

UDC 342.721

DOI <https://doi.org/10.32849/2663-5313/2023.6.14>**Andrii Kolesnikov,***PhD in Economics, Associate Professor at the Department of Security and Law Enforcement, West Ukrainian National University, 11, Lvivska Street, Ternopil, Ukraine, postal code 46009, Kole.ua@gmail.com***ORCID:** orcid.org/0000-0003-3064-4133Kolesnikov, Andrii (2023). State Policy of Ukraine in the Field of Justice Digitalization. *Entrepreneurship, Economy and Law*, 6, 78–82, doi <https://doi.org/10.32849/2663-5313/2023.6.14>

STATE POLICY OF UKRAINE IN THE FIELD OF JUSTICE DIGITALIZATION

Abstract. Purpose. The purpose of the article is to study the state policy of Ukraine in the field of justice digitalization and substantiate the ways of its further development. **Research methods.** The structure of the article involves solving analytical, theoretical, and prognostic tasks. The tasks require the use of certain research methods and scientific materials. The study of the shortcomings in the implementation of the state policy of digitalization of justice is carried out using the problem-search method. The regulatory framework analysis of the digitalization of justice is carried out using structural-functional and systemic methods. The author used the method of abstraction, which made it possible to highlight important aspects that needed to be addressed while studying certain problems of the Unified Judicial Information Telecommunication System. The author applied the method of scientific generalization to substantiate the conclusions. **Results.** The article examines the relevance of integrating the latest information technologies into the judicial system of Ukraine to increase its efficiency, transparency, and accessibility to citizens. The article described the key aspects of the digital transformation of justice which include the implementation of the Unified Judicial Information and Telecommunication System and cybersecurity. The author emphasizes the need to improve the digital literacy of judges and judicial officers for the successful implementation of digital reforms. It is noted that such measures will facilitate the effective exchange of data between different authorities, increase public confidence in the judiciary, and ensure equal access to justice for citizens. **Conclusions.** The modern development of the judicial system requires the introduction of the latest information technologies to increase the efficiency, transparency, and accessibility of justice for citizens. The digital transformation of justice has the potential to fundamentally change the traditional model of legal services, ensuring synergy between the latest technological capabilities and legal instruments for protecting human rights and freedoms. The implementation of the Unified Judicial Information and Telecommunication System and cybersecurity are critical to creating a single information space for judicial proceedings, which will facilitate the rapid exchange of data and increase trust in the judiciary. It is also important to focus on improving the digital literacy of judges and judicial officers, which is essential for the successful implementation of digital reforms in the justice sector.

Key words: justice, court, digitalization, UJITS, e-court, digital literacy.

1. Introduction

Forming a state policy for the digital transformation in the justice administration is a relevant and strategically important task. It is required to ensure the effective functioning of the judicial system, to increase access to justice and its transparency, as well as to strengthen public trust in the judiciary. This involves a systematic approach, which includes legislative initiatives, technological innovations, educational programs, and public engagement.

The digital transformation of judicial proceedings involves the comprehensive implementation of innovative technologies in all areas of court activities, from electronic document management to the use of artificial intelligence

for analyzing judicial practice. This allows for optimizing court processes, increasing their efficiency and responsiveness, providing convenient and quick public access to justice, as well as reducing the workload on judges and court staff.

We have previously investigated certain aspects of justice digitalization (Bryntsev, 2016).

Methods. The structure of the article aims to solve analytical, theoretical, and prognostic tasks, requiring the use of specific research methods and scientific materials. The author studied disadvantages in implementing the state justice digitalization policy using the problem-search method. The analysis of the legal framework for justice digitalization was carried out using struc-

tural-functional and systemic methods. When examining specific issues of the UJITS functioning, the abstraction method was used, allowing the identification of important aspects requiring solution. The scientific generalization method was used to substantiate the conclusions.

The article aims to investigate Ukraine's state policy in the field of justice digitalization and substantiate the ways for its further development.

Ensuring systematic and logical presentation of the material determined the division of the article into the following sections: introduction, basic principles, implementation of the Unified Judicial Information and Telecommunication System, implementation challenges, development prospects, and conclusions.

Basic Principles

The development of state policy for the digital transformation in the justice administration should be based on clear strategic goals and objectives defined at the highest state level. Among these, it is worth noting amendments to the Law of Ukraine "On the Judiciary and the Status of Judges." The amendments concern additional informing of court parties through the Unified State Web Portal of Electronic Services and the "Diia" mobile application (Pro vnesennia zmin do Zakonu Ukrainy "Pro sudoustrii i status suddiv", 2022).

One of the key directions of the state policy's digital transformation should be the attraction of citizens to more intensive use of the electronic justice system. This activity involves ensuring the ability to file claims, complaints, petitions, and other procedural documents electronically, conducting court hearings via videoconferencing, maintaining electronic case files, and electronic document management. Currently, the Ministry of Digital Transformation is working on updating the concept of an electronic court, which will allow citizens to have even more digital functions. At present, around 50,000 court employees and more than 6.7 million citizens, notaries, lawyers, investigative bodies, and business representatives use electronic court services. The number of court decisions reviewed in the period 2021–2023 amounted to 16,904,405 (Tsyfrovizatsiia sudovoi sfery).

Special attention requires creating and developing the information and communication infrastructure of the judicial system. State policy should provide for the elaboration of a unified judicial information and telecommunication system that would ensure uninterrupted data exchange between courts, public authorities, and other participants in the judicial process. This requires the implementation of modern secure electronic document manage-

ment systems, the development of data processing centers, the introduction of cloud technologies, etc.

An important sphere of state policy is ensuring information security and cybersecurity in the judicial system. State policy should provide for the development and implementation of effective mechanisms to protect the information resources of courts from unauthorized access, cyber-attacks, viral threats, and other cyber incidents. This requires the creation of specialized cybersecurity units, the introduction of modern intrusion detection and prevention systems, means of cryptographic information protection, and the development of cybercrimes response plans.

The development of state policy on the use of artificial intelligence and big data analytics in legal proceedings also requires attention. These technologies can significantly increase the efficiency of judges and court staff by helping them quickly find and analyze relevant case law, identify potential risks and trends, and make predictions. Currently, an element of such a policy is the Concept for the Development of Artificial Intelligence in Ukraine. The document has a separate subsection dedicated to the administration of justice (Kontsepsiia rozvytku shtuchnoho intelektu v Ukraini, 2020).

An important aspect is also the creation of a unified information space for legal proceedings by integrating the information systems of courts, registers, cadastres, and other state information resources. This will ensure the prompt exchange of data between various authorities, contribute to the effective and immediate consideration of court cases, and increase the level of information openness in courts.

2. Implementation of the Unified Judicial Information and Telecommunication System

One of the main steps in justice digitalization was the adoption by the High Council of Justice of the "Regulation on the Procedure for the Functioning of Separate Subsystems (Modules) of the Unified Judicial Information and Telecommunication System" (Zurian, 2020) (the Regulation). The system was created with the aim of: "forming a single information space for bodies and institutions of the justice system; inter-agency circulation of information, its exchange; ensuring maximum transparency and accessibility of the justice system for society; accelerating the consideration of court cases and proceedings; automation of work; transition to digital versions of documents in court proceedings; digitization of court archives; providing users of the UJITS with quick access to information, taking into account access rights; ensuring confidentiality, integrity, and avail-

ability of information in the UJITS; uniform application by courts of substantive and procedural law, practices of organizing judicial proceedings" (Teremetskyi, Duliba, 2023, p. 133).

The regulation defines 20 main functions. Implementation of those functions will contribute to the digitalization of the justice system. The overall UJITS system implies the existence of three modules: the "Electronic Cabinet" subsystem, the "Electronic Court" subsystem, and the videoconferencing subsystem. The concept of UJITS is defined as "a set of information and telecommunication subsystems (modules) that ensure the automation of processes of activity of courts, bodies and institutions in the justice system defined by legislation and this Regulation, including document flow, automated distribution of cases, exchange of documents between the court and participants in the court process, recording of the court process and participation of participants in the court session via videoconference, compilation of operational and analytical reports, provision of information assistance to judges, as well as automation of processes that ensure financial, material, organizational, staff, information and telecommunication and other needs of UJITS users" (Zurian, 2020).

The full construction of the UJITS modules is defined in the Concept of the Program for Informatization of Local and Appeals Courts and the Project for the Construction of the Unified Judicial Information and Telecommunication System for 2022-2024, which outlines a list of 17 functionalities: subsystems ("Electronic Cabinet", "Electronic Court", electronic document flow, personnel management and financial and economic activities, "Judge's Dossier", automated case distribution, "Judicial Power Contact Center", "Electronic Archive", "Case Law", analytics, statistics, planning, reporting, "Open Data Sets"), modules (recording sessions with technical means, providing video broadcasts and videoconferencing, automated interaction with other automated systems, "Information Security and Access Management") and other functionalities (web portal Judicial Power of Ukraine, Unified State Register of Judgments (USRJ), Unified State Register of Enforcement Documents (USRED), etc. (Kontseptsiiia prohramy informatyzatsii mistsevykh ta apeliatsiinykh sudiv, 2022)). At the same time, the author agrees with researchers who extend the phenomenon of electronic courts beyond the UJITS. Digital court ensures the use of various technologies for the administration of justice, which is broader than the perception of a separate UJITS module (Rusanova, 2021, p. 241). Thus, this tool is an integrated communication system that creates a new information space in the administration of justice and expands the possibilities for protecting human and civil rights and freedoms.

The full implementation of UJITS requires more systematic legislative regulation, taking into account the specifics of remote and electronic justice, especially in conditions of martial or emergency law (Oliinychuk, Oliinychuk, Kolesnikov, 2021). At the same time, an important criterion for the effective functioning of remote justice is maintaining a balance between ensuring the right to access to justice and guaranteeing the safety of participants in the legal process.

3. Implementation Challenges

Despite certain measures to update technical means and develop the Unified Judicial Information and Telecommunication System (UJITS) in previous years, the level of provision of informational means in courts and institutions of the justice system remains insufficient. The Concept of the Program for Informatization of Local and Appeals Courts and the Project for the Construction of the Unified Judicial Information and Telecommunication System states that this indicator was about 82% of the normative need. In particular, only 82% of judges are provided with personal computers, and 67% of courtrooms are equipped for audio/video recording and video conferencing tools.

A significant part of the existing equipment (over 42%) has been in use for 6 or more years, which creates risks of failure due to aging and the inability to repair (Kontseptsiiia prohramy informatyzatsii mistsevykh ta apeliatsiinykh sudiv, 2022). Network equipment is mostly represented by low-speed devices without proper information security. The software is also morally outdated and does not allow for full automation of court activities.

Another problem is that interaction with state registers takes place through separate modules instead of a single node. The existing systems do not meet the requirements for technical information protection.

An important issue that does not allow for a proper level of informatization and implementation of UJITS is insufficient funding for both capital and operating expenditures.

O. Bryntsev notes that one of the most important problems in e-justice today is the mismatch between information technologies and procedural rules. This hinders the domestic judicial system from transitioning to a qualitatively new information technology level (Bryntsev, 2016).

From a systematic approach, the author notes that the judicial system was institutionally unprepared for the implementation of the initially planned 13 UJITS subsystems.

The issues of digital literacy among judges, court staff, and other participants in the judicial process deserve special attention. State policy should provide for the development and implementation of training and retraining programs in digital technologies application, as well as measures to promote and explain the advantages of the digital transformation of justice.

4. Development Prospects

At the same time, we agree with the position of S. Kravtsov, S. Pravnyk and L. Moshura that solving the issues of technical support and literacy of judges and court staff will not determine a potential breakthrough in the use of the e-justice system. To reach the breakthrough, it is necessary to implement state programs to improve the digital literacy of the population, including the use of the latest judicial services (Kravtsov, Pravnyk, Moshura, 2021, p. 227). Today, some projects for using digital services are being implemented in the administration of justice, but they are not popular among the general population.

The key result of the digitalization of justice is the minimization of paper-based document flow. Currently, documents received through the electronic cabinet require mandatory printing and storage in paper form, which negates the key advantage of electronic justice – the protection of human and civil rights and freedoms in digital format. The further development of electronic justice aims to eliminate the need for paper form of documentation and the administration of electronic justice exclusively in digital format. Such result necessitates the development of additional information protection tools and amendments to the normative documents regulating the implementation of electronic justice.

Another prospect of digital technologies in the justice administration is the potential use of artificial intelligence. While AI use as a independent judge is not timely and can't be a subject of discussion in the near future, it can be used as an auxiliary tool in the practice of Ukrainian judicial proceedings in the near future (at least in a test mode). One of such application is the implementation AI to solve partially the court secretary's functions, including: court summons and notices; checking the presence and absence of persons; technical recording of court hearings; keeping a record of court proceedings; sending copies of court decisions; issuing writs of execution; arranging case files; preparing information on cases scheduled for consideration; and compliance with internal labor regulations [Zurian, 2020, pp. 176-177].

5. Conclusions

The current development stage of the judicial system requires the integration of cutting-edge information technologies to enhance the efficiency, transparency, and accessibility of justice for citizens. The digital transformation of justice has the potential to radically change the traditional model of providing legal services. This will ensure a symbiosis of advanced technological capabilities and legal instruments for protecting the rights and freedoms of individuals and citizens. The implementation of such a policy will improve the efficiency, responsiveness, and transparency of the judicial system, ensure equal public access to justice, and strengthen public trust in the judiciary.

The implementation of the Unified Judicial Information and Telecommunication System and ensuring cybersecurity are critically important steps towards creating a unified information space for judicial proceedings. These achievements will facilitate prompt data exchange and increase public trust in the judiciary. It is also necessary to enhance the digital literacy of judges and judicial staff, which is crucial for the successful implementation of digital reforms in justice system.

References:

Tsyfrovizatsiia sudovoi sfery: pratsiuemo nad onovlenoiu kontseptsiuu e-Sudu [Digitalisation of the judiciary: we are working on an updated e-Court concept]. URL: <https://www.kmu.gov.ua/news/tsyfrovizatsiia-sudovoi-sfery-pratsiuemo-nad-onovlenoiu-kontseptsiuu-e-sud> [in Ukrainian].

Cabinet of Ministers of Ukraine (2020). *Kontseptsiia rozvytku shtuchnoho intelektu v Ukraini: Rozporiadzhennia Kabinetu ministriv Ukrainy vid 02.12.2020 № 1556- p* [Concept of artificial intelligence development in Ukraine: Resolution of the Cabinet of Ministers of Ukraine 02.12.2020 № 1556- p]. URL: <https://zakon.rada.gov.ua/laws/show/1556-2020-%D1%80#Text> [in Ukrainian].

Verkhovna Rada of Ukraine (2022). *Pro vnesennia zmin do Zakonu Ukrainy "Pro sudoustrii i status suddiv" shchodo dodatkovykh sposobiv informuvannia pro sudovi spravy ta provedennia zboriv suddiv v umovakh voiennoho chy nadzvychainoho stanu: Zakon Ukrainy vid 27.07.2022 № 2461-IX* [On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' regarding additional ways of informing about court cases and holding meetings of judges in martial law or state of emergency: Law of Ukraine 27.07.2022 № 2461-IX]. URL: <https://zakon.rada.gov.ua/laws/show/2461-20#Text> [in Ukrainian].

Teremetskyi, V.I., Duliba, Ye.V. (2023). *Osoblyvosti vprovadzhennia ta funktsionuvannia Yedynoi sudovoi informatsiino-telekomunikatsiinoi systemy yak instrumenta elektronnoho pravosuddia* [Peculiarities of Implementation and Functioning of the Unified Judicial Information and Telecommunication System as an e-Justice Tool]. *Forum prava*. № 2 (75). P. 130–143. DOI: <http://doi.org/10.5281/zenodo.10007341> [in Ukrainian].

State Judicial Administration of Ukraine (2022). *Kontseptsiia prohramy informatyzatsii mistsevykh ta apeliatsiinykh sudiv i proektu pobudovy Yedynoi sudovoi informatsiino-telekomunikatsiinoi systemy (IeSITS) na 2022-2024 roky: Nakaz Derzhavnoi sudovoi administratsii Ukrainy vid 14.06.2022 № 178* [Concept of the Program for Informatization of Local and Appeals Courts and the Project for the Construction of the Unified Judicial Information and Telecommunication System (UJITS) for 2022-2024: Order of the State Judicial Administration of Ukraine of 14.06.2022 No. 178]. URL: <https://zakon.rada.gov.ua/rada/show/v0178750-22#Text> [in Ukrainian].

Rusanova, I. (2021). *Suchasni problemy zaprovadzhennia elektronnoho sudochynstva v*

Україні [Current problems of introducing e-justice in Ukraine]. *Publichne pravo*. 2021. № 3 (43). P. 41-49. DOI: <https://doi.org/10.32782/2306-9082/2021-43-4> [in Ukrainian].

Sheherbak, S.V., Kozhevnikova, A.V. (2023). Elektronizatsiia sudochynstva: suchasnyi stan ta oriientyry rozvytku elektronnoho sudu v Ukraini u svitli tsyvilnoho protsesu [Electronic Court Proceedings: Current Status and Guidelines for the Development of Electronic Court in Ukraine in the Light of Civil Procedure]. *Yurydychnyi naukovi elektronnyi zhurnal*. 2023. № 4. P. 238-242. DOI: <https://doi.org/10.32782/2524-0374/2023-4/57> [in Ukrainian].

Kravtsov, S.O., Pravnyk, S.O., Moshura, L.V. (2021). Elektronne sudochynstvo yak suchasnyi trend [E-justice as a modern trend]. *Yurydychnyi naukovi elektronnyi zhurnal*. 2021. № 4. P. 224-228. DOI: <https://doi.org/10.32782/2524-0374/2021-4/53> [in Ukrainian].

Zurian, V.O. (2020). Nahalni problemy ta perspektyvy rozvytku elektronnoho sudochynstva v Ukraini [Urgent problems and prospects for the development of electronic justice in Ukraine]. *Visnyk penetetsiarnoi asotsiatsii Ukrainy*. 2020. №4 (14). P. 173-181. DOI: <https://doi.org/10.34015/2523-4552.2020.4.16> [in Ukrainian].

Андрій Колесніков,

кандидат економічних наук, доцент, доцент кафедри безпеки та правоохоронної діяльності, Західноукраїнський національний університет, вулиця Львівська, 11, Тернопіль, Україна, індекс 46009, Kole.ua@gmail.com

ORCID: orcid.org/0000-0003-3064-4133

ДЕРЖАВНА ПОЛІТИКА УКРАЇНИ У СФЕРІ ЦИФРОВІЗАЦІЇ ПРАВОСУДДЯ

Анотація. Мета. Дослідження державної політики України у сфері цифровізації правосуддя та обґрунтування шляхів її подальшого розвитку. **Методи дослідження.** Побудова структури статті передбачає вирішення аналітичних, теоретичних, та прогностичних завдань, що зумовлює необхідність використання окремих методів наукового дослідження та наукових матеріалів. Дослідження недоліків реалізації державної політики цифровізації правосуддя здійснено з використанням проблемно-пошукового методу. Аналіз нормативно-правової бази цифровізації правосуддя здійснено за допомогою структурно-функціонального та системного методів. При дослідженні окремих проблем функціонування ЄСІТС використано метод абстрагування, що дозволило виокремити важливі аспекти, що потребують вирішення. При обґрунтуванні висновків використано метод наукового узагальнення. **Результати.** У статті розглядається актуальність інтеграції новітніх інформаційних технологій у судову систему України для підвищення її ефективності, прозорості та доступності для громадян. Описуються ключові аспекти цифрової трансформації правосуддя, включаючи впровадження Єдиної судової інформаційно-телекомунікаційної системи та забезпечення кібербезпеки. Наголошується на необхідності підвищення цифрової грамотності суддів та працівників судової системи для успішного впровадження цифрових реформ. Зазначено, що такі заходи сприятимуть ефективному обміну даними між різними органами влади, підвищенню рівня довіри суспільства до судової гілки влади та забезпечать рівний доступ громадян до правосуддя. **Висновки.** Сучасний розвиток судової системи вимагає впровадження новітніх інформаційних технологій для підвищення ефективності, прозорості та доступності правосуддя для громадян. Цифрова трансформація правосуддя має потенціал кардинально змінити традиційну модель надання правових послуг, забезпечуючи синергію між новітніми технологічними можливостями та правовими інструментами захисту прав і свобод людини. Впровадження Єдиної судової інформаційно-телекомунікаційної системи та забезпечення кібербезпеки є критично важливими для створення єдиного інформаційного простору судочинства, що сприятиме оперативному обміну даними та підвищенню довіри до судової влади. Важливо також зосередитися на підвищенні цифрової грамотності суддів та працівників судової системи, що є необхідним для успішної реалізації цифрових реформ у сфері правосуддя.

Ключові слова: правосуддя, суд, цифровізація, ЄСІТС, електронний суд, цифрова грамотність.

The article was submitted 17.10.2023

The article was revised 08.11.2023

The article was accepted 28.11.2023