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**SECURING THE INFORMATION INFRASTRUCTURE OF
ECONOMIC JUSTICE**

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Abstract

The article is devoted to the issues of ensuring the security of the information infrastructure of judicial proceedings in economic cases. The relevance of the research topic is caused by the development of digital technologies in the field of the activities of courts and other subjects of justice in economic disputes, as well as due to the need to establish legal ways to protect judicial information. In order to reveal the concept of "information structure of economic justice," a legal analysis of the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030, the Concept of Informatization of the Supreme Court of the Russian Federation, as well as scientific works of Russian and foreign authors is given. It is stated that the information infrastructure of economic justice is a set of information judicial systems, hardware and software and communication networks that ensure the implementation of individual procedural actions, as well as the interaction of participants in the trial in electronic form. Based on the results of the study, the main directions of ensuring the security of the information infrastructure of economic justice are determined. It is concluded that these areas include ensuring (1) the security of information systems of judicial proceedings and record-keeping, as well as (2) the security of information contained in these systems. In addition, emphasis is placed on the usefulness of building a system that includes various legal ways to protect information that relates to the administration of economic justice.

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1. Introduction

The procedure for the administration of economic justice in Russia has a number of specific procedural features. At the present stage, legal proceedings in economic cases are characterized by efficiency, openness and professionalism (in the context of the participation of representatives). This specificity allows a fairly wide application of information technologies in the functional activities of state courts resolving economic disputes and other participants in the proceedings. The creation and development of infrastructure in the field of procedural legal relations related to digitalization updates the issues of ensuring its security.

2. Problem Statement

The problem of the security of the information infrastructure of procedural activities in economic cases implies the need to clarify the qualitative characteristics of the object of protection, that is, the feasibility of analyzing and disclosing the very concept of "information infrastructure of economic justice", as well as establishing legal ways to protect judicial information.

3. Research Questions

Undoubtedly, in the modern globalized world, digital and communication technologies have a significant impact on the order of economic justice administration, and therefore, modernization of the information infrastructure of judicial proceedings and ensuring its sustainable functioning are of great importance.

According to the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030 approved by Presidential Decree No. 203 of May 09, 2017, digital infrastructure is an information space along with information resources, means of interaction of information sphere subjects and their information systems.

Based on the analysis of the provisions of the above-mentioned Strategy, it can be stated that the information infrastructure of economic justice is a set of information judicial systems, software and hardware and communication networks that ensure the implementation of individual procedural actions and the interaction of justice subjects in economic disputes in electronic form.

In the legal doctrine, the concept of the specified infrastructure of judicial proceedings is revealed in more detail (Shadiyev et al., 2016; Tileubergenov et al., 2016). In particular, Niesov et al. (2019) interprets it through the enumeration of the main components of this structure, which he refers to: geographically distributed information systems of courts and other subjects of the process; information and telecommunications networks; protected networks and data transmission channels in courts; information flow management and communication tools that function as switching systems; information resources used in the implementation of procedural actions at all stages of court proceedings. Moreover, under the latter, the scientist means judicial databases, including court cases, archives, statistics, regulatory legal information and electronic libraries, systems of websites and portals of state bodies and

institutions, means of linguistic support for digital legal proceedings (classifiers, dictionaries, thesauri, glossaries).

As it is known, the current procedural legislation provides the priority of paper media and personal forms of communication between participants in the trial. At the same time, as correctly noted in the Concept of Informatization of the Supreme Court of the Russian Federation, it is necessary to accelerate the automation of digital legal proceedings and a complete transition to the electronic form of implementation and consolidation of the results of procedural activities as the main one in relation to paper (The concept of Informatization of the ..., 2021).

It is necessary to note here that the science of civil procedural law draws attention to the importance of digital transformation of justice (Dudin et al., 2019; Inshakova et al., 2020; Kalinina et al., 2019; Rusakova et al., 2020). Thus, we can agree with the statement of Valeev and Nuriev (2019) about the lack of clear "indicators" of the development of economic justice in the context of digitalization.

Taking into account the above, we can also support the opinion of Lovtsov and Niesov (2018) that the introduction of information and telecommunications technologies into the activities of judicial authorities and the effectiveness of their use affect the improvement of the information infrastructure of economic justice. Meanwhile, as the authors rightly emphasize, the current state of the organizational and legal support of digital legal proceedings in Russia requires a comprehensive solution to the existing problems, one of which is the development of the security system of the information infrastructure of justice.

The areas of ensuring the security of the information infrastructure of economic justice include the following.

First, ensuring the security of information systems of judicial proceedings and record-keeping, which implies the protection of the functioning of these systems and the inadmissibility of interference with their performance by third parties (Instruction on record-keeping in arbitration courts..., 2013).

The violation of the functioning of information systems can significantly affect the effectiveness of legal proceedings and make it impossible to exercise a number of procedural rights of participants (online familiarization, electronic filing of a claim and other procedural documents, participation in a court session through a video conference system, etc.). The direction under the consideration involves the use of protected and autonomous national resources and platforms on the basis of which information systems are created.

Secondly, ensuring the security of information contained in information systems, which involves the protection of information from unauthorized access, copying, modification, destruction and other illegal actions.

Thus, in the modern practice of the functioning of the system of record-keeping in courts dealing with economic disputes, there are cases of interference with the purpose of unauthorized amendments to judicial acts. In 2017, cases of unlawful modification of judicial acts for the purpose of their subsequent submission for execution were identified (Kvach, 2017).

As a part of this direction, attention should be paid to the development of a system that includes various ways to protect information. Physical methods are associated with the impossibility of open access to the objects of the information infrastructure of justice, their material carriers.

Administrative methods involve the establishment of rules of access and work in information systems, the order of interaction of court employees when working in the system, as well as the interaction of the court employee and the persons involved in the case. As one of the means within the administrative method, it is necessary to specify the inadmissibility of using personal computer equipment to access information systems.

Technical methods of information protection involve the creation and implementation of means of authentication and differentiation of the volume of access to categories of users of the information system, the inadmissibility of copying information, ensuring that changes are made through a separate procedure.

Legal methods of information protection play an important role in ensuring security. These methods make it possible to: 1) establish a legal regime with respect to certain information (for example, state or commercial secrets); 2) determine the parameters of access and circulation of this information, including the formulation of legal prohibitions on the commission of certain actions; 3) establish liability for violation of the legal regime of the relevant information.

Analysis of information support of justice in economic disputes during the development of modern digital technologies indicates the insufficient development and incomplete implementation of the above methods of protecting information. For example, access to the information infrastructure of legal proceedings is provided through the personal computer equipment of the court staff; the temporary mode of operation in these systems is not regulated; access to systems is provided by a simple authentication procedure (login, password). All of this does not provide enough personalized log in to the system.

Special attention should be paid to the fact that information posted in the information system ("Electronic Justice" system) has a single legal regime. Accordingly, a single level of information protection is provided. However, the analysis of the information posted in the file of court cases allows us to conclude that the information posted is not uniform. For example, the system contains both publicly available information about cases considered by the courts and their movement, as well as information that constitutes the personal data of the parties and their representatives. Such information may be contained in a power of attorney, an agreement, a copy of a passport and other documents that must be attached when applying to the court. Despite the fact that only general information and texts of judicial acts are in the public domain, employees of the court staff have access to the electronic file in full, regardless of the region of the case. It seems that access to the case materials in electronic form should be provided to employees and judges of the court in which the case is being processed. Employees and judges of other courts should be able to get acquainted only with publicly available information.

As a promising direction for the development of the protection of information placed in the systems of legal proceedings and record-keeping, the differentiated level of its protection should be noted. Depending on the importance of the information contained in an electronic file, they should be afforded a certain level of protection. At the moment, the differentiated approach assumes the availability of publicly available information (information about the course of the case and the participants in the process; texts of judicial acts) and an electronic case, which can be viewed in a restricted access mode.

Meanwhile, an electronic file may contain important commercial information, as well as personal data of individuals. At the moment, subjects of justice in economic disputes have the opportunity to

protect this information only through a closed court session. If this regime does not apply, and the information is provided by a participant in the proceedings through the electronic filing system, then additional protection of this information is not required. Accordingly, the participants in the process are significantly limited in the choice of the level of protection of this information. All information provided by them in the framework of the court case (including commercial information, personal data) constitutes an electronic file. Differentiation of the level of protection of this information, depending on its importance in the electronic file is not carried out.

So, for example, within the framework of almost every court case, there is information that constitutes the personal data of a representative contained in a power of attorney. When submitting documents to the court electronically, the application of a power of attorney is mandatory. In some cases (to participate in an online meeting), you must attach a copy of the representative's passport. All specified information constitutes an electronic file, although it does not carry any evidentiary value. Access to this information is carried out in the general order of acquaintance with the electronic file. The representative is not able to protect his personal data by excluding them from the electronic file or by providing them with an increased level of protection.

Thus, subjects of justice in economic disputes should be able to choose the level of protection of information provided by them in the framework of a court case. Information received during the formation of an electronic file is assigned the usual level of access to the case materials. However, if a party makes an appropriate request and justifies the importance of the information provided, then an increased level of protection should be provided for this information. This level of protection of digital information must be understood as either the removal of this information from the electronic file, or the formation of a separate block of the electronic file, access to which cannot be carried out in the usual manner.

4. Purpose of the Study

The purpose of this paper is to determine the essence of the information infrastructure and the main directions of ensuring security of this infrastructure within the framework of economic justice.

5. Research Methods

The methodological basis of research consists of the following methods of scientific knowledge: universal (dialectical-materialistic), general scientific, including analysis, synthesis, induction, deduction, modeling, system method, and empirical methods observation, description, etc. Along with this, the work uses proper legal methods, such as formal-dogmatic, historical-legal and comparative-legal.

6. Findings

Summarizing the above mentioned aspects, we can draw the following conclusions:

1) the information infrastructure of economic justice is a set of geographically distributed information systems of state courts dealing with economic disputes and other subjects of justice in

economic cases; information and telecommunications networks, secure networks and data transmission channels in courts; information flow management tools and communications that function as switching systems; information resources used in the implementation of procedural actions at all stages of judicial proceedings;

2) ensuring the security of the information infrastructure of economic justice must be carried out in the following directions: the first is the security of information systems of legal proceedings and record-keeping; the second is the security of information contained in information systems. At the same time, the latter direction assumes a system formed from physical, administrative, technical and legal methods of information protection.

7. Conclusion

Undoubtedly, the dynamic development of modern digital technologies that affect the order of economic justice administration determines the importance of addressing the issues of protecting its information infrastructure. According to this, the construction of a system of legal methods aimed to ensure the security of the information infrastructure of procedural activities can serve as a guarantee of the stable functioning of economic justice.

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