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**INNOVATIONS IN LEGAL PROCEEDINGS: PROBLEMS AND
DEVELOPMENT PROSPECTS**

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Abstract

The article covers the study of innovations use in Russian legal proceedings. Innovations are considered as a rather substantial complex of different concepts, categories, means and methods, which can be briefly described as innovations used by a person to achieve any goal. Therefore, in legal proceedings, the purpose of using various innovative techniques is to protect rights, freedoms and legitimate interests. However, the purpose is private and personified in nature. Innovations in court proceedings as a set of measures to utilize the latest advances in progress also assume an important public objective: to ensure the administration of justice. In addition, it is important to stress that this involves both qualitative and quantitative characteristics. First, the use of innovation is essential to ensure that cases are resolved fairly and expeditiously. Secondly, innovations are currently needed to streamline court procedures, reduce the burden on judges, court staff and all proceedings parties, as well as speed up several processes, mainly related to the aspects of human communication. By discussing the problems and prospects of further use of various innovative means and methods in the process of administration of justice, which are similarly manifested in all types of legal proceedings and courts of all levels, the authors of this article not only explore the characteristics of e-justice, e-proof and various digital information communications, but also focus on the prospects for the introduction of a robotic judge and possibly robotic representatives.

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Keywords: Computer judge, e-justice, innovations in legal proceedings, robotic court proceedings



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1. Introduction

Nowadays innovations are considered the main task in most social processes of the modern world. Yet that is not limited merely to the innovations themselves as modern technological enhancements, but their implementation, verification and instatement of their stable operation. Before turning to the problems associated with introducing and improving various innovative outcomes in court proceedings, it is necessary to understand what “innovation” is. In its most general form, innovation is a sort of novelty, a complex process of creating, distributing and using innovations (a new practical tool) to satisfy human needs. Mandatory attribution to either type of human activity is not required to designate the desired concept; its manifestation in various social processes is similar. Legal innovations are primarily various IT achievements in the provision of legal services. As a generalized list of the use of innovation in legal activity (regardless of its specific type), we can cite:

- the ability to offer clients the possibility of remote access 24 hours a day from anywhere in the world to communicate with their lawyers, order and receive the necessary services, pay by using various forms of electronic payments, the creation of Internet legal services. There are also 24/7 legal services appearing in the market that expand by the rules of network marketing;

- ensuring maximum possible transfer of document flow to electronic form, ensuring the protection of correspondence and databases against illegal intrusions, loss, damage to files, drop in of false documents. Programs of such intracorporeal communication are used by most large companies, thus sufficing to all needs and demands of an entity;

- support for electronic interaction with all national judicial institutions, administrative bodies, governing bodies and conflict resolution bodies of professional self-regulatory organizations, with ombudsmen, as well as with EU bodies, because these institutions and bodies set up electronic systems to provide public services and interact with society. This is not the first year that the need to create a unified communication network between different state authorities and local self-government is discussed;

- equipping law firms with special legal research bots and chatbots, if possible, not only text, but also voice and, if funds permit, preferably of their own unique development, which should complement to the firm’s reputation;

- application of software methods for the analysis of electronic archives of legal documents in order to participate in procedures for the disclosure of information relating to legal representation in a dignified manner, as well as to protect the interests of clients in administrative bodies, mainly in anti-monopoly investigative bodies and in bodies that monitor behavior in financial markets, where traditional information disclosure is associated with the processing of large numbers of electronic documents and other innovative means. The field of legal proceedings uses all the above and some other innovative techniques. There are also enough awkward moments in relation to their use, despite their active implementation for over a decade. We shall discuss the main issues further on.

2. Problem Statement

On the subject of innovation use in legal proceedings one can note that problems develop faster than the latest technologies are introduced: sometimes law enforcement agencies do not achieve to develop

uniform use criteria for the most recent scientific and technological achievements as the newer ones come to use. It should be noted that they are necessary and meaningful. Recently, the break out of COVID-19 emphasized the practical importance of innovation in public life. It is important to stress the relevance, the importance of presenting the latest achievements in innovative development to the administration of justice. Therefore, the indisputable advantage, as emphasized by many authors, will be the provision and guarantee of access to judicial protection for the majority of citizens (Chizhov, 2013) The possibilities of circulation of electronic documents in the execution of certain procedural actions make the distance between the applicant and the court invisible, which, considering the territory of Russia, is important, and, therefore, increases the availability of justice. In addition, some people have disabilities that prevent their activity and mobility, etc.

Electronic court proceedings can dramatically reduce the costs of legal aid - you can reduce your transportation costs and you won't need to make up for time, etc. The most important element that ensures the development of information using technological innovations in courts is an aspect of achieving a new level of accessibility, transparency and timeliness of judicial protection. It so becomes possible to ensure, among other things, a higher level of public control, because everyone can see the process and procedures of the administration of justice (Ageeva, 2021) The innovative results used in the process of traditional legal proceedings are also significant: electronic document management, audio recording, etc. The science of developing technical perfection does not stop, there is current speculation on the possible partial replacement of the judiciary by computers and robots, on the creation of digital justice. However, despite the relevance and importance of introducing, improving and ensuring the effective functioning of innovations in the form of information and technical advances in judicial proceedings, there are a number of issues on which we would like to focus in the following sections of this study.

3. Research Questions

The main problems in the study of innovations in judicial procedures nowadays are theoretical and practical aspects of the modern achievements use in the process of administration of justice. Many researchers focus on existing problems, to dwell on it, they even compare them to absurd concepts (Kolokolov, 2019). However, in our opinion, it is impossible to deny the need to restructure traditional processes for modern use and the inevitability of such implementations (Sullivan & Burger, 2017). The way to apply such changes most efficiently and in compliance with all the objectives and operating rules of the legal business, their complex theoretical and applied research is required.

In the context of this research, the authors attempt to analyze the innovative results existing in national judicial proceedings and an assessment of those planned for implementation are also be provided. The characteristics of the circulation of electronic documents in courts are studied, as well as the rules of circulation of documents in digital form. Given the peculiarities of modern realities, which express the importance of justice in its “contactless” version with the use of videoconferencing systems, it is worth to focus on the existing problems. A promising area of modern research on the use of innovations in national court proceedings will also be a discussion of the possibility of replacing a judge with a computer when reviewing and resolving certain categories of cases through automating the process of analyzing claims. In this regard, we cannot ignore the issue of the introduction of robotic judicial representatives.

4. Purpose of the Study

The authors aim to focus attention on the problems of using innovations in legal proceedings. Currently, it is necessary to develop general rules and principles of legal regulation of the introduction of the latest scientific and technological achievements in close regard of social relations type. Furthermore, it should be emphasized that one of the private, but large-scale problems of using innovative technology in current conditions is the problem of digital literacy of the population. Since different categories of the population are involved in judicial activity, it is important to ensure the smooth functioning of innovations is the increase of digital competence or to offer digital skills not only for specialists in the legal sphere, but also for others. It is not the only pressing issue to have more lawyers with knowledge of information technology, who are able to transfer part of their functions to a computer, but also of other persons participating in the examination of the case, who, if necessary, can apply different innovations without particular difficulties. Discussing the problems and prospects for further use of various innovative means and methods in the process of administering justice, which have similar manifestations in all types of legal proceedings and courts of all levels, the authors of this article, in addition to analysis of existing and emerging innovative results, focus on perspectives. Robotic justice is one of the emerging prospects. In our opinion, such innovation requires rather thorough research.

5. Research Methods

The basis of this study is knowledge that will allow you to reach deeper into the essence of existing problems. First, we must now accept that it is indisputable that all the existing judicial systems in the world, inherent in their operating technology, are already in some way, and sometimes even significantly, not corresponding to the level of social relations, modern technologies and the peculiarities of communications. Secondly, it must be recognized that the digital format of all social and legal processes has long been our present. And we still need to urgently improve it. A set of methodological approaches is built based on the ideas mentioned above. Among the key methods it is worth highlighting the materialist dialectic and the method of comparative cognition and not only in the legal field. Coupled methods of scientific cognition, such as induction and deduction are also important rules for this research as are analysis and synthesis.

6. Findings

The active development of innovative technologies, the emergence of elements of electronic document management, electronic justice, electronic evidence, the growth of scientific interest in process digitization are caused not only by the level of technology development, but also for crucial reasons, which, in our opinion, include the inefficient and lengthy procedure of traditional legal proceedings, therefore, there is an expectation that e-justice will ease the burden on the judiciary branch, improve the quality of dispute resolution, and speed up the resolution of cases. Information technology offers new opportunities for the court and for participants in legal proceedings. However, we must not forget that the digitization of justice does not change its essence from law enforcement, as a result of which judicial power is exercised, and, much like traditional justice, it is not free of drawbacks and possible threats. In this context, the introduction of information technologies into court proceedings must imply a balanced and prudent

approach, because in addition to the advantages, these technologies can also carry risks (Branovitsky, 2018). As of September 1, 2019, in general jurisdiction courts, following arbitral tribunals, audio recording has become compulsory. This gave rise to a number of problems: the absence in a number of district courts of means for the automatic recording of the proceedings of the judicial session; lack of knowledge on the part of court assistants and secretaries of all the features of the automatic recording program or inability to use them; increased workload for clerks and judicial assistants; too rapid change of the staff and deputy judges. All these problems must be urgently solved as they are interdependent. However, to date there are no comprehensive proposals to address these and several other issues (Korolets & Podshibyakina, 2019). Modern society has long demonstrated the need for the use of electronic evidence in legal proceedings. However, the courts are not quite ready to establish the circumstances of the case that took place in the virtual world that arose in electronic networks, they are not ready to investigate the circumstances related to the emergence of electronic twins of citizens, as well as to adequately investigate the evidence confirming these circumstances, in the absence of regulatory regulation of the evidence assessment procedure. The use of videoconferencing systems in courts of different levels poses problems similar to other innovations: insufficient funding, lack of specialist expertise, high demand.

On the issue of the introduction of artificial intelligence in internal judicial proceedings for the purposes of the administration of justice, it is important to stress that it is necessary to automate and unimpeded all the processes of information already implemented in legal proceedings (Bortnikov & Denisova, 2021). It seems to us that a robot judge or a computer judge is an absolutely necessary phenomenon, but an extremely balanced and theoretically elaborate version is the one that is necessary (Zaibert, 2016). So, for the purposes of an orderly or streamlined court process, that will certainly be very appropriate. However, for cases that differ in legal and factual complexity, it is hardly appropriate. In Russian criminal proceedings, it is possible, for example, to use artificial intelligence to process statistical data, assist in the preparation of documents, saturate police departments and court websites with legal information and take decisions on the qualification of criminal acts. At the same time, it is necessary to respect the principles of the rule of law, the presumption of innocence and other general principles of criminal procedure. Russian authors have already attended to these aspects. Even though robotic judges still raise doubts and perplexities, in our opinion, the possibility of setting up automatic appeal processes using electronic assistants has long become an urgent necessity.

7. Conclusion

To conclude, we must mark the main points of reasoning on the innovations used. To level the problematic aspects of the introduction of compulsory audio recording of judicial sessions, it is proposed: to equip district courts with audio recording complexes of the judicial session; fund justice to equip it with automatic complexes to develop a plan of in-service training sessions with automatic audio recording complexes for justice employees, the information of which should be regularly published on the Internet. Another way is to change current legislation and increase the number of demands to fit the seat of any justice employees and even judges, by adding the demand of digital skills (Sklyarova, 2020). Regarding the use of electronic evidence in judicial proceedings, it is important to stress the need to ensure appropriate technical equipment of the trial, verified, complete and detailed regulation of the acceptance procedure,

examination and evaluation of electronic evidence, the procedure for filing electronic documents in court, the procedure for determining their reliability and probative value, as well as the procedure for verifying information received by courts in digital form.

We have concluded that robots can replace judges, but limited to the situation. On the other hand, visiting courts via virtual reality could become the new normal. In the criminal justice system, the role of the judge must remain important, as before, as, in decision-making, one must account all the objective elements of the personality (professional training, profession, marital status, state of health, etc.). At the same time, for example, in accelerated court proceedings, the judge can consider generalized and average data provided by the organs of the penal system. The questions of liability of artificial intelligence developers for damages caused by a software product also require scientific study (Sushina & Sobenin, 2020). The above generally applies to any innovative product brought into legal proceedings.

We suppose that the next innovative development in national judicial procedures will be the creation of information systems for electronic representation. It is an obvious and existing possibility when an electronic document (or a scanned image) is submitted through Internet or a claim form is filed samewise.

Internet representation already exists at present and is a complex of websites, electronic documents, Internet tools, social network profiles and other Internet resources and derivative activities, conducted and maintained for the complete presentation of information or necessary electronic documents, interaction with third-party users, individuals and organizations, in order to ensure a fully integrated representation of one's interests via the Internet.

We believe that soon there will be a special program in the market offering electronic legal representation, which will eventually include the following base elements:

- assistance in the compilation and preparation of the documents that are submitted to courts;
- transfer of the package of court documents, its distribution to all interested parties and fixation of this process;
- follow the progress of the procedure by monitoring the website of the Court or, possibly, through special programs which guarantee the interaction of electronic representatives and judicial authorities;
- effective defense assistance of the represented person (adjustment of the claim, monitoring of law and legislative practices, etc.)

We believe that the innovative development of national judicial procedures is in an active stage of development and that it shall go on furthermore. Information technologies have a valid application in the field where efficiency is required in the remote exchange of information, discussion, joint analysis of the situation and decision making. Unique conditions for the widespread use of technical innovations have also developed in the judicial system of the Russian Federation. However, to ensure their uninterrupted functioning and improvement, their general theoretical study, identification of issues and the overall development of means to overcome them are much needed.

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