

EDITORIAL

DIGITIZATION, INVESTIGATIONS & COMPLIANCE IN SCIENCE

The scientific field of compliance is in a constant state of movement, gaining in complexity and widening its areas of application. We have taken this edition of CEJ as an occasion to pick up the threads of previous issues, to deepen the discussion and to take the thoughts a step further.

Alexandra Jorzig takes up the issue of a digitized health care market from the previous edition in last October in her article as well as Andreas W. Schneider and Raisa S. Pompeo. Jorzig addresses the topic in particular in regards to liability questions of soon-to-be methods of treatment. She does this from a lawyers point of view, whereas Schneider and Pompeo analyze the effects of big data on healthcare from the perspective of the medical profession.

The ability to switch between these points of view is fundamental for implementing and enforcing compliance-management systems. This fact has also been determined by the organizers of the Second Congress on Compliance in Healthcare, which took place in Leipzig this year and has been hosted by the university hospital and the faculty of law in a cooperation. Physicians and lawyers had had to recognize they were not communicating in the same language as the university hospitals compliance officer states. More interesting impressions are conveyed by short videos, available on the homepage, where speakers of the congress are interviewed.

These healthcare-related topics are followed by three articles addressing issues of commercial and commercial criminal law. To be even more precise: all three deal with topics becoming relevant only when compliance has failed and the enterprise, its management or employees were not able to abide by the law or where this fact at least is suspected.

Referring to a decision recently handed down by the German Constitutional Court, Jonas Menne and Markus S. Rieder depict the legal situation of Internal Investigations in Germany and compare it to the situation in the US. They close their examination with a call for legislative action in Germany. Measures by the authority to capture financial assets originating from criminal offences are subject to vivid discussions worldwide. Chih-Jen Hsueh takes a close look at the recent reform of asset recovery in Taiwan and draws comparisons to the legal situation in Germany. Florian Follert then takes the penal system in the context of commercial criminal law into account and analyzes it economically.

Challenges and questions of compliance cannot be answered in a solely national context anymore. In a world with fast interconnecting markets and channels of communication such an approach seems narrow-minded and backward looking - Glocality is the keyword. In her article, Mariana Ferreira illustrates the meaning of this term and why glocality is the key to functioning compliance.

Under the heading of “Compliance in Science” we want to tackle an issue on our own behalf. Since its first edition, CEJ has been published as an open-access journal. For us it was always of great importance that the authors aren’t charged any publication fee. Instead, only quality of the submitted articles shall be crucial for the publication. Sadly, this approach seems not to be a matter of course as the recent debate on predatory journals shows. A resulting problem is the growing mistrust towards open access-concepts and small unknown journals. In his article, Roger Watson points out the danger posed by predatory journals and provides advices how to avoid them.

We hope you enjoy our spring edition!

With our best regards,

Two handwritten signatures in blue ink. The first signature on the left is 'Michele' and the second on the right is 'H. Schneider'.

Michele DeStefano & Hendrik Schneider
Founder and Content Curators of CEJ