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**DIGITALIZATION OF JUDICIAL AND ENFORCEMENT
PROCEEDINGS: DEVELOPMENT PROSPECTS**

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Abstract

Today one of the conditions of open and transparent justice is the creation of common information space, which can not exist without using modern information technologies. The process of implementation of information technologies in the court system is far from being completed. Now there are no digital or e-justice. Both informatization and electronic document management should be developed further. It is necessary to develop those information technologies which have been used for now and to implement innovative ones. The article presents the overview of information systems and technologies, used in the court system and corresponding information technologies to identify ways of further improvement and optimization of applied technologies as well as use of the new ones. Some problems which exist in court system and have been enumerated information technologies are outlined, which help in their solvation and optimization of the process. Nowadays it is digitalization of justice that contributes to its optimization. To use and implement innovative technologies into the justice system it is necessary to coordinate efforts and improve communications at the federal level, to have constant and regular exchange of experience and its generalization, to create mechanisms that initiate the use of innovative technologies in justice, to demonstrate their capabilities, and to support legal professional organizations. The involvement of experts in the court system to create new information products will allow better understanding of the advantages of innovative technologies and interest of practicing lawyers and judges.

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1. Introduction

In the message to the Federal Assembly in 2020 the President of the Russian Federation emphasized that the court system is the key factor to provide law enforcement and legal rights (Message from the President ..., 2020). However, Russian justice has traditionally had a serious problem of negative attitude of the citizens. Thus, it needs to be open and public.

2. Problem Statement

There are different means of increasing accessibility and affordability of court system, information technologies being one of them. They will not solve the problem of the citizens' confidence to the court system, but their appropriate application can increase accessibility to the procedure of the citizens as it is stated in the Concept on Information Policy of the Court System 2020–2030, adopted by the Council of Judges in December 2019.

The first policy paper in this field was the Concept of Informatization of the Courts of General Jurisdiction and of the System of Judicial Department, confirmed by the Provision of the Council of Judges of the Russian Federation, of 11.04.2002 № 75 (On the approval of the Concept ..., 2002), which presupposes provision of a single approach to the development of the methods and means of informatization in courts of different levels, implementation of electronic document management, creation of automated systems.

In 2015 the ruling of the Council of Judges of the Russian Federation of 19.02.2015 № 439, approved the Concept for the development of court informatization till 2020, which outlined the direction and the stages of work to make a common information space of the federal courts, magistrates, bodies of judicial community etc., to create conditions to implement e-justice.

The idea of formation of a common information space of the court system runs “like a golden thread” through all the mentioned above concepts, but the complaints of judges still include the statement that the applied information systems have no connection between both the courts and the law enforcement bodies, prosecutor's office etc. (Soldatkina, 2020) which proves the fact that the process is not completed.

3. Research Questions

The process of implementation of information technologies in the court system has been going on for more than a decade. However, 2020 pandemic has demonstrated that there is neither digital or electronic justice, nor court informatization. The process of court informatization is far from being completed. The mentioned above facts should lead to rethinking of national policy in the field of digitalization of justice concerning both further development of existing applied technologies and implementation of new technologies.

4. Purpose of the Study

The purpose of this paper is to present an overview of information systems and technologies, which exist in the court system, suggest the means of their improvement and optimize them. Thus, we are

not talking about the development of new information systems, but about the optimization of the existing ones. The term *optimization* is used by the researchers very often, but the meaning of the concept varies (Gurinovich, 2017; Komarov & Shchukin, 2006; Tikhomirov, 2015). We will interpret optimization as choosing the best option from a variety of possible options or improving a process to maximize its impact. Also, we consider that it is not quite correct to identify the concepts *optimality* and *efficiency* as it is traditionally done by lawyers (Belyaeva, 2015). We suppose that *efficiency* is connected mostly with the result, while *optimality* stresses the means and methods, i.e., the state of the system is *adjusted* so that it could provide the most complete and comprehensive approach to reach the goals, i.e., the objective of the process of optimization is an optimally working system.

5. Research Methods

The process of optimization presupposes the answers to such questions as what information technologies have already been used in the court system and what problems arise in the process of using each particular information technology.

1. Official representation (websites) of the courts in the Internet. This technology is the element of a common information space. This technology not only plays an informational and educational role (news, legal, reference, explanatory information), but it is also an element of a single information space, including the transition to the site of electronic filing of documents, for example, state automation system "Justice". From the website of the federal arbitration courts (arbitr.ru) it is possible to go to the websites of other courts, state authorities, and various services of arbitration courts such as: card file of arbitration cases (kad.arbitr.ru); bank of arbitration court decisions (ras.arbitr.ru); calendar of court sessions (rad.arbitr.ru); electronic submission of documents to arbitration courts (my.arbitr.ru); a system for filing complaints against the actions of judges and employees of the offices of arbitration courts (spg.arbitr.ru/pages/help/About.aspx).

2. The systems of electronic document management and state court automation systems. Recently there have occurred their obvious development and popularization, especially in commercial arbitration. The information field of the courts of general jurisdiction consists of several systems. The basis system is the state automation system "Justice". It was developed in 2004-2005, and now it looks quite outdated both in technological and procedural terms. Here are a few key drawbacks of this system: duplication of electronic documents with paper ones; lack of a centralized repository of electronic files; lack of legal regulation of the consequences of electronic filing of documents; restriction on the type of document carriers sent to the court in electronic form; the absence in the law of the concept, procedure for ensuring and rules for the examination of "electronic" evidence by the court; the inability of persons participating in the case to obtain copies of court decisions using the information and telecommunications network "Internet" etc. The second specialized multi-disciplinary system of judicial document management is Integrated information system of courts of general jurisdiction, implemented in the Moscow City Court and in thirty-five district courts of Moscow. The system was prepared to replace the state automation system "Justice"; it is built using more modern technologies. In addition to the document management system itself, it contains subsystems for working with multimedia data (audio and video recording, media archive, video telephony, etc.), portals (internal and open), etc. Many shortcomings of the state

automation system "Justice" are corrected. However, despite the positive aspects, this system also has drawbacks; the problem of studying written and material evidence in a court session conducted as a videoconference has not been solved. Nevertheless, in recent years, there has been a noticeable development and popularization of judicial systems, especially in arbitration proceedings.

3. Electronic enforcement proceeding. It is important to provide electronic document management and exchange of information between different organizations and departments (banks, border guards, customs etc.). The automation information system of the Federal Bailiff Service of Russia already contains about 20 components, but was originally created as an internal electronic document management system.

4. Superservices of the portal of state services (*Gosuslugi*). To form a common information space in all court automated systems there are being developed the so-called superservices, which will allow exchanging documents between the courts and bailiffs, to participate in the process through *Gosuslugi* portal. This will contribute to the openness and accessibility of justice. The system under consideration has many useful options, but while this system is still under development, it does not solve the problems of legislative support of the process (duplication on paper, a limited number of formats of evidence provided in electronic form, etc.).

5. Mobile applications (apps). Mobile internet development results in adaptation of all technologies for mobile devices.

6. Audio recording of the court hearing, which allows reconstructing all the details. Further development of this technology is automatization, which will allow increasing its independence (Development of Russian justice...). There are also problems related to the use of artificial intelligence and mechanisms of responsibility for errors.

7. Cloud storage technologies will allow saving disk space by storing large amounts of information on remote secure servers with access only to authorized persons, regardless of their location. Now there are no uniform methods of statutory regulation (Bryantseva & Soldatkina, 2019).

8. Videoconferencing systems in Russia are bound to concrete equipment and do not have internet access. There are technological options of independent choice of one's location, but it is necessary to improve procedural legislation (No other judicial system ...). Another type of participation in the hearing is web-conferencing by means of personal devices (On Amending the Resolution ...).

9. Artificial intelligence. Its areas of application in the legal field coincide with five areas of legal activity formulated by McGinnis and Pierce (2019). Surveys of judges indicate artificial intelligence as one of the most popular technologies, while even in Europe the level of use of artificial intelligence is low (Study on the use of innovative ...). The situation in this area is complicated by the fact that the legal regulation of the use of artificial intelligence lags far behind the practice of their application. However, there is already some practice in the world.

10. Blockchain is a technology which is difficult to understand, and its regulation will be complicated as well. However, this technology is being developed especially in cryptocurrency and smart contracts. It is necessary to coordinate efforts at the state level with the support of judicial authorities, develop various networks and platforms, provide training and access to technologies for the development of artificial intelligence and blockchain technologies and their application in legal proceedings.

11. The classical interpretation of Big Data is a set of technologies that are designed to process large amounts of data to compare with “standard” procedures. They work with well and badly structured data simultaneously in different aspects (Protasov, n.d.). Although there is an opinion connected with uselessness of Big Data in law (Devins et al., 2017) and little number of the representatives of the legal system who are familiar with this technology, we consider that it is Big Data that is widely used in jurisprudence, in particular in court informatization, but it is necessary to solve the problem with personal data.

6. Findings

Next, we will outline the problems of judicial proceeding and indicate information technologies which contribute to their solution and optimize the process.

1. The need to process a large volume of structured and unstructured textual information in order to analyse its content: big data technology.

2. Processing a large amount of information to obtain the resulting effect, for example, preparation of court hearings, court administration: big data, cloud technologies, artificial intelligence (speech recognition, etc.), superservices.

3. Processing a large amount of information to analyze the content and to identify individuals, monitor the conduct, convert into text etc.: Big Data, artificial intelligence.

4. Search, extraction, analysis and linking of the information from different data bases and systems: cloud technologies.

5. Convenient and open provision of access to the system of justice to a large number of citizens: court information systems, websites of judicial bodies, mobile applications (apps), superservices.

6. Compliance with information security requirements: blockchain, Russian systems of video conferencing, artificial intelligence.

7. Management of judicial and administrative processes, such as planning of agendas, meetings, organization of court hearings, allocation of courtrooms etc.: artificial intelligence and big data (planning and impact analysis).

8. The problem of insufficient control and tracking of the actions of the subjects with the data and documents during technological processing: Big Data, artificial intelligence.

7. Conclusion

Thus, optimization of administration of justice is connected with digitalization. To use and implement innovative technologies into the judicial proceeding it is necessary to coordinate efforts and to improve interaction at the federal level resulting in provision of semantic and organizational compliance; to have constant and regular exchange of experience and its generalization; to create the mechanisms of application of innovative technologies in judicial system, to demonstrate prospects, to support legal professional organizations.

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