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**E-JUSTICE AS A STABILITY GUARANTEE OF CIVIL
TURNOVER IN THE DIGITAL ECONOMY**

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Abstract

This study raises the issue of e-justice elements development in the Russian Federation. Technological improvement of judicial activity is considered as one of the guarantees of stable civil turnover in economic relations. Law enforcement practice of the arbitration courts of the Russian Federation serves as an example of informational achievements in the administration of justice. The study examines such judicial digital services as "My Arbiter", SAS "Justice" and their impact on legal relations and civil turnover. Authors attempt to consider practical importance of electronic information systems for both legal doctrine and law enforcement practice. The article discusses various innovations in legal proceedings as electronic signatures, case databases. This topic is utterly relevant in the face of universal digitalization and its influence on the way files and documents are stored and produced, the fact that the Government of the Russian Federation and the Supreme Court of Russia continuously support transition document management in judicial proceedings to electronic form only further proves the relevance. However it is important to understand the goal of such transition and closely monitor its progress both practically and theoretically as the correct approach should unite all benefits and perform all necessary functions as well as be fixed in the relevant procedural codes governing legal proceedings in Russia.

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Keywords: E-justice, stability of civil turnover, legal proceedings, arbitration court, digital economy.



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1. Introduction

Normative legal regulation in all its manifestations is a mirror image of social reality. Generally, it is law that promptly and equivalently responds to the challenges of society and the modern realities of digital life through law making and law enforcement processes.

The functioning of social institutions determines the origin, development and modernization of the legal component of social relations. It is impossible to dispute the fact that human society is entering a certain space characterized by innovative informational and technological-social structure nowadays. Economic relations are already deep in e-commerce era with practically not enough legal regulators on it (Das, Mishra, & Cyr, 2019). Electronic era brings dozens of positive opportunities to the modern society and allows humanity to create systems and key solutions for years to come, yet it also brings out problems of poor control of digital space and issues uncovered by it, and it also rises issues of public feedback created with the open e-space, especially with the creation and spread of e-justice (Mendoza & Cano, 2019). A similar phenomenon determines the formation of the information society. The named term however cannot claim exceptional universality. At the same time, the information society in modern conditions is characterized by the entry into the regulatory field of such legal object as information and computer technology. These circumstances form the content of legislation and law enforcement practice at the present stage.

2. Problem Statement

In the framework of this study authors consider the formation of electronic justice in the legal space of the Russian Federation. Certain elements of e-justice are also identified. Positive aspects of the administration of justice through electronic information systems are emphasized.

3. Research Questions

The study is aimed to demonstrate the origin and development of e-justice in the Russian law and order. The theoretical and practical importance of electronic information systems for both legal doctrine and law enforcement practice is considered. The role of e-justice elements for the formation and ensuring the stability of civil turnover in the digital economy is discussed.

4. Purpose of the Study

The purpose of this work is to substantiate the positive impact of the introduction of information technology to ensure uniformity of judicial practice. Authors attempt to illustrate the experience of the Russian arbitration court system in administration of justice through modern technologies. They also focus on the human rights potential of the e-justice system in digital economy.

5. Research Methods

In the framework of this study, methods of scientific knowledge of universal and empirical nature were used. When analyzing the formation of e-justice in the Russian law and order in the conditions of

the information society, methods of systematization, description, and comparison were widely used. In addition, such universal methods of scientific knowledge as deductive, inductive methods, as well as methods of abstraction and idealization were used. The axiological method, in turn, made it possible to identify and demonstrate the values of the administration of justice in Russia.

6. Findings

The ubiquitous digitalization of modern society inevitably entails integration of information technology in legal reality. All kinds of economic and legal relationships become more and more digitalized and it is especially vivid nowadays with the development of blockchain technology (Abdelhamid & Hassan, 2019). Today it is very difficult to imagine the functioning of government bodies and officials without the corresponding automated information systems. Russian legal proceedings are no exception (AIS “Legal proceedings”, SAS “Justice”, “My arbitrator”, etc.).

In this regard, legal literature reasonably points out that with the development of telecommunication technologies modern legal proceedings in Russia have begun to develop rapidly. The most important task was the formation of an electronic document management system and electronic justice in general.

The course adopted by the Government of the Russian Federation and the Supreme Court of Russia towards a gradual transition to electronic document management in judicial proceedings in recent years has been actively embodied in law enforcement practice. For example, the procedure for submitting documents to the arbitration courts and courts of general jurisdiction of the Russian Federation in electronic form, including in the form of an electronic document, was approved. In addition, such provisions have found their normative fixation in the relevant procedural codes governing legal proceedings in Russia.

A bright demonstration of the introduction of information technology in the judicial process is demonstrated by the arbitration courts of the Russian Federation, administering justice in the economic and business sphere. In addition to the previously mentioned AIS “Judicial Proceedings” (or an analogue of the PC “JARM”), the arbitration court system also provides the functioning of the information system “Arbitration Cases Database” (“ACD”), which contains information on the progress of cases considered by all arbitration courts. This service reflects the entire history of the consideration of the arbitration case, from the moment of the receipt of the statement of claim (statement) to the court and the initiation of the proceedings to the completion of case consideration by higher judicial instances. The arbitration cases database allows everyone interested to analyze the stages of consideration of the arbitration case, to get acquainted with the texts of judicial acts of all instances considering the case (from the first to the supervisory instance), with the exception of cases considered in a closed trial through a series of varied search operations. This circumstance has a very positive effect on the formation of uniformity of judicial practice in similar disputes, and allows to evaluate the consistency, objectivity, validity and professionalism of judicial law enforcement, which affects the stability of civil turnover in economic relations.

In addition, the aforementioned plays a huge role in the development of legal doctrine. It is also impossible to deny that such publicity in the administration of justice in the economic sphere plays an essential human rights function.

The introduction of electronic signatures of judicial acts in legal proceedings when considering and resolving cases in arbitration courts in the Russian Federation, with ensuring the correct operation of the “Arbitration Cases Database”, allowed to effectively optimize the procedure for notifying parties participating in a case about the time and place of the trial, on the outcome of a court hearing. Moreover, the use of electronic signatures by participants in legal proceedings made it possible to appeal to the court with a request for securing claims in electronic form. This, in turn, increases the effectiveness of this procedural institute in terms of reducing the time for consideration of this application, ensuring the enforceability of the final court decision on the dispute considered in the future, and admission to judicial protection, as a fundamental constitutional principle with primary axiological potential.

In addition, when the arbitral court considers the case in summary proceedings, persons participating in the case, using the unique access code provided by the court when notifying the latter of the initiation of proceedings, can familiarize themselves with the entire volume of the case file electronically without visiting the courthouse. Due to this, the resolution of the case under the rules of simplified proceedings through chapter 29 of the Arbitration Procedure Code of the Russian Federation is possible without calling the parties and holding a court hearing in the traditional sense. At the same time, the fundamental principles of legal proceedings - adversarial and equal rights of the parties in the judicial process are fully respected.

7. Conclusion

The indicated regulatory provisions allow us to talk about the full-scale formation of elements of electronic justice in the domestic law and order. This topic is not estranged to the foreign legal science too. For example, in Europe e-justice development is considered paramount for economic activities as it provides access to justice, and spreads the rule of law (Ontanu & Velicogna, 2019). In Italy there is an electronic market portal that was built to increase the openness, transparency and efficiency of the market for foreclosed properties, this e-market is thoroughly regulated by law which positively exemplifies efficient reaction to the changes in civil turnover by the state (Cordella & Gualdi, 2019). In Israel several cyber systems function across the branches of government and more are developing, this has been happening over the course of the past 20 years, so the legal basis for such systems is already quite developed, though it obviously continues to evolve (Zernik, 2019). And the EU collectively developed electronic systems for automated cross-border business management (Inshakova, Kochetkova, & Serbina, 2019).

Like many categories of domestic legal doctrine, the e-justice category does not have a unity of understanding and perception in the legal community. Attempts to formulate a reasonable definition of the phenomenon under consideration in specialized legal literature, in monographic and dissertation research clearly indicate the debatable nature of the e-justice category. This also means that domestic legal science still must work up the issues of e-justice systems and formulate a universal understanding of the issue that will allow the state to efficiently apply it practically.

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