Digital Transformations in Legal Proceedings in Modern Russia

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Abstract: Currently, throughout the world and in Russia, a digital post -industrial economy is being built. This process is implemented in various areas of public life. Protection of the rights of citizens is one of the foundations of stable development of society. Stable development of the economy is impossible without a developed legal system and a high level of the state judicial system that protects the rights of citizens and legal entities. The judicial system as part of the legal system is also subjected to digitalization. The aim of this process is a higher level of guaranteeing the right to judicial protection, the effective implementation of the principle of accessibility of justice. The Russian judicial system actively uses digital technologies. The work reveals the features of the digitalization of Russian legal proceedings, show achievements in this direction and the existing problems and prospects for further steps to ensure access to justice through the digitalization of the judicial system and legal proceedings are shown.

1 INTRODUCTION

The strategy for the development of the information society in the Russian Federation for 2017-2030 is aiming to build a digital economy and information society (Decree of the President of the Russian Federation dated 05/09/2017 No. 203). The digital economy is considered as an industry in which the key elements are data in digital form, the processing of large volumes of data, and the use of analysis results. In comparison with traditional forms of management of the industrial economy, this can significantly increase the efficiency of various types of production, equipment, storage technologies, sales, delivery of goods, works and services.

The areas impacted by the digital economy include the financial sector—including the banking sector, education, healthcare and medicine, and digital law enforcement. From 2019 to 2021, new concepts were introduced into the legal system - digital rights, digital financial assets, and digital currency (Federal Law No. 34-FZ of March 18, 2019). Since 2023, Russia has begun using the digital ruble as an equivalent to traditional forms of national currency, i.e. paper and non-cash rubles (Ch. XII.2 of the Federal Law of July 10, 2002 No. 86-FZ). At the same time, the digitalization of a number of industries (for example, the banking sector) in the private sector of the economy has shown increased efficiency (Plotnikova 2019). The state also seeks to digitalize traditional areas over which the state has influence.

Thus, the state has implemented advanced digital platforms such as the portal of the Federal Tax Service, for calculating and paying taxes, and the "State Services" portal (Russian: "Gosuslugi"), of special note for enabling provision of state and municipal services (Monitoring the quality of

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provision of state and municipal services based on "big data" DATED JUNE 30, 2023). However, the law enforcement and human rights sector have continued to rely on traditional forms for a long time. The court is still seen as the most conservative form of rights protection and has undergone little digital transformation. Nevertheless, the system of the Arbitration Courts of the Russian Federation has contained some elements for the use of digital judicial technologies since 2010.

In courts of general jurisdiction, digital capabilities have only become available since 2017. Meanwhile, the global trend is the informatization of judicial systems through the introduction of IT technologies.

One of the main paradigms of these procedures involves the introduction of electronic justice services, which aims to do the following:

- reduce the time of the legal process;
- reduce the load on the court system and judges and, as a result, increase the time directly given to the adjudication and correct resolution of cases, which will contribute to a more complete implementation of the principle of legality;
- increase the level of transparency of the judicial system;
- decrease legal costs;
- maximize provision of, and access to justice for citizens and organizations.

A number of measures aimed at solving these problems have been implemented, but there still remain several problems both in existing procedures and those currently under development that need to be thoroughly analyzed. In addition, it is necessary to determine the future prospects for the development of digital technologies for legal proceedings. These problems and prospects are the subject of this study.

2 METHODOLOGY

This article is based on the literature analysis of the works of a number of authors (e.g. Plotnikova E.V. (Plotnikova, 2019)) related to the digital economy and its effectiveness. The works of researchers concerning the problems of digitalization of legal proceedings were also reviewed - Anosova A.V. (Anosov, 2016), Dyrkova T.A. (Dyrkova, 2018), Sas V.V. (Sas, 2012), Sukharenko A. (Sukharenko, 2015), Nikolaeva A.I. (Nikolaev, 2019), Pashintseva D.A. (Pashentsev, 2019).

During this study, to analyze the regulatory legal framework for building a digital economy, the resources of the state portals of the President of the Russian Federation, the Government of the Russian Federation, the Supreme Court of the Russian Federation, as well as the Official Legal Portal of Legal Information were used. A search analysis was carried out, of regulatory legal acts regulating the use of digital services in legal proceedings by courts of general jurisdiction and arbitration courts of the Russian Federation. Furthermore, statistics on the implementation and use of digital technologies in legal proceedings were used, published on the portal of the Supreme Court of the Russian Federation.

Methods of induction, deduction, and generalization were actively used for a comprehensive study of the possibilities of innovation in legal proceedings.

In particular, analytical methods were applied, allowing for the identification of a number of existing problems; scientific forecasting was also utilized, on the basis of which further prospects for building digital justice were determined.

3 RESULTS

Legal proceedings are simultaneously the most effective and most conservative form of protection of the rights of citizens and organizations. Despite this, courts and judicial procedures, which exist in developed countries in an almost unchanged form since the late Middle Ages, do not exist autonomously, but are incorporated into the entire system of government. Recently, against the backdrop of trends towards building a digital economy, and the digitalization of the services of a number of government departments, the justice sector has also undergone a digital transformation. In the following sections, several avenues have been identified in which digital technologies have been, and continue to be incorporated into legal proceedings and the administration of justice. Each has its own successes so far, existing implementation problems, and developmental prospects for the future.

3.1 Remote Application to the Court, Updates of the Results of Appeals, and Information on the Progress of Cases

This is intended to implement the principle of procedural economy. Documents are sent remotely in electronic form on the "State Automated System of the Russian Federation *Justice*" portal or on the system of arbitration courts (arbitr.ru).

Evidently, a clear advantage of this is the savings on postal and/or transportation costs (when filing an appeal directly to the court, when familiarizing yourself with the case materials, and when receiving summonses and notices). When submitting an electronic appeal, the time for submitting the document is clearly specified. For the applicant, this means that there is no doubt about missing the statute of limitations and/or the procedural deadline established for a particular procedural action.

An additional positive effect is compliance by the court (court staff) and the judge with the deadlines for performing certain procedural actions. The is also true of the applicant. The applicant, informed at the email address or telephone number specified in the electronic appeal (via SMS notification) about the adopted procedural decision and any scheduled meetings, cannot claim a lack of information about the progress of the court proceedings, or about the procedural actions taken. Another advantage is the absence of any need for a qualified electronic signature (with the exception of applications for interim measures).

3.2 Conducting Court Hearings Remotely

These capabilities are already available today for civil, arbitration, criminal, and administrative proceedings (Article 142 of the Code of Administrative Proceedings of the Russian Federation dated March 8, 2015…). This technology makes it possible to conduct a full court hearing using video conferencing. In this case, the participants in the process are located in the courtrooms that are geographically closest to their place of residence or the location of the participating organizations. A defendant in a criminal trial who is in custody may participate in the court hearing via videoconferencing from the place of detention.

This provision has a number of advantages. Firstly, there is a substantial saving in legal costs in the form of transportation costs, costs of living in temporary accommodation, and wasted time. Secondly, a party is not deprived of the opportunity to present evidence and examine evidence presented by the other party, so long as all parties send each other new evidence in advance or submit it electronically to a system that allows all participants to adequately familiarize themselves with the new evidence. This capability has only been fully implemented so far in the system of arbitration courts.

A new feature introduced after the coronavirus restrictions, in which the judicial system was virtually paralyzed for some time, was the opportunity to participate in a court hearing via web conference. This is facilitated by the simplification of online processes and the active introduction of the use of personal video broadcasting at the place of residence (location) of the participant in the process, without using the material resources of the courts.

Today, holding a court hearing via web conference is available in most Russian Arbitration Courts, and in some courts of general jurisdiction.

Some obstacles to the more active implementation of web conferencing include: the insufficient material base of the courts in a number of regions, a lack of domestically-produced software at the required level, the increasing requirements for information security that can be challenging to comply with, insufficient bandwidth of participants for video conferencing, and a poor awareness of the participants in the process about such possibilities. However, all of these problems are solvable and require appropriate resources and a wider awareness of them.

3.3 Remote Access to All Case Materials

This option is available today in full only in the Arbitration Court system. This function is implemented by ensuring many documents are available in electronic form from the outset (all procedural acts and procedural appeals are filed in electronic form), and with the help of court staff, scanning and uploading all case materials into the system. This function prevents participants from wasting time on visits to court with the sole purpose of getting acquainted with all the materials of a case. This practice could potentially be extended to the activities of courts of general jurisdiction in civil and administrative proceedings. However, it is crucial to understand that in civil and arbitration proceedings there are closed categories of cases relating to family secrets and state secrets; therefore, such materials should be made available only if access is strictly limited behind multi-stage identification and authentication. In this case, this is not simply a matter of personal data and its protection, but moreover an issue of closed confidential information that necessitates greatly increased protection. So far there are no such technical capabilities sufficient for use by the judicial system in Russia. As such, it is currently unreasonable to store the full texts of criminal cases online.

3.4 Posting Judicial Acts for Public Access

Currently, in the system of arbitration courts (arbitr.ru) and in the State Automated System "Justice", the decisions, rulings, sentences of courts of first instance (except for those that contain information constituting family secrets, state secrets, and other categories of confidential information), as well as decisions from appellate courts are available. The database of the Supreme Court of the Russian Federation contains all judicial acts adopted by the Supreme Court. An important virtue of the Russian legal system is the provision of all these judicial acts free of charge, while in other states only judicial acts of the highest courts may be available for an appropriate fee.

3.5 Audio Recordings

Keeping audio recordings of all court hearings allows the parties to later familiarize themselves with the audio record, make comments on the paper record, and prevents extra-procedural actions of the court and other persons at the court hearing. Furthermore, a protocol of keeping audio recordings increases the level of procedural discipline and makes the rights of all participants in legal proceedings more protected

3.6 Future Prospects

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4 CONCLUSIONS

In addition to the problems and prospects outlined above, the introduction of digitalization into the judicial system and with legal proceedings can develop in a number of completely new directions, the conditions for the development of which are not yet available.

It is now becoming possible to digitally predict the outcome of a given dispute. The system should be aimed at de-escalating the dispute and preventing unjustified recourse to the court. However, it must be structured in such a way that the applicant understands, at the very first stage, the futility of his appeal to the court. To do this, the applicant is given the opportunity to fill out the appropriate request (for example, a statement of claim) using the system. Next, the system, using the capabilities of artificial intelligence, calculates all the legal costs that the applicant would incur, determines the list of evidence that they must present to prove their claim, and, based on an analysis of practice and statistics for resolving similar disputes, provides them with a result about the likely prospects of going to court. If the applicant is satisfied with the expected result, they can use the same platform to turn the calculated data into a specific statement addressed to the court and then perform all the relevant actions according to the developed algorithm.

Such a paradigm will prevent reasonable applicants from going to court with unpromising applications, but will help those whose claims are justified to save on the services of a representative, since the system itself will determine the entire sequence of actions.

The second possibility that has not yet been exploited is the use of artificial intelligence technologies by judges when deciding the outcome of a case. Artificial intelligence, based on an analysis of the body of evidence and practice and statistics of consideration of similar cases, can draw up a draft judicial act. However, here lies the biggest danger - the decision is made by judges who must take into account a number of personal circumstances and, of course, it is impossible to completely automate the process and rely on artificial intelligence.

However, the robotic nature of the process will allow the judge to take into account all the circumstances and evidence; artificial intelligence will help with gaining experience in resolving similarly complex cases, that is, to carry out preparatory work. Decisions should still be ultimately made by people.

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