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E-JUSTICE IN THE ACTIVITIES OF COURTS IN RUSSIAN
FEDERATION

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Abstract

The article analyzes the use of electronic systems in the activities of the courts in the Russian Federation. Existing systems are analyzed, namely the E-Justice system and the SAS Justice, and the positive and negative sides of each of these electronic systems are presented. The authors present the problematic points of using these systems in the legal proceedings in the Russian Federation. In the process of analyzing existing electronic systems, the authors conclude that it is necessary to make changes and modernize the SAS Justice system. In this article, the authors talk about the need to modernize arbitration courts and courts of general jurisdiction with equipment that allows case parties who have certain problems with attending court to participate in the hearing through video conferencing. In addition, the authors investigate the issue of filing electronic claims by e-mail and electronic filing systems. Also, in this work, the authors analyze the possibility of introducing databases of information that contain data from government agencies, it is this information that often becomes necessary in the process of considering a case. In addition, the authors offer other innovations, new information technologies that can be introduced into the activities of the courts in the Russian Federation for the implementation of electronic justice. The article provides examples of the implementation of e-justice in foreign countries, as well as draws conclusions regarding the current situation and suggests ways to solve complex problematic issues.

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1. Introduction

Modern society is undergoing constant changes not only in the political and economic spheres, but also in the everyday life of a person. The reason is the ever-changing information technologies that accompany us everywhere. The development and improvement of information technologies in everyday life is easily explainable, because it is due to their development that the activities of the state as a whole, as well as specific organizations and structures, are simplified.

The said changes did not pass by the judicial authorities of the Russian Federation. Today we can say that the modern justice system is quite complex and there is a desire to simplify it, speed up the process itself, simplify the interaction of citizens and organizations with the judicial authorities of all instances, as well as with each other, which, in turn, will ensure accessibility and transparency of legal proceedings (Protas & Protas, 2017).

2. Problem Statement

In this paper, we try to characterize the currently existing situation, evaluate the shortcomings and advantages of electronic systems, and also try to summarize and present proposals for changing the existing situation. There are enough problematic issues in the implementation of electronic justice, since there is a need for greater openness and transparency of legal proceedings, the ability of individuals to exercise their rights not only by directly submitting documents to the courts, but also using electronic systems. However, in practice, the implementation of these systems is not as cloudless as we would like, which in turn is a problematic issue that needs to be addressed.

3. Research Questions

- What electronic systems are currently operating in the courts of the Russian Federation?
- Are there any problems in the operation of these electronic systems?
- How to fix the identified problems?
- What other information technologies can be introduced to implement e-justice in the Russian Federation?

4. Purpose of the Study

The purpose of this study is to study the existing electronic systems currently operating in the courts of the Russian Federation, the characteristics of their positive and negative sides, as well as suggestions for their improvement. In addition, the purpose of this study is also the proposal for the implementation of other information technologies in the activities of the courts of the Russian Federation.

5. Research Methods

In the process of concluding this study the following research methods were used: situational and comparative analysis, logical structuring. Through comparative analysis a comparison of electronic proceedings earlier and at the moment, and compared with the existing e-justice in Russia and foreign

countries. The method of situational analysis helped to characterize the current situation in electronic court proceedings. The method of logical structuring helped to draw conclusions after the analysis.

6. Findings

Nowadays a project called “Electronic Justice” is being implemented. It is planned to be completed in 2020. It should be noted that this system is implemented in the arbitration courts of the Russian Federation. With this system greatly simplifies the search for procedural documents, the ability to track the case, filing documents electronically, as well as the ability to install this application on mobile phones, which is also quite important in modern times.

It should be noted that this system was implemented in the arbitration courts of the Russian Federation. Exploitation of this system allows to simplify such things as conducting search for procedural documents, tracking cases, submitting documents in electronic form, and one can also install this application on a mobile phone, which is also quite important in modern times (Sviridova, 2017).

In the following we offer a brief description of each subsystem. So, e-justice consists of the following parts:

- Bank of arbitration court decisions. It is here that the final judicial acts of the courts of all instances are uploaded, so case parties and any other persons can familiarize with the case, if they need to find their or similar court decisions, this service can also be used to familiarize with judicial acts in controversial situations, etc.;

- Arbitration case file. It is, in fact, a system for collecting information about each specific case. In the file you can see the number of the case, the parties involved in the case, the judge considering the case, court acts reflecting the process of considering the case;

- Calendar of court hearings. Here you can quickly find information about the date of the court session, about breaks in the court session, about the time and place of the court session.

Thus, with the help of this system, a number of important tasks are solved, namely, monitoring the progress of the case, studying a specific court case, the ability to quickly find information on each case, automatic information posting, e.g. acts that are ruled by the court, the ability to find court decisions to form an opinion on a controversial situation, etc. (Kantser, 2016).

Also, it should be noted that in the Arbitration Courts of the Russian Federation exists a system for filing court documents - “My Arbiter”. Using this system, the parties can file claims, petitions, motions, additional materials to the case under consideration, all using Internet. The submission of documents using the specified system does not differ from filing documents with the court registry. The parties can also submit a statement of claim, recall, motion, as well as additional materials to the case, annexes to these documents. There are no practical problems with submitting documents through the My Arbiter system.

Thus, it can be noted that in the arbitration courts of the Russian Federation the situation with the use of e-justice system is understandable and not complicated. Which, unfortunately, cannot be said about courts of general jurisdiction.

In courts of general jurisdiction, the automated information system “Justice” has been developed and is being applied. This system also has the purpose of creating an integrated information space.

However, in fact, the developed system does not cope with the goals and objectives for which it was created (Elchaninova, 2017). Let's try to explain why.

There is also a file in the indicated system, however, it is rather difficult to understand it. If we compare it with the Electronic Justice system, the search in the SAS Justice system is quite complicated and in half the cases it is impossible to find a specific case, even if you know the parties of the case. A search in the Justice system can be done either by parties or by case number. However, there are situations that can take place when conducting a search, that such a case is not in the file registry. In our opinion, this is most likely due to the fact that information is registered with great delay. In addition, in this system, the final result of the consideration of the case is indicated in the file of cases, however, it is not possible to view the judicial act, since the specified judicial act is not attached to the file in any format.

In general, this system is inhibited, publication is very late, it is impossible to track the stage of the proceedings, as well as familiarize yourself with the final act of the case. Thus, we can say that the "Justice" system is more informational in nature, you can see that this case is in the database, if it is included there, and also see the stage of the consideration of the case. In our opinion, all the shortcomings of SAS Justice are, of course, essential for the administration of justice in the courts of general jurisdiction, as they lead to errors and violations and highly slow down the judicial process. The next issue, also related to e-justice, which we would like to highlight in this paper is the use of video conferencing (Zarubina & Novikova, 2017).

The legislation stipulates that the parties may not be present at the trial in person, but use videoconferencing by submitting a petition. On the one hand, this possibility is fixed at the legislative level, on the other hand, in practice, we often encounter the fact that courts refuse to grant such requests due to the lack of equipment and facilities for video conferencing.

In our opinion, this situation is also problematic, because people who are geographically distant from the court, whether it's the parties to the case, witnesses or experts, face problems in participating in court hearings, or are unable to participate due the territorial remoteness. It is necessary to technically equip all arbitration courts for a more expeditious consideration of cases, realization of the rights of the parties, as well as fulfillment of legislatively fixed possibility. The foregoing applies to courts of general jurisdiction. In our opinion, the introduction of such a system in these courts will also be successful and will entail exclusively positive changes in the implementation of justice (Livadnyaya, 2017).

In our opinion, the next significant issue is one of filing electronic claims. Now the possibility of filing electronic claims in arbitration courts and courts of general jurisdiction exists and is implemented through "My Arbitrator" and SAS "Justice". However, if in the "My Arbitrator" system the indicated opportunity is realized successfully, in the SAS "Justice" system everything is a little sadder than we would like. Practically, it is an unfortunate situation that not all courts are able to use the system correctly, and therefore, the office does not register electronic claims received through the system. In addition, not everyone accepts new technologies of filing a lawsuit. Although it is quite difficult to call it new, because e-mail and electronic images of documents have existed for a long time. However, in practice, we see that not all courts are ready to accept modernity, use such technologies, but prefer to carry out their activities in the old fashion way, accepting claims exclusively on paper.

In our opinion, it is necessary to eradicate the current situation, to introduce the possibility of filing electronic claims on an ongoing basis, and to allow filing electronic claims by e-mail, rather than using these electronic systems. It should be noted that electronic filing of documents is widely used in foreign countries, for example, the USA, Great Britain (Lupo & Bailey, 2014), the Netherlands, Italy. Also, countries that have successfully applied electronic document filing systems include Belgium, Hungary, Germany (Kobler, 2006) etc. In the Russian Federation this issue is currently quite acute. If everything is clear enough with the arbitration courts, in the courts of general jurisdiction this issue is only on its way to a solution.

It should be noted that in the European court of human rights as well as in the system "my Arbitrator" there is an opportunity to get acquainted with the judicial practice in cases (European Court of Human Rights, 2019). The next important point, which needs to be noted, is the lack of integrated access systems for the courts to access state information, for example, registration, tax authorities, the migration service, and others. Requests to such bodies are posted in almost every case, and this, accordingly, takes time, delays the lawsuit, entails monetary costs. If the court had the opportunity to receive this information during the trial, or within a short period of time, the time period for consideration of the case would be significantly reduced.

Thus, summarizing the foregoing, we can highlight the following positive aspects of the introduction of electronic proceedings in the activities of arbitration courts and courts of general jurisdiction of the Russian Federation:

- maximum openness of judicial proceedings;
- optimization in the work of judges;
- the speed of obtaining information by the parties to the case;
- efficiency of consideration of court cases;
- remote participation of the parties in the consideration of court cases;
- the ability to submit documents online using e-mail (Gromyko & Kuryachaya, 2019).

In our opinion, these positive sides will raise e-justice to a new level and enable the parties to fully exercise their rights. The ability to fully switch to remote online litigation, of course, remains a rather distant prospect. However, in our opinion, this prospect is inevitable (Pozdnyakova, 2018). In addition the following options for the use of information technologies and their development, which, in our opinion, are promising, can be distinguished.

Firstly, the introduction and legislative consolidation of the possibility of notifying persons who participate in the case of the court hearing by e-mail, SMS messages. This is especially true in courts of general jurisdiction, accounting the fact that many citizens do not have electronic mail and Internet access, however, one must notice that vast majority of adult citizens now have mobile phones. However, it is necessary to equate the SMS - message to the appropriate notification, regardless of the person's appearance at the hearing. A notification of the delivery of this message, which can be saved, as well as printed from the phone from which the message was sent, can serve as evidence of the notification.

Secondly, it is necessary to ensure free access for persons participating in the case to judicial acts in a particular case. Most of the above applies to courts of general jurisdiction, since in arbitration courts

there is an opportunity to look at the final act and download it in pdf format. The above must also be done for courts of general jurisdiction.

Thirdly, cooperation between the courts and executive authorities should be developed using electronic means, for example, specially developed databases, in which the court will be able to receive all the necessary information for the consideration of the case.

Fourthly, it is possible to provide special ATMs or multi-cash desks that will be located in the courthouse so that applicants can pay the fee directly in the courthouse and attach the specified receipt immediately on the day the application itself is submitted to the court registry. This feature will greatly simplify the filing of applications for people who do not have the opportunity to submit an application using electronic systems and will allow to file documents to the court much faster.

7. Conclusion

Based on the foregoing, we can draw the following conclusions, the process of introducing e-justice in the Russian Federation is still at the reform stage, there are quite a few gaps, negative sides, and unfinished points. In addition, there is certain inequality in the implementation of e-justice, which affects different sectors of the population, regions of Russia, etc.

In our opinion, if the procedure of going to court is simplified, made more open, clear, thus will increase the confidence of citizens in the judicial system as a whole. Attempts have been made, the SAS “Justice” system has been developed and introduced, however, it is necessary to eliminate all the imperfections of this system, as well as improve it, at least to the level of the “Electronic Justice” system, which is used in the arbitration courts of the Russian Federation.

The introduction of modern information technologies, the further development of e-justice in the Russian Federation will increase the level of legal proceedings, its quality, speed up the process of resolving disputes in essence, simplify document management and record keeping in courts, and increase citizens' confidence in justice.

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