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USE OF THE "ELECTRONIC COURT" SERVICE AS A MEANS OF CITIZENS' ACCESS TO THE JUDICIARY

UTILIZAÇÃO DO SERVIÇO "E-COURT" COMO MEIO DE ACESSO DOS CIDADÃOS AO SISTEMA JUDICIÁRIO

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Abstract: The scientific article, based on the study of advanced foreign experience, points out the expediency and relevance of introducing electronic innovations in the field of criminal justice as those that greatly simplify the implementation of legal proceedings and offer an effective model of electronic dialogue between a citizen and the state, as well as between justice bodies and other authorized entities. The arguments are made that the saving of material resources and time, convenience and improvement of transparency of legal proceedings and the achievements of society are obvious positive results of the introduction of the electronic segment into judicial activity. It was emphasized that the consequences of technological changes in the field of justice, in particular the use of artificial intelligence, should be assessed in terms of the balance of threats and opportunities, prevention of violation of confidentiality, security, manipulative impact on the judiciary and the rule of law. It was concluded that the implementation of the concept of electronic judicial proceedings under martial law in Ukraine requires a comprehensive, huministic approach to the use of electronic document management, the use of modern digital technologies in the implementation of procedural actions, the creation of conditions to prevent subjective influence on electronic judicial procedures; simplification of the transfer of applications, complaints, petitions through the system of electronic cases, etc.

Keywords: Information technology. Justice. Electronic documents. Artificial intelligence. Martial law. Access to legal proceedings.

Resumo: O artigo científico, baseado no estudo de experiências estrangeiras avançadas, aponta a conveniência e a relevância da introdução de inovações eletrônicas no campo da justiça criminal como aquelas que simplificam enormemente a implementação de procedimentos judiciais e fornecem um modelo eficaz de diálogo eletrônico entre um cidadão e o Estado, bem como entre órgãos

judiciais e outras entidades autorizadas. Argumentou-se que a economia de recursos materiais e de tempo, a conveniência e a melhoria da transparência dos procedimentos judiciais e as conquistas sociais são resultados positivos óbvios da introdução do segmento eletrônico na atividade judicial. Foi enfatizado que as consequências das mudanças tecnológicas no campo da justiça, em particular o uso de inteligência artificial, devem ser avaliadas em termos do equilíbrio entre ameaças e oportunidades, prevenção de quebra de confidencialidade, segurança, efeitos manipuladores no judiciário e no estado de direito. Concluiu-se que a implementação do conceito de processos judiciais eletrônicos na Ucrânia sob a lei marcial requer uma abordagem abrangente e humanista para o uso do gerenciamento de documentos eletrônicos, o uso de tecnologias digitais modernas na execução de ações processuais, a criação de condições para evitar a influência subjetiva nos processos judiciais eletrônicos; a simplificação da transferência de solicitações, reclamações, petições por meio do sistema de processos eletrônicos etc.

Palavras-chave: Tecnologia da informação. Justiça. Documentos eletrônicos. Inteligência artificial. Lei marcial. Acesso a processos judiciais.

1. Introduction

Today, in the period of continuous development of information technology, the question of electronic legal proceedings arises, which is not just the future, but already a necessity of modern society. The main factor in the introduction of electronic legal proceedings is the rejection of paperwork, which will significantly speed up the consideration of the case through the exchange of electronic documents between the parties to the case and the court. The introduction and ensuring the proper functioning of electronic judicial proceedings is considered as an effective means to guarantee the transparency, openness and accessibility of the activities of the judiciary.

The concept of "electronic litigation" can be attributed to different levels of "electronicization" of legal proceedings: from the ability to get information about court activities online, get acquainted with court decisions, submit separate procedural documents to the court in electronic form, to complete paperless communication between the court and participants in the process and the possibility of remote participation in the process. In a narrow sense, "electronic litigation" provides for the right or obligation of the participants in the process and the court to carry out procedural actions provided for by law in electronic form (Golubeva, 2018).

In Ukraine, the Concept of e-court was developed in pursuance of the provisions of the Laws of Ukraine "On the Judiciary and the Status of Judges", "On Access to Court Decisions", "On the National Informatization Program", as well as the Concept of the sectoral program of informatization of courts of general jurisdiction and other institutions of the judicial system.

The Concept of the e-court of Ukraine, developed in 2012, stipulates that the construction of an electronic court system of Ukraine aims to build a set of technical solutions that perform the following tasks: providing an opportunity for a citizen or organization to send to any court in the

country a statement of claim signed by electronic digital signature (appeal or cassation appeal) together with a package of related documents via the Internet; sending an electronic copy of the procedural document or summons to the party of the process by means of electronic or mobile communication (e-mail or SMS); development and implementation of a universal format for data exchange, thanks to which it will be possible to transfer cases and documents between automated court workflow systems of different developers.

In accordance with the Concept of the sectoral program of informatization of courts of general jurisdiction and other institutions of the judicial system, the main objectives of the subsystem "Electronic Court" include: ensuring full computerization of judicial records management processes, the formation of a single electronic archive of court documents; ensuring open access of the participants of the trial to information through the creation of appropriate online services on the Internet and the installation of information and reference kiosks in the court premises; introduction of a system of electronic sending and receiving procedural documents using an electronic digital signature; establishment of an electronic exchange system with databases of other state bodies and institutions.

However, today some industries and institutions of judicial proceedings still require modernization due to unsuccessful practices of their digitalization. These problems include: implementation of electronic justice in places of active hostilities; documentation and use of information from the content of electronic information systems and communication systems; the beginning of the pre-trial investigation; use of digital technologies for procedural actions during the trial, etc.

Thus, the issue of introducing the concept of e-justice into the practical activities of justice bodies does not lose its relevance, and the gradual digitalization of their activities is a necessary condition for creating an effective mechanism for legal regulation of procedural legal relations in which public and private interests intersect. It should also be emphasized that the trend of introducing information and communication technologies in the world and the development of modern electronic society require the introduction and further development of digitalization of judicial proceedings in many democratic countries, which requires a detailed and systematic analysis of current legislation and practice of its application at the national levels, as well as best international experience on these issues.

To this end, we will carry out a general description of the best practices of introducing information and communication technologies in the activities of judicial bodies, explore the problematic issues of applying the provisions of procedural legislation during the legal regime of

martial law. Such an approach to highlighting the problem of digitalization of the judicial process will make it possible to determine the perspectives of legislative regulation of certain procedures and enforcement at the national level.

In this regard, the purpose of this article is to clarify the advantages of using the "Electronic Court" service as a means of access of citizens to legal proceedings, as well as to study the leading foreign practices of introducing information technologies in courts and the procedure for their use in the administration of justice.

2. Functioning of the e-judicial system in modern Ukraine

The doctrine distinguishes the following main elements of electronic judicial proceedings: publication of information on the activities of courts; register of court decisions; information on the time and time of the trial; submission of documents in electronic form; electronic court notices; exchange of documents between the parties in electronic form; the use of new technologies in court proceedings, including the study of electronic evidence; recording of court hearings by audio and video recording; conducting meetings via videoconferencing; issuing and promulgating court acts; electronic transfer (Golubeva, 2020).

The advantages of the e-court are that it makes it possible for: opening proceedings by electronic means; implementation of further procedural actions within the framework of proceedings in the environment of electronic document circulation; obtaining information about the progress of the case by gaining access to the judicial information system; obtaining information on the results of the proceedings in electronic form. The introduction of this subsystem will ensure the continuity of the judicial process using the latest information technologies, the organization of a full cycle of electronic document management in the judicial system (from preparation to signing and sending documents to the parties to the judicial process, other courts and state bodies and institutions).

We consider the potential for procedural fairness when using algorithms to be the most respective, since they may contain indestructible sequences that exclude an arbitrary violation of the procedure. With the proper provision of proper content, security and laissez faire, algorithmic tools can contribute to a more equitable administration of justice. There is no denying that thanks to the effective use of electronic procedures, the trial has become more efficient, and the process of considering cases itself is much faster.

In the courts of modern Ukraine, the functioning of electronic records management is

ensured by the existence of the Unified Judicial Information and Telecommunication System (hereinafter referred to as UJITS), which stipulates the transfer of legal proceedings to electronic format. In particular, in accordance with the requirements of the legislation, on 17.08.2021, the Regulation on the procedure for the functioning of individual subsystems (modules) of UJTS was approved, which, among other things, determines the procedure for functioning in courts and in justice bodies of individual modules – "Electronic Cabinet", "Electronic Court", the functioning of videoconferencing as a separate subsystem, determines the procedure for performing procedural actions in electronic form using the specified UJITS subsystems (2021).

The functionality of the subsystem "Electronic Court" provides for the exchange of procedural documents (sending and receiving documents, their copies, evidence, powers of attorney, etc.) in electronic form between courts, bodies and institutions of the justice system, between the court and the participants of the trial, between the participants of the trial. With the help of the "Electronic Court", an authorized user can personally create procedural documents using a built-in text editor by filling in document templates and send them to court through a module with the obligatory use of an electronic digital signature. Of course, this is convenient, because prompt interaction between the parties to the process and access to case materials in an online format is the key to modern legal proceedings.

In addition, it is worth noting that the order of the State Judicial Administration of Ukraine approved the concept of the program of informatization of local and appellate courts and the project of building UJITS for 2022-2024 (On the approval of the sectoral Program of informatization of local and appellate courts and the project for the construction of the Unified Judicial Information and Telecommunication System for 2022-2024, 2022), which provides for a number of tasks and measures, the implementation of which will allow: to increase the level of provision of courts with modern means of informatization; to unify and optimize the processes of court activity; to increase the transparency, convenience and accessibility of the judiciary for citizens; minimize the influence of the human factor and prevent interference in the administration of justice.

Remote work of courts requires the most efficient use of electronic document management and access to court cases in electronic form. The UJITS provided for by the procedural legislation should ensure the exchange of documents in electronic form between the courts, between the court and the participants in the trial, between the participants in the trial, as well as the recording of the trial and the participation of participants in the trial in the court session by videoconference.

An important guarantee of legal, fair and effective justice is the objective and impartial

distribution of cases among judges in compliance with the principles of priority and the same number of proceedings for each judge (uniform load) (On amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine, 2022). At the same time, under martial law, situations may arise: the exit of network equipment from service, interruptions in electricity and communication, the Internet, etc., which make it impossible to access UJITS and can thus "paralyze" the work of courts. Thus, the head of the relevant court, whose powers include monitoring the effectiveness of the court apparatus, organizing the maintenance of judicial statistics in the court and information and analytical support of judges in order to improve the quality of judicial proceedings, etc. (Articles 24, 29, 34, 39, 42 of the Law of Ukraine "On the Judiciary and the Status of Judges") should ensure the distribution of cases among judges in compliance with the relevant principles (On amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine, 2022).

Assessing the advantages and disadvantages of the introduction of information and communication technologies in legal proceedings, it is advisable to focus on such important positive manifestations as the preservation of time, human and material resources, the release of people from excessively monotonous, typical work in favor of increasing attention to creative tasks, justification of key procedural decisions that require assessment by internal conviction, etc. At the same time, to certain risks of the introduction of information and communication technologies, we can draw attention to some problems associated with possible bias, discrimination arising from the basic algorithms of artificial intelligence technologies.

In this context, attention should be paid to certain legal guidelines that have already been established. In particular, key standards for the introduction of artificial intelligence in the judicial system are defined in the European Charter on the Ethics of The Use of Artificial Intelligence in Judicial Systems and the realities around them, adopted on December 3-4, 2018 in Strasbourg by the European Commission on the Effectiveness of Justice (Recommendation of the Council on Artificial Intelligence, 2018.), which to the basic principles of the use of artificial intelligence technologies in justice includes: respect for fundamental human rights; inadmissibility of discrimination; quality and safety; implementations "under the control of the user"; openness, impartiality, transparency (Recommendation of the Council on Artificial Intelligence, 2018).

Despite a number of risks and miscalculations that need to be regulated by law and worked out in practice, the very concept of judicial reform in the direction of its digitalization is progressive and relevant. After all, the issue of introducing remote forms of court work, switching to an

electronic form of judicial proceedings, access to the electronic office of a judge is extremely important, and the war has only actualized these issues. Relevant amendments to the legislation, on the one hand, are necessary to preserve the life and health of the participants in the trial, will be the basis for making timely decisions on the evacuation of court employees, and on the other hand, will contribute to compliance with international standards for compliance with the requirements of the Constitution of Ukraine on the administration of justice under martial law.

The introduction of the "Electronic Court" subsystem, including through remote submission of documents and correspondence with the court and participants in the process, participation in court hearings by videoconference was the first step towards the updated justice system in Ukraine. This contributes to resolving legal disputes between business and citizens more quickly and with less logistical costs. However, in the process of using the subsystem "Electronic Court", citizens face a number of problems related to its rejection by the judiciary. In this context, the Decision of the Council of Judges No. 75 of September 20, 2019 deserves attention (2019), according to which, recently, cases of submission of complaints by citizens have become more frequent due to the non-acceptance of procedural documents by courts solely on the grounds that they are sent electronically by means of the subsystem "Electronic Court". Considering this situation, the Council of Judges concluded that citizens' objections were legitimate and recommended that the courts accept documents submitted through the relevant system for consideration.

The military situation in Ukraine imposes additional tasks on the courts and strengthens responsibility at all stages of judicial proceedings. To ensure the right of every citizen to access justice, judges and court staff continue to work in extremely difficult conditions. At the same time, problems with electricity and disconnection of individual courts from the Internet are characteristic, which jeopardizes the functioning of document flow in courts, makes it impossible to access the court's e-mail, the "Electronic Court" module, and so on. The situation when the judicial authorities, for reasons beyond their control, are forced to suspend their activities in terms of electronic communication casts doubt on the independence of the judiciary as a guarantee of the rule of law, which is enshrined in the Constitution and the laws of Ukraine.

At a meeting of the Council of Judges of Ukraine on 24.02.2022, the issue of taking urgent measures to ensure the stable functioning of the judiciary in Ukraine under martial law in connection with armed aggression by the Russian Federation was considered. Among other things, the Council of Judges of Ukraine drew the attention of the courts that in conditions of military situation the work of courts cannot be suspended, that is, a person's constitutional right to judicial

protection cannot be limited, and the Supreme Court, in particular, noted that: even under martial law, a person's constitutional right to judicial protection cannot be limited; in case of a threat to the life, health and safety of court visitors, court staff, judges, decisions will be promptly made to temporarily suspend the implementation of legal proceedings by a certain court; in order to ensure the safety of litigants and court visitors, personal reception of citizens by the court management is suspended and the admission to court hearings of persons who are not participants in court hearings is limited; If the court has not stopped carrying out legal proceedings, litigants may apply for adjournment of proceedings in connection with hostilities and/or for consideration of cases by videoconference using any technical means, including their own.

To implement and establish the Electronic Court subsystem during the wartime period, a corresponding subsidiary "Center for Judicial Services" was created. The operation of the modules in the judicial system is based on the broadband communication system, which provides the possibility of high-speed access to the Internet. It is impossible to reduce the requirements for the transmission speed or volume of transmitted information due to the appropriate data architecture and software fixed by the developers.

When creating the "Electronic Court" subsystem, the developers' main attention was focused on the convenience and "accessibility" of this service for plaintiffs and other participants in legal proceedings. The so-called remote legal proceedings were focused on them, while for judges, court secretaries and assistants to judges, in fact, nothing has changed in this matter – their work both provided for and involves a direct presence at the workplace, printing documents, forming paper cases and communicating with participants in the processes by ordinary means – by mail, phone or in person. Today, in wartime, the issue of security is extremely relevant for all participants in the process without exception. However, no changes have been made since the beginning of the introduction of martial law in Ukraine in improving the clerical work of the court. The introduction of remote forms of work has not yet been fully regulated, the technical conditions are not tied to the provisions of the procedural law and the customs of legal proceedings. On the contrary, new ones have been added to the existing problems, including, for example, the lack of funds for Internet communication services (Arsirius, 2022).

We have to state that today not all courts have a technical connection with the subsystem "Electronic Court", which makes it impossible to fully use electronic resources and the capabilities of the parties to the trial – judges, court staff and others. At the same time, in the courts there is not always enough money to maintain the necessary communication channels. Therefore, there is a threat that any court, not complying with certain technical conditions, or in the absence of funds

to pay for access to the Internet, remains without access to special judicial programs, and, in fact, may find itself in an information vacuum. In particular, the receipt of documents sent via e-mail and through the "Electronic Court" module will stop; the Unified State Register of Court Decisions will cease to be filled; the exchange of procedural documents between the courts will stop and it will become impossible to send decisions of higher courts on the reclamation of cases for appeal and cassation appeals from local courts (Arsirius, 2022).

In the conditions of refusal of paper media and the safety of funds for postal services, there is a risk of losing some of the important information. And such actions are difficult to track and stop. The technical worker does not make management decisions, although, in fact, he blocks the work of the judiciary. Of course, the presence of such a subjective factor in the functioning of the court itself can significantly damage the authority of the court, since it contradicts the principle of independence, makes it difficult for citizens, legal entities and authorities to access justice.

Thus, during the wartime period, justice is carried out taking into account the following features: changing the territorial jurisdiction of cases (cases of courts that temporarily do not work will be considered in the new region by a court determined by the order of the Chairman of the Supreme Court); conducting court cases by videoconference (if possible for all participants in the process); postponement of consideration of court cases (possible both at the initiative of the court and at the request of the participants in the process); consideration of the case by the court in the absence of the parties to the case (for which it is necessary to file a corresponding petition / application).

At the same time, it should be noted that no changes related to martial law have yet been made to the procedural codes. Although there is a registered draft law dated 26.04.2022 No. 7316 "On Amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine (regarding the implementation of legal proceedings under martial law or a state of emergency)" , which provides for a number of procedural tools, including: notification of the participants in the process about the date, time and place of the first court hearing by any possible means, in particular, by telephone, SMS message, messengers, etc.; consideration of appeals against the rulings of the court of first instance without notifying the participants in the case (in writing); notification of the adoption of a court decision by posting information on the official web portal of the judiciary with reference to the web address of such a court decision in the Unified State Register of Court Decisions; In the event of the introduction of martial law or a state of emergency, provided that there is no objective possibility of performing procedural actions within the time limits specified by the relevant Code, procedural

actions should be carried out immediately if possible, but no later than 20 days after the termination or abolition of martial law or a state of emergency.

The Committee on Ukraine's Integration into the European Union, having considered at its meeting on 22.06.2022 the draft Law on Amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine (regarding the implementation of legal proceedings under martial law or a state of emergency) (No. 7316), recognized its provisions as those regulated by the national legislation of the Member States of the European Union and not subject to international legal obligations of Ukraine in the field of European integration.

The Main Scientific and Expert Department of the Secretariat of the Verkhovna Rada of Ukraine, based on the results of the elaboration of the Draft Law, expressed a number of comments and proposals to it. In particular, it was rightly emphasized that the introduction of certain provisions of the draft law may lead to a violation of the right guaranteed by the provisions of national legislation to a fair, impartial and timely resolution of disputes by the court (this remark concerns the proposed amendments to the procedural codes, which provide that under conditions of martial law or a state of emergency, all appeals against the rulings of the court of first instance are considered by the court of appeal without notifying the participants cases (in the order of written proceedings), and the court of cassation considers all cases in the order of written proceedings on the materials available in the case). The proposed draft proposal for consideration of all appellate and cassation cases only in the order of written proceedings narrows the content of the constitutional right of citizens to judicial protection, and one of the consequences of consideration of cases without notifying the parties is the risk of violation of their legal rights and interests, since they are deprived of the opportunity to provide the court with their explanations on the merits of the case (On amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine, 2022).

Thus, justice under martial law in Ukraine continues to be carried out in accordance with the provisions of the current procedural codes, as well as taking into account the recommendations of the Supreme Court, the Council of Judges of Ukraine, and the State Judicial Administration.

In our opinion, such mechanisms of court operation should be enshrined in Ukraine, which would completely eliminate any risks of third-party interference or manipulation in the "manual" mode of information systems and software. To this end, judicial self-government bodies should assist the Council of Judges of Ukraine, which is responsible for monitoring and regulating these issues. In addition, it is necessary to ensure proper technological support and cybersecurity,

to make available information about the state of electronic communication in courts, the reasons for its absence at individual links, the state of filling and accessibility of court registers and decisions made to limit electronic communication between courts and parties to the trial.

We believe that certain technological solutions can be used not only by Ukraine, but also by other countries with a similar system of legal proceedings. These include, in particular: automation of electronic interaction between the prosecutor's office and the court; formation of templates of electronic procedural documents in the register; full integration of paper proceedings into electronic proceedings on the basis of this system; creation of a special electronic system that will interact with state registers and databases necessary for the implementation of legal proceedings.

3. Foreign practices of electronic litigation

In the Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023 (2021) in clause 4.1.4. The need for "the introduction of modern electronic clerical work in court, electronic case management, electronic communications with the court, the judge's office and the office of the participant in the process" is indicated. At the same time, the issue of effective functioning and further modernization of e-judicial proceedings in Ukraine is still open and requires immediate scientific elaboration and legislative solution. A similar problem exists in many other countries, so the analysis of these issues will be useful for developing relevant proposals to optimize the process of reformatting legal proceedings into electronic ones.

Some issues of informatization of the judicial system are reflected in European and international recommendations and standards. Back in 1981, the Committee of Ministers of the Council of Europe recommended that member states abolish outdated procedures that are of no practical use, provide courts with sufficient personnel and opportunities for effective work, and adopt a procedure that would allow monitoring the course of proceedings from its very beginning (Recommendation R (81) 7 of the Committee of Ministers to Member States on ways to facilitate access to justice, adopted at the 68th meeting of deputy ministers, 1981).

Recommendation CM/Rec (2010) 12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities states that (2010) "The distribution of cases among the judges of the court should be based on objective pre-established criteria to ensure the right to independence and impartiality of judges. Such a division of cases should not be influenced by the parties to the case or other persons interested in the

outcome of the proceedings" (paragraph 24). "Both authorities and judges should support the idea of using electronic case distribution systems and communication and information transfer technologies. The use of such systems in courts is welcome".

The European e-Justice Portal (https://e-justice.europa.eu) has been created and is successfully operating, which monitors the transparency of the justice systems of member states, providing citizens with practical information in different languages about the judiciary and procedures. The portal aims to improve visibility, to strengthen access to justice for citizens of the European Union. In particular, the portal contains information on the rights of victims in criminal cases, their right to compensation, the fundamental rights enjoyed by citizens in each Member State, and the fundamental principles regarding the ability of citizens to initiate cases in the courts of other Member States (Review of the advanced international experience and practice on the implementation of electronic judicial production and recommendations for the further development of the information system of electronic judicial production "E-SUD" in Uzbekistan, 2015).

If we turn to foreign experience, the legislative regulation of this issue has already been launched in foreign countries through their comprehensive and long-term research, the result of which was an independent electronic form for the implementation of justice, numerous ways of protecting it and respecting the confidentiality of personal information are carried out.

One of the leaders in the use of paperless document processing technologies in criminal proceedings is Finland. The preconditions for the transition of law enforcement agencies of Finland to paperless document circulation were the low generality of the population, the distance of law enforcement agencies from each other, as well as the fact that Finland is one of the world's leaders in the field of telecommunication technologies (Kujanen, 2003). Since 2003, the integrated information system of law enforcement agencies of Finland has served 63 judicial districts, 6 appellate courts and the Supreme Court of Finland. 30 penitentiary institutions, criminal police, prosecutors, bailiffs, departments for collecting fines for criminal crimes and penitentiary courts are integrated into the system. The main coordinator of the program is the Ministry of Justice of Finland (Kujanen, 2003).

The result of the system's operation is the completeness of electronic document circulation, and the courts practically do not scan, since the documents are sent to the courts already in electronic form. Documents are systematized thematically in databases. An electronic document in criminal proceedings is an equivalent paper document, and work in the general system of electronic document circulation is carried out by criminal police, prison institutions,

bailiffs, prosecutors and courts.

In the United States of America, the electronic judicial system (PACER) is intensively functioning, which is available to everyone who has registered an account. Thanks to this program, the participants of the court session can get acquainted with the procedural documents, the parties to the process, follow the consideration of the case and have the opportunity to view the calendar of these meetings (Electronic Filing (CM/ECF).

In Canada, due to the threat of disclosure of personal information when using e-justice, special recommendations prepared by the Judicial Advisory Committee (Use of Personal Information in Judgments and Recommended Protocol) are applied. The document defines three levels of protection, which are applied depending on the issues to be resolved and whether the ban on disclosure of information applies (How e-litigation works, or Get up! The court is in touch, 2020). An online civil litigation tribunal has also been introduced in British Columbia, through which parties to a dispute can resolve disputes online using their own smartphones, laptops and tablets. CRT has implemented three steps to resolve disputes: negotiation, mediation, and direct litigation (Claims up to $5,000 in Civil Resolution Tribunal, 2017).

The court of Zhengzhou city of Henan province (China) for the first time held a trial using the country's popular Internet messenger WeChat. The judge and lawyers contacted through the app from different parts of the country and recorded voice messages for the case file. With the help of this messenger, the Chinese authorities are going to speed up the consideration of administrative cases and reduce the workload of courts (Golubeva, 2018).

All justice authorities in the Czech Republic also have their own electronic information systems. E-litigation to the state operates on the basis of the Czech model E-Case Management System (eCMS), which was developed by the Czech police and put into operation in 2006. Despite the existence of the E-Case Management System, the prosecutor sends documents (petitions during the pre-trial investigation, indictment, etc.) to the court exclusively in paper form (Stolitniy, Kalina, 2017). At the same time, one of the key problems of the Czech judicial system is that individual trials last too long (Ogarkova, 2014).

In 2013, the UK government presented a criminal justice reform programme called “Swift and Sure Justice”, which provides for maximum digitalization of the trial through remote hearings via videoconference. The first hearing in this format took place in birmingham’s busiest magistrates’ court, which was deemed successful. The idea of an electronic court was also implemented in the UK civil justice system by the state Council for Civil Procedure. The unified online court system “Online dispute resolution” is designed to resolve the most common civil

lawsuits. With its help, you can get an online explanation of which category the case belongs to, and then the system sends it directly to the judge who resolves disputes online. The most significant feature of "Online dispute resolution" is the search for an alternative, out-of-court way to resolve the dispute between the parties with the possible reconciliation of the parties to the case at any stage of online review (Oliynyk, 2017).

In this regard, The Association of Costs Lawyers expressed concern about the possibility of implementing this project, since resolving cases without the involvement of a lawyer will bring rather not savings, but an increase in the workload of judges. After all, if earlier citizens attracted a lawyer to justify the amount of their claim, and the judge had only to decide on recovery, now all issues of assessment have to be decided by the judge himself (Golubeva, 2018). We believe that the creation of such courts can turn legal proceedings into a "household service". Simplifying access to the court, we must not forget that justice cannot be reduced to "stamping" court decisions. Simplification of going to court, will naturally increase the number of cases, the growth of judicial errors. Informatization of legal proceedings should not turn into an end in itself, and the main legal principles must be observed.

Australia's e-litigation system stipulates that at the same time, within six months submitted for consideration of each case, a minimum of 2,000 cases can be resolved. There are separate subsystems for consideration of court cases and appeals, conducting court procedures in the mode of videoconferences using Skype, etc. (http://e-court.au.com) (Kushakova-Kostytska, 2013).

In the French Republic, there is an "e-huissiers" system, where there is an interface for bailiffs, with the help of which they can draw up their requirements for payment, request decisions on the issue of distribution of court costs and applications under the case management system. It covers all the actions of criminal courts (with the exception of police courts and courts for the execution of sentences) which, accordingly, are located in the center of the computerized system of criminal justice. "E-huissiers" fully functions in almost all regional courts of France (Review of the advanced international experience and practice on the implementation of electronic judicial production and recommendations for the further development of the information system of electronic judicial production "E-SUD" in Uzbekistan, 2015).

The "Electronic File Management Act" has been adopted in the Federal Republic of Germany, which allows the judicial system to work with electronic copies of necessary documents. The use of electronic copies will accelerate the interaction between courts and interested parties, as well as provide an opportunity to make documents available to all interested persons and organizations. In addition, it will be possible to submit applications, applications via the Internet

(Dubova, 2005).

In the King of Belgium, the Federal Service of Information Technologies and Communications "FedIct" within the framework of implementation of a number of innovative projects has created complex systems of electronic document circulation of state structures: e-Justice, Tax-on-Web, Police-on-Web. Since 2005, the "e-Justice" project has been implemented, which allows courts, other institutions of the judiciary, subjects of legal relations to carry out electronic exchange of documents or interact using Internet technologies. According to the answer, tax-on-Web and Police-on-Web services provide an opportunity to automate the processes of mutual perception of state bodies (Experience of interaction of state bodies of the countries of the world with institutes of public society, involvement of public in the formation and implementation of state policy, counteraction to corruption, ensuring e-government, 2012).

In Estonia, an electronic system of public announcements has been created, which will contain information that concerns the activity of the judicial system and which must be made public for wide access (The issue of creating an electronic public announcement system in Ukraine was discussed, 2015).

Positive foreign experience in the introduction and implementation of the electronic digital form of legal proceedings only confirms the expediency of further modernization of the activities of justice bodies, in particular regarding: interaction with electronic registers; transfer of petitions, applications, complaints directly through the system of electronic proceedings; implementation of the trial in electronic digital format. Such technological solutions must be accountable and sustainable, must have a high degree of transparency and protection. As he rightly notes on this occasion, "correctly points out, both algorithms and the law are tools for ordering and rationality. This commonality of their nature gives hope that the union of law and algorithms can be a successful foundation for fairness and justice" (Cofone, Ignacio, 2019).

4. Conclusions

The researched electronic innovations in the field of criminal justice justify their existence, because they simplify its work and offer an effective model of electronic activity between a citizen and the state, as well as between justice bodies and other authorized entities. Saving of material resources and time, convenience and, above all, increasing the transparency of legal proceedings and the achievements of society are obvious positive results of the introduction of the electronic segment into judicial activity. The experience of many countries shows that the process of

introducing e-justice is lengthy and requires taking into account a number of nuances caused by the peculiarities that are revealed both before and when working with the system. Progress in this direction will be facilitated by Ukraine's more active use of positive foreign experience of digitalization of judicial proceedings.

The consequences of technological changes in the justice sector, in particular the use of artificial intelligence, must be assessed in terms of the balance of threats and opportunities offered by new technologies – privacy violations and structural erosion of privacy, security breaches. A significant level of threats is also hidden and implicit – manipulative influences on the judiciary and specific processes, invisible undermining of the rule of law and human rights.

Implementation of the concept of e-justice in Ukraine under martial law is a creative and at the same time the most divine way to implement the function of justice, which requires a comprehensive, most efficient use of electronic document management and access to court cases in electronic form, the use of modern digital technologies in the implementation of procedural actions, ensuring proper recording of the trial by videoconference. The basis of such digital innovations in the field of criminal justice should be the principle of humanism, that is, the priority of human rights and legitimate interests.

The analysis of procedural norms and theoretical ideas on the modernization and digitalization of administrative, civil, economic and criminal processes during martial law in Ukraine made it possible to identify certain conceptual shortcomings in the part of: "manual" mode of management of information systems and software; identification in the legislation of certain provisions that will limit the rights and legitimate interests of participants in court proceedings; inadequate technological support and cybersecurity. Further prospects in this direction are as follows: in creating conditions for preventing subjective influence on electronic judicial procedures; digitalization of interaction with electronic registers; simplification of the transfer of applications, complaints, petitions directly through the system of electronic cases while ensuring the rights of participants in legal proceedings, etc.

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