

Abstract (English)

The dissertation examines the challenges associated with judicial enforcement of unpaid private monetary claims in Denmark. It highlights the complexities of the current enforcement court system and analyzes how inefficient procedures and outdated legislation undermine the legal certainty and financial well-being of both creditors and debtors, while also imposing substantial, unnecessary costs on society.

The dissertation focuses particularly on issues concerning the enforcement court's limited access to data, the debtor's duty to provide information, and the lack of accurate financial data to support objectively correct decisions. It argues that improved collection and utilization of data could reduce the number of purposeless enforcement cases, improve case processing times, and create a more efficient debt recovery process that is also more considerate of the most vulnerable debtors, who could avoid being unnecessarily summoned to court by leveraging the same data.

The overarching thesis of the dissertation is that an unknown, yet significant number of enforcement cases are decided incorrectly, and that this occurs due to incomplete or directly inaccurate information regarding the debtor's financial situation.

Furthermore, the dissertation argues that the processing of cases in the enforcement court is unnecessarily burdensome in terms of both costs and time. It also contends that a portion of the cases currently handled by the enforcement court are unnecessary and do not serve a justifiable purpose.

Debt enforcement should be modernized to ensure that the Danish Administration of Justice Act better reflects contemporary socio-economic conditions as well as current technological possibilities, thereby offering greater protection to the most vulnerable debtors while enabling a gentler and more efficient recovery process for debtors who, based on objective criteria, are in fact able to pay their debts.

In this context, the dissertation identifies several structural challenges where legislation and the functions of the enforcement court have lagged societal developments, leading to repeated handling of cases without effectively resolving the underlying debt issues.

The dissertation concludes that the data available to the enforcement court is often inadequate and proposes that data on the debtor's financial circumstances be obtained from the Danish Tax Agency's R75 statement to ensure a more precise and accurate basis for decision-making. A comparative analysis of Sweden's Kronofogden and Norway's Namsmannen illustrates further possibilities for data-driven enforcement systems, emphasizing greater automation and targeted processes to reduce inefficiencies.

The dissertation also compares private and public debt collection in Denmark, with particular attention to the fact that public debt collection allows for wage garnishment.

It evaluates and recommends permitting wage garnishment for private claims, subordinated to public claims, so that private wage garnishment can be introduced without incurring costs for the public sector. This recommendation is supported by positive experiences with private wage garnishment in Norway and Sweden, as well as in Denmark's public debt recovery system, the earlier recommendations of the Danish Procedural Law Council, and the simple fact that wage garnishment is both more effective and less burdensome for the debtor than alternative enforcement measures.

The dissertation then addresses the fundamental question of whether the task of debt recovery should remain under the jurisdiction of the enforcement courts or, as in Norway and Sweden, be transferred to a public authority. It concludes that the task of enforcing uncontested monetary claims falls outside the judiciary's traditional role and that transferring this responsibility to a public authority would yield numerous advantages, including better protection for debtors and the possibility of more data-driven enforcement. Accordingly, the dissertation recommends that the responsibility for private monetary claims currently handled by enforcement court clerks be assigned to a public authority better equipped to manage this administrative task under the principle of official investigation.

The dissertation concludes with a discussion of how digitalization and artificial intelligence can assist in modernizing the Danish system. It proposes specific legislative amendments, including granting access to wage garnishment for private claims and better integration of insolvency data, to reduce the enforcement court's workload and enhance efficiency.