverige ha världens enklaste förvaltning*. Available: <http://www.regeringen.se/sb/d/9942/a/96512> [2012-12-04]

<sup>140</sup> Ibid.

<sup>141</sup> UN Public Administration Programme. *United Nations E-Government Survey 2010*. Available: [http://www2.unpan.org/egovkb/global\\_reports/10report.htm](http://www2.unpan.org/egovkb/global_reports/10report.htm) [2012-12-02]

<sup>142</sup> Regeringskansliet. *Handlingsplan för eFörvaltning: Nya grunder för IT-baserad verksamhetsutveckling i offentlig förvaltning*. Stockholm: Regeringskansliet, 2008.

<sup>143</sup> Warstrand, Lena. “Interview with Lena Warstrand.” Interview, 4 Oct. 2012.

The 2008 action plan was followed up by a new strategy, A Digital Agenda for Sweden (En digital agenda för Sverige), announced in October 2011 by Anna-Karin Hatt, Minister for Information Technology and Energy, Ministry of Enterprise and Energy. The strategy proposes 63 new measures in addition to the 80 that already exist, all working towards the goal of making Sweden the best when it comes to using the opportunities provided by ICT developments.<sup>144</sup> It is not specified who or what is meant by “Sweden” in the goal of Sweden becoming the best when it comes to using the opportunities provided by ICT developments. Based on other goals and the slogan “as easy as possible for as many as possible,” “Sweden” could be referring to the government, citizens and companies collectively.

The strategy calls for an investment of 500 million SEK over a three year period in the development of broadband internet. 91 million SEK is being allocated towards developing a more extensive range of e-services. These efforts are complemented by four focus areas: easy and safe to use, services that create utility, infrastructure, and IT’s role in community development. The intention is for the focus areas to help guide the development of e-government and follow up the digital agenda and the goal of making Sweden the best at using the opportunities provided by ICT development.<sup>145</sup>

The government is allocating 38.5 million SEK in 2013 for strategic e-government projects. More concretely this means that the money will be utilized by the e-ID Board, and the Mail and Telecom Agency for their various projects, and about 10 million SEK of the money will be allocated to the e-Delegation. When the budgeting has to do with joint projects, involving different government agencies, the government can decide the budget and how the project should be carried out, which is the case when it comes to the 38.5 million SEK. Otherwise each agency and ministry is responsible for managing its own budget.<sup>146</sup>

The e-delegation highlights coordination, control, funding and up to date legislation as key challenges that it is addressing in order to improve e-government and to ensure that it functions smoothly and benefits the users as well as the government. To assure that e-government is successful, according to the standards of the e-delegation it is important that it is

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<sup>144</sup> Regeringskansliet. *Mål för ny it-strategi: Sverige ska vara bäst i världen på att använda digitaliseringens möjligheter*. Available: <http://www.regeringen.se/sb/d/15224/a/177272> [2012-12-04]

<sup>145</sup> Regeringskansliet. *Mål för ny it-strategi: Sverige ska vara bäst i världen på att använda digitaliseringens möjligheter*. Available: <http://www.regeringen.se/sb/d/15224/a/177272> [2012-12-04]

<sup>146</sup> Warstrand, Lena. “Interview with Lena Warstrand.” Interview, 4 Oct. 2012.

based on the needs of the citizens and companies, in other words the users, and that the different government agencies are coordinated in their efforts.<sup>147</sup>

The main focus of the e-delegation moving forward is to establish an overall understanding of how to best facilitate the digital meeting between the government and the users of e-government, and how the supporting infrastructure should be set up. The slogan “as easy as possible for as many as possible” continues to be used by the e-delegation and expresses the dedication to serving the users’ needs.<sup>148</sup> The e-delegation’s mandate is until the end of 2014, and it is their responsibility, by March 2014, to stipulate how the work pertaining to e-government should best be carried out after that.<sup>149</sup> It remains to be seen what suggestions the e-delegation makes and how the government decides to pursue its e-government efforts following the completion of the e-delegation’s mandate.

#### 4.2.5 Action Plans and future targets expressed by the European Union

There have been and are several programmes, initiatives, action plans and declarations within the EU that have guided and continue to guide e-government efforts. This section discusses some of the more recent initiatives in order to focus on those that have led to the current situation and how the EU seeks to move forward. Please visit the European Commission website at [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm) for more information.

The ISA Programme replaced the IDABC Programme discussed earlier when it expired at the end of 2009. A budget of 164.1 million Euro (ca. 1.4 billion SEK) is expected to be used during the 2010-2015 period of the ISA Programme. The focus of the Programme is to help improve the cross-border e-government efforts between EU governments by financing the implementation of EU initiatives, hence the large programme budget. It strives to increase the availability and use of common solutions in order to improve the overall results in the EU. Citizens and businesses are not the target benefactors of the Programme, instead it focuses on addressing the activities between the governments. However, citizens and businesses will benefit

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<sup>147</sup> Ibid.

<sup>148</sup> Bränström, Annika. “Interview with Annika Bränström.” Interview, 27 March, 2012.

<sup>149</sup> E-delegationen. *Så enkelt som möjligt för så många som möjligt*. Stockholm: Näringsdepartementet, 2012. (SOU 2012:68)

from the efforts indirectly as the Programme seeks to improve the governments' communication which in turn aims to improve the information and services provided.<sup>150</sup>

The Programme runs in parallel to the Digital Agenda for Europe and the European eGovernment Action Plan 2011-2015. The action plan seeks to point out areas that need improvement and set common goals for the Member States, while the ISA Programme focuses on the financing aspect of e-government initiatives.<sup>151</sup> The Action Plan identifies four key areas to focus on based on the Malmö Declaration, which are: to empower citizens and businesses, reinforce mobility in the Single Market, enable efficiency and effectiveness, and to create the necessary key enablers and pre-conditions to make things happen. Using these areas the Action Plan seeks to contribute to the Europe 2020 Strategy and complement the Digital Agenda for Europe.<sup>152</sup>

The Action Plan aims to support “seamless eGovernment services at local, regional, national and European level that will empower citizens and businesses” and argues for the benefit of joint action for overcoming the Euro crisis.<sup>153</sup> The main target of the Action Plan is to foster the development of more extensive cross-border e-services for citizens, regardless of their country of origin. Establishing e-IDs that are compatible in a cross-border setting is part of this effort. The European Commission will continue to implement e-government within its organization as well in order to lead by example and hopefully encourage Member States to follow. The goal is to have 50 percent of citizens and 80 percent of businesses using e-government by 2015.<sup>154</sup> The document does not specify what the usage percentages were like when the Action Plan was drafted to give an indication of how much is needed to achieve the goals. It does not specify what is meant by citizens and businesses using e-government, if visiting a website qualifies as usage or if e-services have to be used for it to count.

A crucial aspect of improving user rates is to ensure that e-government is inclusive. The Action Plan points out that 30 percent of EU citizens had never used the internet as of 2010. The 30 percent tended to consist of socially disadvantaged groups like the elderly, unemployed,

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<sup>150</sup> European Commission. *ISA: Interoperability Solutions for European Public Administrations*. Available: [http://ec.europa.eu/isa/faq/faq\\_en.htm](http://ec.europa.eu/isa/faq/faq_en.htm) [2013-01-07]

<sup>151</sup> Ibid.

<sup>152</sup> European Commission. *European eGovernment Action Plan 2011-2015*. Available: <https://ec.europa.eu/digital-agenda/en/european-egovernment-action-plan-2011-2015> [2013-01-07]

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

disabled and of low income, which are usually in the greatest need of the resources offered by the government. The goal of e-government is to simplify interacting with the government, but for those without ICT access or skills e-government is likely to make it more complicated. The Action Plan emphasizes that it is important to provide public services on equal terms to all, to make e-government inclusive and to make sure no citizen is left behind.<sup>155</sup> Unfortunately the Action Plan does not mention how to ensure that everyone, regardless of ICT access or skills is able to benefit from e-government and that it does not create an additional obstacle.

#### 4.2.6 Trust in the Government

Measuring the level of trust or confidence the citizens have in their government is a difficult task but can be done in different ways. For the purpose of my research I am using the World Values Survey and its different measures of the citizens' confidence levels. The World Values Survey has been carried out in six different waves: 1981-1984, 1989-1993, 1994-1999, 1999-2004, 2005-2006 and 2008-2010.<sup>156</sup> Online data for Sweden is available up until 1999 so I focus my study on the data presented from 1982, 1990, 1996 and 1999 in order to show the progression of trends in confidence levels over time. Governmental efforts related to e-government were initiated during the early 2000s so using the data leading up to that time provides insight into the level of trust and confidence the citizens had towards the government around the time of the beginning of e-government. The developments in attitude and confidence levels after 1999 and following the initiation of e-government are beyond the scope of the data available online from the World Values Survey. The focus is therefore on the citizens' level of confidence leading up to the initiation of e-government in order to provide insight about the environment and potential response from the population to the government's efforts.

Data on the people's confidence in the Parliament is used to represent the level of trust towards the government. The data is presented in Table 8 below.

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<sup>155</sup> European Commission. *Inclusive eGovernment*. Available: [http://ec.europa.eu/information\\_society/activities/einclusion/policy/egov/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/policy/egov/index_en.htm) [2012-12-04]

<sup>156</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWS.jsp?Idioma=I> [2012-12-03]

Table 8: Confidence in Parliament in Sweden				
	1982	1990	1996	1999
A great deal	5.8%	8%	3.9%	5.6%
Quite a lot	40.8%	39.3%	40.8%	45.6%
Not very much	44.5%	41.5%	47.5%	42.6%
None at all	8.9%	11.2%	7.9%	6.2%
Total:	100%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

Table 8 shows that the percentage of people who have confidence in the parliament has increased over time, but in 1999 there was still about a 50-50 split. In 1982 a slight minority of the population (46.6 percent) had “quite a lot” or “a great deal” of confidence in the parliament. Over the years this percentage has fluctuated slightly but overall it stayed close to the 50-50 split. In 1999 about half the population (51.2 percent) expressed having confidence in the parliament while the other half (48.8 percent) did not.<sup>157</sup>

Table 9: Confidence in Civil Services in Sweden				
	1982	1990	1996	1999
A great deal	4.3%	3.9%	1.7%	2.6%
Quite a lot	41.3%	40.4%	43.5%	46.1%
Not very much	46.5%	47%	48.4%	45.8%
None at all	7.8%	8.8%	6.4%	5.5%
Total:	100%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

<sup>157</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I> [2012-12-03]

In 1982 slightly less than half of the population had confidence in civil services, as can be seen in Table 9. Over the years the confidence increased slightly, from 45.6 percent to 48.7 percent. A slight majority, 51.3 percent still did not have confidence in civil services in 1999. Despite a minority of the population having confidence in civil services in 1999, it is the highest level out of the data contained in the table. The trend over the years suggests that the population’s trust in civil services was increasing, and if it continued it could have benefitted the government as it introduced e-government.<sup>158</sup>

Table 10: Confidence in the Press in Sweden				
	1982	1990	1996	1999
A great deal	2.3%	1.9%	2.2%	4.1%
Quite a lot	25.1%	30.9%	26.5%	41.7%
Not very much	60.7%	52.8%	58.8%	48.3%
None at all	11.9%	14.4%	12.5%	5.8%
Total:	100%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

Overall the trend shows the confidence level increasing between 1982 and 1999. The confidence level in press was at its lowest point in 1982 with only 27.4 percent falling in the “quite a lot” or “a great deal” categories. Over the years the confidence increased slightly, and reached its highest level in 1999 at 45.8 percent, which is still a minority. Even if the confidence level increased, a majority of the citizens consistently fell in the “not very much” or “none at all” categories.<sup>159</sup>

<sup>158</sup> Ibid.

<sup>159</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I> [2012-12-03]

Table 11: Confidence in the European Union in Sweden				
	1982	1990	1996	1999
A great deal	-	12.5%	2.5%	3.1%
Quite a lot	-	45.2%	23%	25.7%
Not very much	-	32.3%	44.2%	47.2%
None at all	-	10%	30.4%	24%
Total:	0%	100%	100%	100%
Data source: World Values Survey. <i>Integrated EVS/WVS 1981-2008 Data File</i> . Available: <a href="http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I">http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I</a> [2012-12-03]				

The origins of the European Union (EU) stem from the European Coal and Steel Community (ECSC) formed in 1951 and the European Economic Community (EEC) founded in 1958. The EU was established by the Maastricht Treaty in 1993. In 1990, the first year of available data on the confidence in the EU a majority of the citizens, 57.7 percent had confidence in the EU. Given that the EU was formally created in 1993, the data from 1990 might not be representative of the confidence in the EU but rather be focusing on earlier organizations. Sweden became a member of the EU in 1995 and by the time of the survey in 1996 the confidence level had dropped to about 25 percent. It slightly increased by 1999 to 28.8 percent.<sup>160</sup> An intergovernmental, supranational organization imposing its laws and regulations on a sovereign nation is likely to be met by some resistance as shown by the low levels of confidence following Sweden’s membership to the EU being granted in 1995.

Table 12 below contains Transparency International’s CPI, which measures citizens’ perceived level of corruption. For the purpose of my study it is used to further capture the citizens’ level of trust in the government and how the citizens view the level of corruption in the country.

<sup>160</sup> World Values Survey. *Integrated EVS/WVS 1981-2008 Data File*. Available: <http://www.wvsevsdb.com/wvs/WVSIntegratedEVSWVS.jsp?Idioma=I> [2012-12-03]

Table 12: Corruption Perception Index, Sweden			
Total number of countries surveyed	Year	Ranking	Score
41	1995	6	8.87
54	1996	3	9.08
52	1997	3	9.35
85	1998	3	9.50
99	1999	3	9.40
90	2000	3	9.40
91	2001	6	9.00
102	2002	5	9.30
133	2003	6	9.30
145	2004	6	9.20
158	2005	6	9.20
163	2006	6	9.20
179	2007	4	9.30
180	2008	1	9.30
180	2009	3	9.20
178	2010	4	9.20
182	2011	4	9.30
176	2012	4	88 (scale used: 0-100)
Data source: Transparency International's Corruption Perceptions Index ( <a href="http://www.transparency.org/research/cpi/overview">http://www.transparency.org/research/cpi/overview</a> )			

Sweden has consistently been ranked highly and obtained a high score in the CPI. Apart from in 1995 and 2012, Sweden has not scored below a 9.0. In 1995 it got a score of 8.87 and in 2012 the score had dropped to 88 out of 100. The score reached a high of 9.50 in 1998 and has since then mostly stayed between 9.20 and 9.40, with a few exceptions. Overall the perception tends to be that there are low levels of corruption within the government in Sweden.

Sweden has consistently been ranked amongst the top six countries since the index began in 1995. The number of countries surveyed has increased over the years, but Sweden's high ranking has remained intact. Sweden reached a high of number 1 in 2008 but dropped to 3<sup>rd</sup> place in 2009 and has been stable at number 4 since 2010. Despite the drop in score between 2011 and 2012, Sweden maintained its number 4 ranking, which is telling of the comparative nature of the ranking system. It is a measure of how Sweden is performing compared to the other countries surveyed while the score is more representative of the situation in Sweden.

The United Nations surveys countries around the world and their willingness and ability to utilize the opportunities made available by e-government. The E-government Readiness Index measures the readiness of governments to develop and implement e-government. Specifically the UN considers "website assessment, telecommunication infrastructure, and the human capital endowment" when making their Readiness Index assessment.<sup>161</sup> The E-government Readiness Index focused on measuring countries' capacity to adopt e-government. In 2010, the UN updated its survey and replaced the E-government Readiness Index with the E-government Development Index. The change took place in order to adapt to the advancements that have take place and in order to describe and measure how far countries have developed their e-government.<sup>162</sup>

Table 13 shows Sweden's ranking and score since the UN began its e-government survey in 2003 until the most recent one released in December 2012. The score is on a zero to one scale with one being the most ready or most developed, and zero being the lowest score possible.

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<sup>161</sup> UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

<sup>162</sup> United Nations. E-Government Survey 2010. Available: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan038851.pdf> [2012-01-02]

Year	Ranking	Score
2003	2	0.8400
2004	4	0.8741
2005	3	0.8983
2008	1	0.9157
2010	12	0.7474
2012	7	0.8599

Data source: UN Public Administration Programme. *United Nations E-Government Surveys*.  
 Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

Sweden scored and ranked highly on the Readiness Index but has done worse after it changed to the Development Index. Between 2003 and 2008, Sweden scored at or above 0.8400 and was ranked amongst the top four countries. It reached a high of being ranked number one, with a score of 0.9157 in 2008. In 2010 when the index changed Sweden dropped to 12<sup>th</sup> place and its score decreased to 0.7474. The score and ranking improved slightly by 2012 when Sweden came in 7<sup>th</sup> place with a score of 0.8599.

In 2003, Sweden came in 2<sup>nd</sup> place with a score of 0.8400, and in 2012 a score of 0.8599 was only enough for a 7<sup>th</sup> place ranking. As mentioned earlier, this demonstrates the comparative nature of rankings. It is interesting to note that Sweden is consistently scoring well and apart from the drop in 2010 has scored above 0.8000 all years. The 2012 score of 0.8599 suggests that Sweden is doing well in terms of developing its e-government according to the UN's measurements. The ranking also suggests that Sweden tends to be amongst the top 10 countries out of the 193 in the world, as recognized by the UN, in terms of its e-government standards.

The top 20 or 25 countries are reported in the UN E-Participation Index depending on the year. Sweden did not make it in 2010 and the report does not provide an explanation as for why Sweden was not included in the top that year. The E-participation Index examines the level of participation and online engagement with the government amongst citizens. It can be thought of

as “the empowerment of citizens to have an open dialogue with government.”<sup>163</sup> Table 14 shows Sweden’s ranking and score since the Index began in 2003.

Year	Ranking	Score
2003	10	0.5860
2004	13	0.5740
2005	14	0.5714
2008	9	0.6591
2010	-	-
2012	18	0.6842

Data source: UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

Sweden citizens tend to be active participants of e-government and has helped place Sweden amongst the top 20 countries in the world, except for in 2010. The score has consistently been above 0.5700 (except for in 2010) and Sweden reached a high of 0.6842 in 2012. Although the ranking has fluctuated, the score has tended to increase over the years. The trend suggests that the initiative of encouraging citizens and businesses to utilize e-government and the government’s focus on the needs of the users when developing e-government are being met by an overall positive and active response.

#### 4.2.7 Origins of the legal system

The Swedish modern court system began to form as early as during the 14<sup>th</sup> century with local district courts, county courts and the King having the power to hear appeal claims. The legal system continued to develop as the first Court of Appeal was established in Stockholm in 1614, marking the establishment of a permanent system for aiding dispute resolution.<sup>164</sup> Later on in the 18<sup>th</sup> century, Swedish scholars were in close contact with scholars from Continental Europe,

<sup>163</sup> UN Public Administration Programme. *United Nations E-Government Surveys*. Available: [http://www.unpan.org/egovkb/global\\_reports/08report.htm](http://www.unpan.org/egovkb/global_reports/08report.htm) [2013-01-02]

<sup>164</sup> Stockholm Institute for Scandinavian Law. *The Swedish National Courts Administration*. Available: <http://www.scandinavianlaw.se/pdf/51-31.pdf> [2013-06-14]

which led to the German-Roman legal tradition being incorporated into the Swedish legal system.<sup>165</sup>

In 1734, a comprehensive Swedish code was enacted and the German-Roman legal tradition had been incorporated and adapted to the Swedish system. The Code of 1734 can still be found in The Law Book (*Sveriges Riks Lag*) with some additions from the 20<sup>th</sup> and 21<sup>st</sup> centuries.<sup>166</sup> A supreme court was established in 1798. The current court system has been updated and specialist courts have been established over the years to address the various needs of the society. In broad terms, the Swedish court system has a long history.<sup>167</sup>

The history of the origins of the Swedish legal system demonstrates that Sweden has employed a system based on courts for hundreds of years. Because it has been allowed to continue to develop it suggests that the society and legal culture are, in general, supportive of the legal system in that form. The incorporation of the German-Roman legal tradition in the 18<sup>th</sup> century was done in an adaptive manner rather than being imposed. Transplanting laws and adjusting them to the local legal system and culture make it more likely that the laws will be incorporated and utilized in an effective manner. When this is the case, the attitude towards the legal system is more likely to be positive.

The origin of the legal system is a component of legal culture since it influences the attitude people have towards the government and the legal system. The Swedish legal system has for the most part developed indigenously, which has helped it develop in line with domestic needs. Taking such needs into consideration makes it more likely that the legal system will be utilized in a more efficient manner. The lack of imposed laws makes the legal system more organic, which contributes to the more positive attitude towards the government which is characteristic of the Swedish legal culture.

#### 4.2.8 Cultural Orientation

Overall, Sweden is an interesting case study for the examination of individualist and collectivist cultural orientation. There are aspects of both characteristics present, but for the purpose of my

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<sup>165</sup> Hauser Global Law School. *Swedish Law and Legal Materials*. Available: [http://www.nyulawglobal.org/globallex/sweden1.htm#\\_The\\_Swedish\\_Legal\\_System\\_-\\_Backgrou](http://www.nyulawglobal.org/globallex/sweden1.htm#_The_Swedish_Legal_System_-_Backgrou) [2013-06-14]

<sup>166</sup> Ibid.

<sup>167</sup> Stockholm Institute for Scandinavian Law. *The Swedish National Courts Administration*. Available: <http://www.scandinavianlaw.se/pdf/51-31.pdf> [2013-06-14]

research, and compared to Japan, the individualistic orientation is dominant. There is a rejection of the group mentality and hierarchy, a desire for equality and self-realization and a state supported education system that provides opportunities for everyone to earn a degree with the intention to facilitate an independent life. The individualistic cultural orientation observed in Sweden, characterizes the legal culture as one where the attitude towards the government and the use of the legal system is positive.

Sweden is considered to be a society with an individualistic cultural orientation. According to the Hofstede Center's evaluation, Sweden scores 71 out of 100. The score is based on findings that there is a preference for individuals primarily caring for themselves and their immediate family only. The social framework is loose-knit and there is a lack of group mentality.<sup>168</sup> It is believed that "authentic human relationships are possible only between autonomous and equal individuals."<sup>169</sup>

Sweden is considered the most individualistic society in the world, according to the World Values Study.<sup>170</sup> This is in part attributed to the dedication to empower the individual through various welfare programs, which allow the individual to grow and develop.<sup>171</sup> The goal has been to equalize uneven relationships, and through the use of social policy, help the individual be independent. For example, university education is tuition free and people who qualify are able to receive financial aid to attend university. This enables people to gain financial independence from their families and potentially allows people more freedom in terms of career choice.<sup>172</sup> The focus on empowering the individual through various state supported means demonstrates the individualistic cultural orientation in Sweden.

This model has helped individuals liberalize from the traditional ties of dependency with agents like the family and church, but it has created a stronger dependency on the state. The Swedish situation has been called "statist individualism" because of the promotion of independence and equality, through state means.<sup>173</sup> People in Sweden tend to consider the

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<sup>168</sup> The Hofstede Center. *Sweden*. Available: <http://www.geert-hofstede.com/sweden.html> [2013-06-14]

<sup>169</sup> The Swedish model is the opposite of the big society, David Cameron. *The Guardian*, 2012-02-11. Berggren, H. & L. Trädgårdh. *Är svensken människa? Gemenskap och oberoende i det moderna Sverige*. Stockholm: Norstedts, 2006.

<sup>170</sup> Individualism and solidarity in Sweden. *Policy Network Observatory*, 2013-06-05.

<sup>171</sup> The Swedish model is the opposite of the big society, David Cameron. *The Guardian*, 2012-02-11.

<sup>172</sup> Individualism and solidarity in Sweden. *Policy Network Observatory*, 2013-06-05.

<sup>173</sup> Berggren, H. & L. Trädgårdh. *Är svensken människa? Gemenskap och oberoende i det moderna Sverige*. Stockholm: Norstedts, 2006.

individualistic orientation as focusing on self-realization and self-fulfillment rather than it being about selfishness. The self-realization can be seen through the sought after balance between work and private life, and the high value placed on free time.<sup>174</sup>

The Swedish society and business model prefers less of a hierarchical structure. Compared to several other western countries many companies utilize a flat organizational structure and equality is sought after.<sup>175</sup> Such structural features demonstrate the individualistic orientation since it shows that people consider their work or opinions equal to that of others and reject the idea of being part of a group and following the hierarchical order. The individualistic orientation and the circumstances in Sweden are telling of the positive attitude towards the government and the legal system that characterizes the legal culture.

## 5 Analysis and Discussion

The purpose of my research is to examine how Sweden and Japan differ in terms of laws and legal culture pertaining to e-government. I also highlight observed similarities. Furthermore, I analyze possible reasons that explain why the legal cultures have developed as they have. The focus is on the *substantive* and *cultural components* of legal culture and I use the data and results discussed above to discuss my research questions.

### 5.1 Substantive component

The *substantive component* of legal culture consists of the laws in place and to what extent they are utilized. Action plans and statements about future plans are also examined as part of the *substantive component* in order to capture to what extent they are being adhered to.

The main difference between Sweden and Japan in terms of the *substantive component* of the legal cultures surrounding e-government is that Japan has several laws in place specifically addressing ICT and aspects of e-government while Sweden does not. All seven of the Japanese laws discussed address ICT or elements of e-government, while only one out of the six Swedish laws discussed specifically addresses ICT. The EU directives discussed tend to consider ICT and parts of e-government more than the Swedish laws. Although Sweden has limited legislation

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<sup>174</sup> Johansson Robinowitz, C. & L. Werner Carr. *Modern-Day Vikings – A Practical Guide to Interacting with the Swedes*. London: Nicholas Brealey Publishing, 2001.

<sup>175</sup> Worm, V. *Vikings and Mandarins: Sino-Scandinavian Business Cooperation in Cross Cultural Settings*. Copenhagen: Handelshogskolens Forlag, 1997.

pertaining specifically to e-government, some of the laws and directives discussed address areas similar to those covered by the Japanese laws included. Despite the lack of e-government related laws, Sweden has tended to develop its e-government further and with more citizen support than Japan.

Despite differing approaches to the legal framework, a similarity between Sweden and Japan is that some of the laws and directives concentrate on similar areas and issues. For example, the legal framework to encourage e-IDs is present in both Sweden and Japan, but Sweden has a higher usage rate. Japan implemented the Act on Electronic Signatures and Certification Business in 2000 and the Act on Certification Business of Local Governments in Relation to Electronic Signatures in 2002, both intended to encourage the use of e-IDs, to ensure that the information sent online is valid and not tampered with and to increase administrative efficiency. However, the 2002 launch of Juki Net, a system to connect government registries with each other and an e-ID has not been as successful as anticipated with only about 1.5 percent of the population having registered over the past ten years. The risks of data leakage and privacy violations were prominent fears amongst the population at the time, preventing Juki Net from gaining users. A lack of trust towards the government likely contributes to these fears and will be discussed in more detail later. The existence of different e-IDs distributed by different authorities depending on the purpose of the e-ID complicates the process in Japan and tends to make it more appealing to continue using the traditional system which is more familiar.

In Sweden, the legal framework for e-IDs stems from an EU directive adopted in 1999, encouraging Member States to implement and accept e-IDs in order to ease cross border transactions. Banks or Telia are responsible for issuing the e-IDs that are linked to citizens' social security numbers and one and the same e-ID can be used for all purposes. Obtaining and using the e-ID is relatively easy compared to in Japan and the utilization process tends to be simplified compared to the traditional approach, making it more appealing for citizens to make the switch. Over 40 percent of the Swedish population have registered for an e-ID, and used them more than 250 million times in 2011. Sweden already has a social security number system in place making it easier to facilitate the linkage of an e-ID to an individual. A higher level of confidence in the government than in Japan likely contributes to the success of e-IDs and e-government in general. The trust aspect will be discussed in more detail as part of the *cultural component*.

Even though there are differences in the implementation process and the observed outcomes, the main objectives of the laws pertaining to e-IDs in Sweden and Japan are similar. Both countries have legislation in different forms in place to encourage and implement the usage of e-IDs, and the differences in observed outcomes are suggestive of the different focuses of the governments and the domestic environments.

Other examples of laws that aim to achieve a similar purpose are those about protection personal information. The Act on the Protection of Personal Information and the Personal Data Act seek to protect personal information, in Japan and Sweden respectively from being misused. Both countries have similar laws implemented, yet the fear of the law being violated is greater in Japan than in Sweden. Trust in the government as a contributing factor will be discussed in more detail later. The extent to which personal information is actually misused or leaked can also be a contributing factor and merits further research.

Overall this demonstrates that Sweden and Japan differ in terms of the extent to which the laws in place specifically mention ICT and e-government and that Sweden and Japan have experienced different reactions in areas where the two countries have similar legislation implemented. A notable similarity within the *substantive component* of legal culture is that both Sweden and Japan have legislation pertaining to e-IDs and the protection of personal information. However, these similar laws have resulted in different outcomes. The registration rate of e-IDs in Sweden is significantly higher than in Japan, and the concern over personal information being misused and the complexity of the system tends to be greater in Japan than in Sweden.

Japan has extensive action plans outlined for the different ministries and areas of interest within e-government, but significant time is allocated to evaluating and investigating. While it is important to assess the situation before moving forward, there tends to be a lack of political will from the Japanese government to move beyond the evaluation and planning stages to actual implementation of initiatives. Whether or not this is due to a lack of demand from the citizens or lack of efforts from the government side is unclear. This area has potential for interesting future research, especially once the roadmaps are further along and their development can be analyzed.

The recent action plans in Sweden tend to focus on meeting the needs of the users, including other governmental agencies, citizens and businesses. “As easy as possible for as many as possible” is the slogan associated with e-government action plans and the e-delegation is

focusing on ensuring that the processes associated with e-government are kept user friendly. Evaluating and planning stages are included in the process in Sweden as well, but the focus on the needs of the users suggests a theme of ensuring that e-government provides the users with information and allows the users to participate in transactions with the government with ease. Such a theme is absent from the Japanese roadmaps.

Limited government efforts following the implementation of the legislation is a characterizing theme in Japan. The laws are in place and the roadmaps have been initiated, but there tends to be a lack of effort to move beyond plans on paper towards more concrete action. In Sweden a theme characterizing the action plans is the focus on the needs of the users. There are fewer laws explicitly related to e-government and ICT in Sweden, but the focus of the efforts of the e-delegation is to ensure that e-government is beneficial to the users and eases interactions with the government. This concentration on user friendliness has helped with the transition to digitalization in Sweden since the new systems tend to be easier to use, for those with access to and knowledge of computers and the internet, than the traditional system. In Japan, the transition has been met with more resistance since the digitalized solutions tend to be more complex and less user friendly than the traditional system.

Overall a notable similarity in terms of the *substantive component* is that both countries have laws implemented to serve similar purposes. However, differences arise in terms of implementation, execution and observed outcomes.

## **5.2 Cultural component**

The *cultural component* of legal culture is based on the attitudes and values of the people that help place the legal system within its social context. The citizens' level of trust in the government is used to represent and gauge the attitudes of the people towards the government and e-government. The level of trust in the government is measured by examining the extent to which citizens have confidence in the parliament and civil services, and the Transparency International Corruption Perception Index (CPI). The origins of the legal system and cultural orientation are aspects analyzed to help explain why the legal cultures have developed to be characterized as they are.

Between 1981 and 2000 the majority of the population in Japan did not have confidence in the parliament. The same is true for the confidence level in civil services. In 2000, around the

time of the initiation of e-government, 78 percent of the population did not have confidence in the parliament and 68 percent did not have confidence in civil services. An environment where the majority of citizens do not have confidence in the government, or aspects of the government, makes it difficult to initiate and gain support for e-government.

About 50 percent of the population in Sweden between 1982 and 1999 had confidence in the parliament and civil services. In 1999, 51.2 percent of the population had confidence in the parliament and 48.7 percent in civil services. Although not a clear majority, it is likely to make for a more supportive environment than that in Japan around the time of the introduction of e-government. Only 28.8 percent of Swedes had confidence in the EU in 1999, four years after Sweden joined the union. This was the same year as when the EU Directive on e-IDs was implemented. Despite the low confidence in the EU amongst Swedes, the Directive was successfully adopted in Sweden in the sense that registered users and usage rates of e-IDs have been and remain comparatively high.

The percentage of new companies that register online is also an indication of the citizens', or more specifically the business community's attitude towards e-government and how user friendly it is. In Sweden about 50 percent of new companies that register do so online, while only about 27 percent use online e-services to register new companies in Japan. The online process is fairly easy in Sweden, assuming that you have access to and the skills to use the internet, compared to in Japan. As made evident during the interview with the Business Support Office staff helping Swedish companies establish their offices in Tokyo, it is easier to continue using the traditional paper based system in Japan than to utilize e-government. Comparatively, in Sweden the focus is on keeping the e-services user friendly and ensuring that the online process is simplified compared to the traditional paper based approach, leading to people being more likely to have a positive impression of e-services and e-government.

Japan has scored between 5.80 and 8.00, out of 10 with 0 being 'highly corrupt' and 10 being 'highly clean' on the CPI. During the past five years the score has fluctuated between 7.30 and 8.00 suggesting that the perceived level of corruption is decreasing but still exists. Sweden has consistently scored above 9.00, except for in 1995 when it scored 8.87 and in 2012 when it scored 8.80. Sweden's score has fluctuated between 8.80 and 9.30 during the past five years and it has been ranked between 1 and 4. These numbers suggest that Sweden is one of the countries with the lowest perceived level of corruption in the world.

The UN indices provide for notable similarities in terms of the *cultural component*. Both countries have tended to be ranked amongst the top 20 countries in the world in terms of UN E-government Readiness/Development Index. Sweden has consistently been ranked and scored higher than Japan, but they are both considered to be amongst the most developed countries in terms of the e-government. The E-participation Index presents another similarity, with both countries again tending to be ranked amongst the top 20 countries in the world. There is less of a difference between Sweden and Japan in terms of e-participation with Sweden scoring between 0.5714 and 0.6842, while Japan has scored between 0.4603 and 0.7571.

Based on these statistics, I conclude that the level of confidence in the government was higher in Sweden than in Japan around the time of the introduction of e-government. The perceived level of corruption has been and remains lower in Sweden than in Japan, likely contributing to the confidence level in the government. This suggests that the *cultural component* of the legal cultures in Sweden and Japan differ in the sense that Swedish citizens tend to have a higher level of confidence in the government than Japanese citizens. A similarity is that despite the differing levels of trust in the governments, both countries tend to score highly on the UN E-development and E-participation Indices.

An analysis of the origins of the legal system and the cultural orientation follow below to help explain why the legal cultures are characterized as they are.

### 5.2.1 Origins of the legal system and cultural orientation – Japan

The legal culture pertaining to e-government in Japan is characterized by low trust in the government. The transplanted legal system and the collectivist cultural orientation are contributing factors as to why the people have a negative attitude towards the legal system and low trust in the government. The Japanese culture has a tendency to prefer mediation as the means for dispute resolution in order to maintain the group relationship and avoid losing face. The group relationship tends to be valued higher than individual rights.

The legal system has not been allowed to develop based on the needs of the Japanese tradition and society since it has been, on several occasions, transplanted and imposed. There has been a disregard for the collectivist orientation of the society and the high value placed on the preservation of loyalty, avoidance of conflict and conciliation. This disregard has led to people

having a negative attitude towards the legal system and a lack of trust in the government since it is not seen as serving the needs of the society.

E-government has not developed to its full potential in Japan and part of the reason is the low level of trust in the government and the legal system. The laws are in place and the infrastructure exists to make it possible but it has yet to become widely used, due to the low level of trust in the government and the negative attitude towards the legal culture. There is a difference between law in action and law in the books, and the legal culture is a contributing factor why. The legal culture is characterized by a negative attitude in part because of the transplanted laws and the collectivist cultural orientation. The legal system and the governmental structure have been imposed on Japan by foreign powers with disregard for the traditional approach to dispute resolution in the society and without adapting to the collectivist cultural orientation. Such a forced situation contributes to the people being less trustful of the government and having a negative attitude towards the legal system, making it difficult for the government to gain support for e-government.

### 5.2.2 Origins of the legal system and cultural orientation – Sweden

The Swedish legal system has a long history and has developed mostly indigenously. At times of outside influence, it has been through transplanted law that has been adapted to meet the needs of the Swedish legal system and society. Because of the indigenous nature of the legal system, it has developed consistently with the needs to the society and in line with the traditional approach to dispute resolution, which makes for a more effectively utilized system.

The legal culture pertaining to e-government in Sweden is characterized by trust in the government, and the government focusing on the needs of the people. E-government has been able to develop and be utilized without specific e-government and ICT laws because of the legal culture consisting of a positive attitude towards the government and the government respecting and working to accommodate the needs of society.

An indigenously developed legal system contributes to the system better aligning with the traditional approaches to dispute resolution and various needs in society. This leads to the people having a more positive attitude towards the legal system since it operates within their frame of reference. People in a society with an individualistic cultural orientation are more likely to turn to official means for dispute resolution. In Sweden, the individualistic orientation is supported by

the government through various social welfare initiatives, which reinforces people's positive attitude towards to government.

The government has been able to gain support for its e-government initiative from the society because of the positive attitude that characterizes the legal culture. Trust in and a positive attitude towards the government are characteristics of the legal culture that contributes to the development of e-government. The indigenous origins of the legal system and the individualistic cultural orientation lead to the people having a positive attitude towards the legal system and trust in the government, which in turn has enabled the development of e-government.

## **6 Conclusion**

Sweden and Japan differ in terms of legal culture pertaining to e-government. The two societies have different norms that the citizens adhere to, and they are not always consistent with the legal framework in place. This is at the core of Ehrlich's living law and Friedman's legal culture. It is evident in both Sweden and Japan since the observed outcomes and the norms followed by the citizens do not necessarily correspond to the legislation. For example, Japan has implemented a legal framework pertaining to e-IDs, yet a very small percentage of the population has chosen to register for one. The traditional system is preferred to the new one, despite the legal framework being in place.

Japan has implemented a more extensive legal framework surrounding e-government and ICT than Sweden, but a similarity is that there are certain laws that seek to serve similar purposes. The level of confidence in the government around the time of the introduction of e-government differed with Sweden demonstrating higher levels of confidence in the government and government activities than Japan.

The legal cultures surrounding e-government in Sweden and Japan differ more than they are similar. Furthermore, it is interesting to note the differences in observed outcomes despite laws with similar intentions being in place. Differences in the levels of confidence in the government and the complexity of the e-government system compared to the traditional system are factors that likely contribute to the differences in the observed outcomes. Related to the complexity of the e-government system is the importance of ensuring that the system is inclusive. The European eGovernment Action Plan 2011-2015 includes a section discussing the

need to not leave anyone behind and to make e-government inclusive, but unfortunately the Action Plan does not mention how this can and will be achieved. A similar discussion is also lacking from the Japanese roadmaps.

It is a positive development that the EU is including the discussion about citizens potentially being disadvantaged by the shift to e-government and increased ICT usage in the Action Plan. However, a discussion about how such a situation can and will be avoided is missing. The Action Plan notes that in 2010, 30 percent of EU citizens reported that they had never used the internet. This can lead to a problematic situation in light of efforts to further implement e-government.

A more serious evaluation of the effects e-government and digitalization can have on people without adequate computer knowledge and/or access to the internet needs to be carried out before eliminating the traditional system. Citizens can become marginalized if the shift to e-government is carried out without proper means in place allowing everyone to take part in the new system. The governments and organizations implementing e-government need to provide means for access, education and training to citizens who do not feel comfortable with the shift to e-government in order to ensure that e-government is in fact inclusive.

An example of how the transition can be made easier is to offer services like the National Tax Agency Japan, which allows people to visit their local tax authority and receive help filing their taxes using a computer and the online e-Tax service. Providing similar services and tutorials can ease the transition to e-government, and allow citizens time to learn and adjust to the new system. Providing computer and internet access to those who do not have it will be another important part of ensuring that e-government is inclusive. In order to avoid citizens being left out and feeling frustrated it is crucial that there are places that citizens can physically access with ease where they can receive help understanding and using the online services.

A transition to e-government and digitalization is likely to change the dynamics of the job market. Jobs dealing with functions replaced by e-government and digitalized functions will no longer be needed, leaving people unemployed. The future of people being laid off due to ICT advancements needs to be taken into consideration by the governments and organizations involved in the development and implementation of e-government. Social welfare that will potentially be paid if laid off people are unable to find new jobs should to be taken into account when announcing budget savings associated with the implementation of e-government. The

effects increased unemployment may have on the society as a whole also needs to be taken into consideration, together with potential consequences for the country's economy and productivity.

Another crucial discussion that tends to be left out is the one about the protection of the e-government system and the information collected and stored through it. Cybercrime is an increasing threat in a digitalizing world, but the analysis of how it can be avoided and prevented tends to be lacking. A rigorous examination of how information will be protected when present in the online sphere as part of e-government needs to be carried out in order to avoid breaches and leakages of information. How the e-government system can be protected from cyber-attacks also needs to be properly investigated in order to ensure that appropriate measures are taken to deflect potential attacks. Standards of who has access to the information and when also needs to be upheld in order to avoid internal abuse and leakages.

Keeping the legal framework current is important in order to properly ensure the safety of the information and to keep the system intact. With appropriate legislation in place there are legal means to (hopefully) uphold justice in the case of potential breaches of the system and abuse of the information it contains. Updated legislation may lead to potential abuses and violations being resolved using the court system, at which point the *structural component* of legal culture may become a relevant and beneficial analytical tool. Overall, security concerns are a crucial element of the transition to a more digitalized system that need to be appropriately addressed through laws as well as information and education made available to the public.

Potential social costs like unemployment and people being left behind or excluded need to be considered when planning the future of e-government. Such issues, together with security concerns should make up a larger part of the discussion surrounding e-government and digitalization in order to ensure a smooth transition. The press can play an important role in highlighting important issues and serving as a discussion platform for society. For example, Svenska Dagbladet published an article about Swedbank's office by Östermalmstorget no longer handling cash. Östermalm is an area vulnerable to people being excluded during such a transition to a more digitalized society since around 27 percent of the area's population, 66,000 people is over 60 years old, and roughly 7 percent over 80 years old. The article was published online on February 20, 2013 at 19:06 Swedish time, and by 10:15 on February 21, just 15 hours later the

article had received 99 comments and 77 people had shared it on Facebook and six on Twitter.<sup>176</sup> Although the discussion is about people potentially being excluded due to a shift to ICT, the traditional media, the internet and social media are potentially powerful tools to use to highlight and discuss potential social costs and negative externalities of increased usage of e-government. The benefits and positive externalities tend to be included in the information and initiatives used and shared by the governments and organizations involved but until they begin including potential negative aspects, other forums need to highlight them, the press being an example of such a forum.

E-government and ICT developments are overall interesting areas for policy analysis that merit further research. They are dynamic, continuously evolving and highly relevant. As e-government continues to be implemented and develop further it will be interesting to follow up and further examine case studies in order to evaluate factors that have influenced positive and negative implementation outcomes. From a sociology of law perspective it will be interesting to continue to follow developments within e-government and the surrounding legal cultures in order to further study the relationship and potential influential factors.

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<sup>176</sup> Bankrevolution på Östermalm. *Svenska Dagbladet*, 2013-02-20.

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Law No.204 of 1998. The Personal Data Act. Sweden: The Ministry of Justice.

Law No. 400 of 2009. The Public Access to Information and Secrecy Act. Sweden: The Ministry of Justice.

## **Appendix I**

### **Relevance to Sociology of Law**

Similarities and differences between the legal cultures surrounding e-government in Sweden and Japan demonstrate that legal culture influences how the laws in place are utilized. It shows that the living law, the rules and norms followed by society do not always adhere to the positive law implemented by the government. There are differences between law in action and law in the books.

The case of Japan suggests that despite the government implementing the legal framework, the society may choose not to utilize it. There are laws in place facilitating the development of e-government, however the demand for e-government from the society is low, hence the utilization of the laws is low. People have chosen to continue using the old system, maintaining the rules and norms in place before the introduction of e-government. The written law enables the usage of e-government more extensively than is commonly applied in society, demonstrating discrepancies between the law in action and the written law, and that legal culture can be influential.

The Japanese legal culture is characterized by a lack of trust in the government and a negative attitude towards the legal system. Such a legal culture contributes to the lack of support for e-government because the people have a negative attitude towards engaging with the government. The history of imposed, transplanted law and a society that has a collectivist orientation are reasons why the legal culture has developed to be characterized by the negative attitude observed.

In Sweden the legal framework specifically addressing e-government and ICT is limited, yet the usage of e-government is more extensive than in Japan. This case suggests that there are differences between the written law, or law in the books, and the law in action. The society is able to utilize the legal framework in a manner that helps meet the needs of e-government. The living law is different from the positive law implemented by the government. This shows that the legal culture impacts how the laws are utilized and how living law is developed.

The legal culture in Sweden is characterized by trust in the government and a positive attitude towards the legal system. With a positive attitude the legal system is more likely to be

effective, which is demonstrated by the development of e-government within the existing legal framework. The government works to meet the needs to the people and this in turn reinforces the people's positive attitude towards the government. As an individualistic society, Sweden favors formal legal structures which is also demonstrated by the development of e-government within the current legal framework.

The findings suggest that legal culture influences how the implemented laws are utilized. In Japan, the case shows that despite the laws being in place, the attitude of the people and their level of trust in the government impacts to what extent the laws are used. With trust in the government and the government focusing on simplifying the interaction with the people, the Swedish society is using e-government more extensively than in Japan without the specific legal framework guiding e-government. The foundation of the sociology of law discipline consists of examining the relationship between law in action and law in the books, or living law and positive law. Ehrlich argues that society tends to be governed by living law, which can be observed in my research as well since the legal cultures of Sweden and Japan influence the development and utilization of e-government and the legal framework.

## Appendix II

### Laws pertaining to e-government in Japan

- **Basic Law on the Formation of an Advanced Information and Telecommunications Network Society (Law No. 114 of 2000)**

This law is enacted in order to promote the formation of an advanced information and telecommunications network society in an increasingly globalizing world, with technological advancements. The goal is to facilitate e-commerce, information distribution and minimize the Digital Divide.<sup>177</sup>

- **Act on Electronic Signatures and Certification Business (Act No. 102 of 2000)**

The purpose of this law is to enable and promote the usage of electronic signatures. The law seeks to ensure that the information being submitted was actually created by the person who's signature is being used and that there have been no alterations to it since being signed.<sup>178</sup>

- **Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2000)**

The purpose of this act is to simplify administrative management for the people of Japan. In doing so, it stipulates “common factors to utilize electronic data processing systems and other ICT technologies relating to applications notifications and other procedures involving administrative agencies”.<sup>179</sup>

- **Act on Special Provisions concerning Voting Method by Means of Electromagnetic Recording Voting Devices Used for Election of Council Members and Heads of Local Governments (Act No. 147 of 2001)**

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<sup>177</sup> Law No.144 of 2000. Basic Law on the Formation of an Advanced Information and Telecommunications Network Society. Japan: Ministry of Justice.

<sup>178</sup> Act No. 102 of 2000. Act on Electronic Signatures and Certification Business. Japan: Ministry of Justice.

<sup>179</sup> Act No. 151 of 2002. *Act on Use of Information and Communications Technology in Administrative Procedure*. Japan: Ministry of Justice.

This act is implemented to facilitate e-voting, and to increase administrative and vote counting efficiency. It hopes to uphold fair and appropriate election rules while allowing for the use of an electronic voting machine during elections of local assembly chairs and members.<sup>180</sup>

- **Act on the Protection of Personal Information (Act No. 57 of 2003)**

This law is enacted to ensure the protection of individual rights and personal information in parallel to the increased usage of personal information. The law clarifies and specifies the responsibilities of government agencies regarding how to properly handle and utilize such personal information. To support the usage of ICT, the law stipulates that personal information should be stored so it can easily be retrieved by a computer.<sup>181</sup>

- **Act on Certification Business of Local Governments in Relation to Electronic Signatures (Act No. 153 of 2002)**

In an effort to increase the efficiency of the administrative management of national and local governments, this law is enacted to encourage the use of electronic signatures when filing electronic applications. This law outlines the regulations that apply to the authentication process of electronic signatures at local governmental organizations.<sup>182</sup>

- **Act on Utilization of Telecommunications Technology in Document Preservation, etc. Conducted by Private Business Operators, etc. (Act No. 149 of 2004)**

This law permits companies to electronically store documents (financial, tax, accounting documents etc.) that they are legally required to retain. This can serve as a cost cutting measure for companies since digital data requires less physical space and it can decrease the risk of loss or damage if multiple backup copies are stored in different locations.<sup>183</sup>

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<sup>180</sup> Act No. 147 of 2001. Act on Special Provisions concerning Voting Method by Means of Electromagnetic Recording Voting Devices Used for Election of Council Members and Heads of Local Governments. Japan: Ministry of Justice.

<sup>181</sup> Act No. 57 of 2003. *Act on the Protection of Personal Information*. Japan: Ministry of Justice.

<sup>182</sup> Act No. 153 of 2002. Act on Certification Business of Local Governments in Relation to Electronic Signatures. Japan: Ministry of Justice.

<sup>183</sup> Act No. 149 of 2004. Act on Utilization of Telecommunications Technology in Document Preservation, etc. Conducted by Private Business Operators, etc. Japan: Ministry of Justice.

## **Laws pertaining to e-government in Sweden**

- **Freedom of the Press Act (Law No. 105 of 1949)**

The Freedom of the Press Act is one of Sweden's basic laws. The one currently used was adopted in 1949, but the earliest version of such a law was implemented as early as 1766. The law covers the freedom of press, its definition and restrictions. Rules pertaining to the protection of messages and public information are also covered in the Freedom of the Press Act which is unique. A document is considered public information if it is stored by a governmental agency, if it has been received by the government, and if it is prepared and approved by the government. Anonymous posts on websites and in blogs are considered public information and can cause problems in terms of archiving and storing of information for the responsible agencies.<sup>184</sup>

- **The Administrative Procedure Act (Law No. 223 of 1986)**

The Act pertains to administrative agencies that are handling cases and courts that are dealing with administrative matters. It contains rules regarding the obligation of serving the public, the proper way to handle cases, the right to an interpreter, the right to submit information verbally, people's right to be informed about their cases, and justification and notification of the decisions, among other things. The Act urges governmental agencies to cooperate and help each other out to the best of their ability.<sup>185</sup>

- **The Archives Act (Law No. 782 of 1990)**

Implemented in 1990 the Archives Act stipulates how the government and its various agencies are to manage their archives. The government's archive consists of public documents that are part of the government's activities, documents specified by the Freedom of Press Act and documents that the government decides should be archived. Each government agency is responsible for its archive and needs to ensure that it is maintained in an organized and safe manner and available for the use of justice, administration and research if desired.<sup>186</sup>

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<sup>184</sup> Law No.105 of 1949. Freedom of the Press Act. Sweden: The Ministry of Justice.

<sup>185</sup> Law No. 223 of 1986. The Administrative Procedure Act. Sweden: The Ministry of Justice.

<sup>186</sup> Law No. 782 of 1990. The Archives Act. Sweden: The Ministry of Justice.

- **The Act on Responsibility for Electronic Bulletin Boards (Law No. 112 of 1998)**

This Act concerns services that electronically deliver messages or host bulletin boards where messages can be posted online. The law specifies that the governmental agency that is providing the service is responsible for the website and the information contained on it, not those supplying the infrastructure or hardware for the service. It is the responsibility of the governmental agency to remove messages that violate other laws. The law does not pertain to messages sent within a company or a governmental agency.<sup>187</sup>

- **The Personal Data Act (Law No. 204 of 1998)**

The Personal Data Act was implemented in 1998 when the previous law (1973:289) expired. The Act was enacted as the Swedish implementation of the EU data protection directive (95/46/EG). The law is in place to protect people from their personal information being misused. It concerns all information that can either directly or indirectly be linked to a living person. The Personal Data Act specifies that consent is required when personal information is recorded and that it has to be clearly stated what information will be recorded.<sup>188</sup>

- **The Public Access to Information and Secrecy Act (Law No. 400 of 2009)**

The Act entered into force in 2009, replacing the Secrecy Act (Law No. 100 of 1980). It is a revised and updated version of the Act in order to make it easier to understand and apply. The law focuses on rules concerning how the government and certain other agencies' handle the registration, release and management of public information. Confidentiality rules pertaining to the government and about releasing and deleting information are also a part of the Act.<sup>189</sup>

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<sup>187</sup> Law No.112 of 1998. The Act on Responsibility for Electronic Bulletin Boards. Sweden: The Ministry of Justice.

<sup>188</sup> Law No.204 of 1998. The Personal Data Act. Sweden: The Ministry of Justice.

<sup>189</sup> Law No. 400 of 2009. The Public Access to Information and Secrecy Act. Sweden: The Ministry of Justice.

## **Laws and Directives pertaining to e-government in the European Union**

- **Community Framework for Electronic Signatures (Directive 1999/93/EC)**

This Directive was adopted in 1999. It serves the purpose of establishing the legal framework to support e-signatures at the EU level. The Directive seeks to ensure that e-signatures become legally recognized by Member States and to ease cross border transactions. The goal is for e-signatures to be recognized and more commonly used, hence the Directive specifies that an e-signature cannot legally be refused simply because it is an electronic form of a signature.<sup>190</sup>

- **The Public Access Regulation 1049/2001**

The EU regulation focuses on providing citizens with the right “of access to all the documents, or parts of documents, of the European Parliament, the Council and the Commission”<sup>191</sup>. If documents are not available online, they can be requested via the institution directly. Anyone is allowed to file a request, including non-EU citizens. The institution is obligated to make the document available, unless it is covered by the secrecy exceptions included in the Regulation. This EU Regulation is described as being the equivalent of the Swedish Freedom of the Press Act.<sup>192</sup>

- **i2010 eGovernment Action Plan**

The eGovernment Action Plan is part of the i2010 strategy, which partially makes up the revised Lisbon Strategy. The i2010 strategy focuses broad policy guidelines for ICT and media with the hopes of boosting growth and creating jobs.<sup>193</sup> The e-government portion of the Action Plan highlights the importance of introducing e-government in a timely manner. The five priority areas that are identified by the Action Plan are access for all, increased efficiency, high-impact eGovernment services, putting key enablers in place and increased participation in decision making. It is estimated that the implementation of electronic invoicing could save about 50

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<sup>190</sup> Europa: Summaries of EU Legislation. *Community framework for electronic signatures act*. Available: [http://europa.eu/legislation\\_summaries/information\\_society/other\\_policies/124118\\_en.htm](http://europa.eu/legislation_summaries/information_society/other_policies/124118_en.htm) [2013-01-07]

<sup>191</sup> Regeringskansliet (Government Offices of Sweden). *Transparency in the EU*. Available: <http://www.government.se/sb/d/11880> [2012-01-07]

<sup>192</sup> Regeringskansliet (Government Offices of Sweden). *Transparency in the EU*. Available: <http://www.government.se/sb/d/11880> [2012-01-07]

<sup>193</sup> European Commission. *i2010: Information Society and the media working towards growth and jobs*. Available: [http://europa.eu/legislation\\_summaries/information\\_society/strategies/c11328\\_en.htm](http://europa.eu/legislation_summaries/information_society/strategies/c11328_en.htm) [2012-12-04]

billion Euro (ca. 426 billion SEK) annually. The goal is for implementations to take place by 2010.<sup>194</sup> The Action Plan does not specify who or what organizations stand to benefit from the expected savings. It has not been made clear if the implementation successfully reached its targeted savings.

- **The Interchange of Data between Administrations (IDABC) Programme**

The Programme was launched in 2004 and ended in December 2009. It sought to facilitate and encourage the transition from European administration being paper based to it using electronic exchanges more. The main beneficiaries of the IDABC Programme were EU Member States' governments and European institutions. The IDABC served as an information forum and offered funding for IT solutions in order to help governments improve their networks, online communication repertoire and e-government efforts.<sup>195</sup> Other initiatives followed the IDABC and continued the efforts to successfully make e-government part of society.

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<sup>194</sup> European Commission. *i2010 eGovernment Action Plan*. Available: [http://europa.eu/legislation\\_summaries/information\\_society/strategies/124226j\\_en.htm](http://europa.eu/legislation_summaries/information_society/strategies/124226j_en.htm) [2013-01-08]

<sup>195</sup> European Commission. *IDABC Programme*. Available: <http://ec.europa.eu/idabc/en/chapter/3.html> [2013-01-07]