

FEATURES OF THE INTRODUCTION OF INFORMATION AND COMMUNICATION TECHNOLOGIES IN ADMINISTRATIVE PROCEEDINGS OF UKRAINE

Vitalii GORDIEIEV*, Aurika PASKAR**

Abstract

The main purpose of study is a general description of the features of the ICT usage in administrative proceedings and the impact of this process on the efficiency of judicial activity. The work relies on a comparative study of international and national legislation on the possibility and methods of the implementation of ICT in the judiciary. Both theoretical and practical aspects of the process of implementation of ICT in the administration of justice in administrative matters have been investigated. The authors have found that the use of ICT in the judiciary has become an important and necessary element of effective functioning of the judiciary as a whole. The potential risks of the use of ICT in administrative proceedings have been outlined: restriction of access to justice for vulnerable groups, observance of confidentiality of digital information, restriction of procedural rights of participants in the judiciary, imperfection of legislative regulation, etc.

Keywords: information and communication technologies, digitalization, administrative proceedings, public administration, accessibility of justice, efficiency of justice, e-justice

Introduction

During the pandemic, people became convinced of the advantages and possibilities of using information and telecommunication technologies. Their development and increasing scope are identified as a priority in almost all countries of the world. Modern comprehensive digitalization leads to the intensification and expansion of the process of using information and communication technologies (ICT) in all spheres of socio-political life of the state, including administrative proceedings. These considerations indicate the relevance of the research topic. That is why the issue of

*Vitalii GORDIEIEV is Associate Professor at Yuriy Fedkovych Chernivtsi National University, Ukraine; e-mail: v.gordieiev@chnu.edu.ua

**Aurika PASKAR is Associate Professor at Yuriy Fedkovych Chernivtsi National University, Ukraine; e-mail: a.pascar@chnu.edu.ua

theoretical justification of the need, opportunities and methods of implementation and application of ICT in the judiciary is the subject of many scientific studies. The use of information technology is explored in the light of reducing delay, improving access to justice and reducing corruption (Reiling, 2009). The attention of scientists to this topic is due to its novelty, constant updating and improvement of knowledge in the field of ICT and expanding opportunities for their use. The main purpose of this study is a general description of the features of the ICT usage in administrative proceedings, to study the impact of this process on the efficiency of judicial activity and to outline the prospects for improving administrative proceedings.

1. The ICT usage – a requirement of *nowadays*

Digital transformation, as a guarantee of stability and sustainable economic growth, has been identified as a priority area of political association and economic integration of Ukraine with the European Union (Joint Statement following the 22nd EU-Ukraine Summit)²⁵. In this context, an important role is given to the discussion of Appendix XVII-3 to the Association Agreement in terms of rules applicable to telecommunications services. Their implementation will lead to the introduction at the state level of the latest European standards in the field of electronic communications with the further integration of our country into the EU Digital Single Market.

The ICT usage in all spheres of life became especially relevant for Ukraine after the statement made by President Volodymyr Zelensky during the Diia Summit. He announced the beginning of the “paperless” regime in Ukraine - the rejection of paper documents in government agencies²⁶.

The need and practical expediency of the introduction of modern technologies in judiciary is justified by the Consultative Council of European Judges (CCJE) in the report “Justice and Information Technology” (CCJE, 2011). This conclusions at the European level regulates the modern ICT usage in the consideration and resolving of court cases. The main attention is paid to the possibilities and expediency of the ICT usage in judicial proceedings by the participating states.

Interest in the introduction and the expansion of the ICT usage in the judiciary is also reflected in the activities of the European Parliament, which on 18 December 2008 adopted a special resolution on the implementation and functioning of e-Justice (European Parliament, 2008). The document states, among other things, that the Commission is asked to give the necessary attention to developing e-learning tools for the judiciary in the context of e-Justice. Aware of the urgent need to adapt the

²⁵ Joint statement following the 22nd EU-Ukraine Summit, 6 October 2020 (retrieved from <https://www.consilium.europa.eu/en/press/press-releases/2020/10/06/joint-statement-following-the-22nd-eu-ukraine-summit-6-octobre-2020/>).

²⁶ Zelensky: Ukraine will start moving towards «paperless» workflow regime from 2021 (retrieved from <https://en.interfax.com.ua/news/general/692972.html>).

judiciary to current conditions and the prospects for the digitalisation of judicial processes, a resolution was also adopted on an action plan for the implementation of e-Justice (European Parliament, 2013). The European Parliament calls for the wider use of electronic applications, the electronic submission of documents, the use of video-conferencing and the interconnection of judicial and administrative registers to be increased in order to further reduce the cost of judicial and quasi-judicial proceedings.

Despite the fact that the European strategy on the implementation of e-Justice has a recommendatory nature, governments are actively taking steps to implement these standards into domestic law and develop ways to use e-justice and ICT in the judiciary.

2. Basis of the ICT usage in the judicial system of Ukraine

The introduction of ICT in the activities of the judiciary is a consequence and an integral part of the active European integration process of Ukraine. This is not a tribute to modern trends, but a way to achieve transparency in the courts, to ensure access to justice and to fight against corruption in the judiciary system.

The basic principles of the using of information systems and digital justice (cyber justice) are enshrined in the opinions and conclusions of the Consultative Council of European Judges, resolutions of the Parliamentary Assembly of the Council of Europe, documents of the Committee of Ministers, European Commission and others relevant documents. They laid the foundations for the formation and development of European policy in this area.

Based on the analysis of the practice of European countries in the field of introduction of the ICT in the judiciary, the European Commission for the Efficiency of Justice (CEPEJ) has adopted the Guiding Principles of Cyber Justice. In essence, these are basic principles, addressed to the national legislator. They are aimed at providing the effective use of the ICT to improve the functioning of national judicial systems. It is emphasized that modernisation of the justice system should begin with setting clear goals (improving the quality of justice), and technology should be seen as a means rather than an end (Guidelines, CEPEJ, 2016). Moreover, the implementation of cyber justice and its tools should be court-driven, not technology-driven. Technology developers should seek to better understand justice and work with judges and court staff. ICT should promote judicial values (impartiality, independence, legal certainty, accessibility), do not violate guarantees and procedural rights, such as the right to a fair trial (Toolkit, CEPEJ, 2019).

2.1. Unified Judiciary Information Telecommunication System.

Ukraine is currently at the phase of active implementation of innovative ICT in the administration of justice in general, and administrative proceedings in particular. According to the Decree of the President of Ukraine “On the Concept of Improving the Judiciary for the Establishment of a Fair Court in Ukraine in Accordance with European Standards” (Decree of the President of Ukraine, 2006). The State Judicial Administration has developed and approved the Concept of creating a Unified Judiciary Information Telecommunication System (UJITS)²⁷. The main purpose of its creation and operation is information and technological support of the judiciary on the principles of balancing between the need of citizens, society and the state in the free exchange of information and the necessary restrictions on its dissemination. The introduction of UJITS is designed to ensure the transition of Ukraine to the electronic justice system and the gradual replacement of the traditional (paper) justice system, which will meet European norms and standards and lead the state to a new level of administration of justice (Bernaziuk, 2019, p. 329).

The UJITS is a set of legal, organizational and administrative measures, software, hardware and telecommunications that provide collection, processing, accumulation, analysis and storage of information, the interaction of individual subsystems unified and interconnected through relevant standards and protocols, software interfaces, data standards, document, network standards, archiving and related infrastructure management processes (Concept of the sectoral program of informatization of courts of general jurisdiction).

In continuation of the chosen direction on the introduction of ICT in the judiciary, the Program of informatization of courts and the project of building the Unified Judiciary Information and Telecommunication System (UJITS) for 2022-2024 were also adopted (SJAU, 2021). The implementation of this Program will help improve the organizational support and increase the level of informatization of courts, bodies and institutions of the justice system, create preconditions for the functioning and further development of the UJITS, legal entities, as well as optimization of budget expenditures. The main purpose of these innovations is to improve access to justice. This can be achieved through creating conditions for intensifying the introduction of ICT in the courts, bodies and institutions of the justice system, ensuring automation of their work, development of e-justice etc. Implementation of these changes should taking into account international standards in the field of information technology.

²⁷ SJAU, STATE JUDICIAL ADMINISTRATION OF UKRAINE, CONCEPT of the Program of informatization of local and appellate courts and the project of building the Unified Judiciary Information and Telecommunication System (ESITS) for 2022-2024, Ukraine (retrieved from <https://zakon.rada.gov.ua/rada/show/n0001750-22#Text>).

To implement these innovations, a special law was adopted. Amendments have been made to the Civil Procedure Code of Ukraine, Commercial Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine²⁸ and other legislative acts. The law provide a wide range of possibilities for justice with the use of ICT (electronic court, e-court), the performance of all procedural actions through electronic means of communication with appropriate identification and security mechanisms. The participants in the case are provided with the opportunity to participate in the court session by videoconference, without leaving their housing or workplace, and for witnesses, experts - in the premises of another court. Case materials will usually be stored electronically, which will facilitate access to them, eliminate time, financial and organizational costs associated with transferring case materials from one court to another, simplify the analysis and generalization of case law, and so on. At the same time, it should be noted that the right of the parties to the case to apply to the court in paper form will remain with them even after the introduction of the Eelectronic court.

To perform these tasks, the rules of domestic procedural law provide he possibility of exchanging procedural documents between participants in the proceedings in paperless, electronic form (electronic documents, e-documents). In particular, the Code of Administrative Procedure of Ukraine states that the UJITS operates in the courts. Claims and other statements, complaints and other statutory procedural documents submitted to the court and which may be the subject of court proceedings, in the order of their receipt are subject to mandatory registration in UJITS on the day of receipt of documents (Code of Administrative Procedure of Ukraine).

The practical expediency of the implementation and use of the UJITS provides the exchange of procedural documents in electronic form between courts, between the court and the parties to the proceedings, as well as recording the trial and participation of litigants in court by videoconference. The ability to send and receive information in electronic form involves the operation of such concepts as an electronic document. However, the legislator states that an electronic document should be understood as a document in which information is recorded in the form of electronic data, including mandatory details of the document (Law of Ukraine about electronic documents and electronic document management).

In order to put into practice the process of implementing the UJITS in the activities of the judiciary, the order of the State Judicial Administration of Ukraine (SJA of Ukraine) approved the Concept of the UJITS. The special audit, which included an audit of information infrastructure, application software systems and software and hardware used in courts and other judicial bodies, showed that the

²⁸ Code of Administrative Procedure of Ukraine (retrieved from <https://www.global-regulation.com/translation/ukraine/570127/the-code-of-administrative-procedure-of-ukraine.html>).

national judicial system was not yet ready for the implementation and use of the UJITS. A special order of the SJA of Ukraine postponed the start date of this system. Was developed and approved a new action plan to ensure the establishment and implementation of the UJITS. It should be noted that the postponement of the process of implementation of the UJITS is primarily due to the lack of budget allocations. Therefore, these measures for the development of the implementation measures and the necessary software of the UJITS are set taking into account the availability of the necessary sources of funding. At the moment, active steps are being taken to develop an action plan aimed at ensuring the establishment and functioning of the UJITS. It is expected that the creation, testing and implementation of this system will be completed in 2023.

2.2. Project “Electronic Court”

The project “Electronic Court” is being implemented as part of the creation and improvement of UJITS. Thus, the order of the SJA of Ukraine of January 27, 2012 “On the establishment of an interagency working group to develop a pilot project “Electronic Court””, formed this group. Task groups are to analyze the functional and technological capabilities of information infrastructure of courts of general jurisdiction.

According to the goal of the E-Court project, its main tasks are to improve the working conditions of court staff, as well as to ensure fast and, most importantly, convenient access of citizens to justice. The priority tasks of the project are to ensure open access of participants in the process to information by creating modern Internet resources and installing information kiosks in court, a gradual transition to electronic exchange of procedural documents between the court and participants using electronic digital signature, electronic exchange of information with databases of other state bodies and institutions, to ensure full computerization of court proceedings, the formation of a single electronic archive of court documents etc.

The concept of the sectoral program of informatization of courts of general jurisdiction and other institutions of the judiciary states that one of the main points of this program is to reduce court time and increase access to justice through integrated use of new ICT (video conferencing, Internet technology, electronic record keeping, technology of processing and storage of electronic data) (Concept of the sectoral program of informatization of courts of general jurisdiction).

According to the order of the SJA of Ukraine of May 31, 2013 “On the implementation of the project on the exchange of electronic documents between the court and participants in the trial” as amended by the order of the State Judicial Administration of Ukraine of June 14, 2013 courts of general jurisdiction should have a procedure for the exchange of electronic documents between the court and the participants in the trial in terms of sending the court to such participants procedural documents in electronic form, in parallel with their paper counterpart. In

general, the E-Court project has received positive reviews from legal practitioners. Based on the order of the SJA of Ukraine in all local and appellate general courts a project was introduced to send courts to participants in court proceedings (criminal proceedings) the texts of court summons in the form of SMS messages (Order of the SJA of Ukraine, 2013). The introduction of these innovations in the activities of the judiciary is especially relevant in the context of mass informatization not only of Ukrainian society but also of the world community. However, the practical implementation of the E-Court project, being at the initial stage, encounters the problem of insufficient legal regulation of its implementation in sectoral processes. The current procedural legislation does not contain a sufficient number of norms that would ensure the full implementation of this project.

From the very beginning, the e-Court project was designed to test the possibility of widespread use of ICT in litigation and the exchange of electronic documents between courts and litigants. The order of the SJA of Ukraine provided for the introduction of a test mode of operation of the e-Court. For this purpose, a network of pilot local and appellate courts was identified where a test use of these innovations was launched. Participants in the process were given the opportunity to submit procedural documents in electronic form using the Electronic Court service. To do this, they must pre-register the official e-mail address on the portal <https://cabinet.court.gov.ua>. Identification and verification of registered data is required by the user's use of his / her electronic signature. The obvious advantage of using the E-Court service and submitting procedural documents in electronic format is to increase the person's awareness of the progress of his / her appeals. The person has the opportunity to monitor the movement and status of the consideration of his application (document) by the court, as all information about this is automatically sent to the User's Electronic Cabinet. The calendar of events in this court case is also displayed here.

Analysis of legal acts dedicated to the regulation of the implementation process of the project „Electronic Court” allows us to conclude that its implementation was planned in two stages: 1) sending procedural court documents to litigants by electronic means and sending court summons in the form of SMS messages; 2) making appropriate changes in procedural legislation; material and technical support of the project, full-fledged exchange of electronic documents between the court and the participants in the process; the ability to send electronic requests for information and receive electronic responses to them; use of electronic payments to pay court costs; online acquaintance with the case materials and electronic record of the court hearing, etc.

It is envisaged that the use of the E-court service will provide litigants with access to information on all incoming documents in a case, including electronic documents, information on documents received by the court from other participants in this case, automated distribution protocol, web links to procedural documents in the case that have been created by the court, etc. The introduction of the E-Court is

certainly a positive step towards the improvement of the functioning of the judiciary as a whole.

Unfortunately, the practice of test use of the E-Court service indicates the presence of shortcomings and imperfections in the software. Often there are failures in the service operation, registered users experience problems with access to the application, delays in downloading the necessary documents, temporary, periodic restrictions on access to information of the E-cabinet, etc. Although the abovementioned negative aspects cause inconvenience to users of the service, they are predictable and acceptable in the mode of its test use and should be considered in terms of the need to identify, refine and improve the software.

In the administrative proceedings of Ukraine, the introduction of these innovations is also due to the process of active implementation of the rules and standards of European justice to ensure the right to a fair trial. It is a guarantee of improving access to justice, facilitating the process of interaction and communication between participants in the trial and obtaining information on the progress of the case in court. Given this, the use of ICT in the judiciary is part of the effective functioning of the administrative court system as a whole. The planned abandonment of the paper version of documentation is welcomed not only for reasons of optimization and simplification of the process of document exchange, preservation and record keeping, but also in view of environmental safety issues.

Speaking about the digitalization of judicial procedure and the active introduction and use of ICT in the activities of the judiciary, it should be noted that this is the key to optimizing the judiciary and improving the efficiency of justice in general. They are a means of improving the judicial process, facilitating access to justice and strengthening the guarantees provided by the European Convention on Human Rights: fair trial, access to justice, impartiality and independence of judges, reasonable length of proceedings, transparency and openness of the trial, etc.

Despite all the positive aspects, the process of automation of judicial procedure also contains potential risks, especially in terms of the threat of fundamental human rights violation. The implementation of this process should not be reduced to the development of purely technical aspects without taking into account the key function of justice - the protection of individual rights. The main guideline should be to ensure and optimize the possibility of unhindered access to fast, efficient and affordable dispute resolution. Developers of electronic document management algorithms and programs should minimize possible risks to the proper administration of justice in general and any restrictions on the procedural rights of litigants. Identifying, discussing and preventing such potential risks is a guarantee of proper protection of the parties rights, improving the administration of justice and raising awareness of the parties in a case.

When moving to electronic document management between litigants, it should be borne in mind that not all people have the opportunity to use ICT. The use of such innovations should not reduce procedural guarantees for those who do not

have access to new technologies. This problem is especially urgent for vulnerable groups of population. In view of this, traditional means of access to information and documents should not be ruled out, and the state is obliged to ensure that parties who do not have access to such means receive specific assistance in this area.

2.3. Digitization of the process of exchanging information between the court and litigants

The procedure for sending procedural documents by e-mail to the participants of the trial provides for the possibility of each of them to receive procedural documents in an electronic form in parallel with the documents in a paper form. To receive procedural documents in an electronic form, it is necessary to register the e-court mailbox on the official web portal of the judiciary of Ukraine at mail.gov.ua. Registration is done by filling out the appropriate registration form, which indicates the following information: 1) name for legal entities or surname, name, patronymic for individuals and individual entrepreneurs; 2) for legal entities the identification code of the legal entity, for individuals and individual entrepreneurs - the identification number of the taxpayer (in the absence of identification number - series and passport number of the citizen); 3) address of location or place of residence; 4) personal e-mail address, telephone (fax) numbers; 5) information about the person who entered the data (name, position, telephone number); 6) date and time of filling, which are affixed automatically; 7) consent of the subject of personal data to the processing of personal data (for individuals) (Rules of Users Registration).

Administrative procedural legislation provides for the possibility of summoning (notifying) participants in the process by sending the text of the agenda by e-mail, facsimile (fax, telefax) (Code of Administrative Procedure of Ukraine, art 129). Thus, at the written request of a party to the trial who does not have an official e-mail address, the text of the summons is sent to him by e-mail, facsimile, text message using mobile communication to the appropriate e-mail address, to the fax or telefax specified in the relevant written statement. The party to the trial must immediately confirm to the court by e-mail (fax, telephone) that the text of the summons has been received. The text of such confirmation is printed out, and the telephone confirmation is recorded by the relevant employee of the court staff, is added to the case by the secretary of the court session and is considered a proper notification of the party about the date, time and place of the trial. In this case, the summons is considered handed to the participant in the trial from the moment the court receives confirmation of receipt of the text of the summons. If within the day following the day of sending the text of the summons, no confirmation is received from the participant of the trial, the clerk of the court shall draw up a certificate attached to the case and confirm the proper notice of the participant of the trial about the date, time and place of trial. In this case, the summons is considered handed from the moment the secretary of the court session draws up the relevant certificate.

According to the Code of Administrative Procedure of Ukraine, upon the written application of a participant in the trial, the text of the summons may be sent to person by the court in the form of an SMS message using mobile communication. SMS is a more effective way to inform about a court case, as it takes more time to send and receive a regular summons due to the schedule and mode of operation of the postal service. At the same time, a summons to the court can be sent by SMS to the court participant in the trial only after the submission to the court of the statement of intent to receive the summons in electronic form via SMS. Such an application can be downloaded from the website of the judiciary and filled out or written directly to the court. If, after writing such a statement, the mobile phone number has changed or there are a number of other circumstances that prevent or may prevent future receipt of the summons via SMS, the party must apply to the court as soon as possible to change the phone number or even the procedure summons in another way convenient to him. The court summons is attached to the electronic accounting and statistical card of the case as a document in the case, and then automatically delivered in the form of SMS-messages to a mobile phone number. The result of delivery of the SMS-message to the participant's mobile phone number (date and time of delivery or reason for non-delivery) is automatically placed in the relevant electronic register of the automated document management system. The responsible employee of the court prints out such a notice and attaches it to the case file.

The exchange of information between the court and the participants in the process in an electronic format significantly speeds up the process of acquainting persons with the procedural documents in a case. Electronic document management, in addition to ensuring the timely receipt of summonses and notices by participants in the process, also helps reduce court costs, including significant savings on postal correspondence.

It should be noted that the use of electronic means of communication is provided not only for courts of general jurisdiction, but also in the enforcement proceedings and the process of the European Court of Human Rights decisions implementation. In particular, in the process of cooperation between the State Enforcement Service of Ukraine and the Office of the Commissioner for Human Rights to collect the necessary documents and information during the consideration of applications with complaints against court decisions, they exchange inquiries and information sent by mail and electronic means (Order of interaction of the State Enforcement Service of Ukraine 2013). The efficiency of information exchange with the help of the latest technologies leads to the conclusion that one of the e-litigation project development directions is the possibility and expediency of its introduction in all spheres of judicial activity, including administrative litigation.

In the context of ensuring timely receipt of electronic information, the provisions of the “Rules of Users Registration and Work in the System of Electronic Documents Exchange between the Court and Litigants” - paragraph 14, are controversial, according to which the administrator is not responsible for person’s

refusal to receive correspondence, for technical failures of E-Court service or for failure in the provision of services by the E-Court, storage of correspondence, files or other data in the electronic service E-Court, delivery of mail, saving the address of the person, as well as for causing any damage to the person when providing or failing to provide services of the E-Court (Rules of Users Registration).

2.4. Videoconferencing as a part of e-justice

Another aspect of the introduction of ICT in administrative proceedings is the possibility of participating in the process by videoconference. A court session with use of video conferencing provides a mode of remote presence of the participants in the process and is a qualitatively different form of judicial proceedings, which will lead to a departure from the traditional, historical form (Yasynok, 2004, p. 196).

The parties to the case have the right to participate in the hearing by videoconference outside the court, provided that the court has the appropriate technical capability, which the court notes in the decision to open proceedings, except when the appearance of the party in court is required. For this the person shall submit an application for participation in the court hearing by videoconference outside the court premises not later than five days before the court hearing. A copy of the application shall be sent to the other parties to the case within the same time limit. The parties to the case participate in the court hearing by videoconference outside the courtroom using their own technical means and electronic signature in accordance with the Regulations of the UJITS (Code of Administrative Procedure of Ukraine, art. 195).

During the quarantine established by the Cabinet of Ministers of Ukraine to prevent the spread of coronavirus disease (COVID-19), the parties may participate in the hearing by videoconference outside the courtroom using their own technical means. Confirmation of the person involved in the case is carried out using an electronic signature, and if the person does not have such a signature, in the manner prescribed by the Law of Ukraine “On the Unified State Demographic Register and documents proving citizenship of Ukraine, identity or special status” or the State Judicial Administration Of Ukraine. It is important that, the risks of technical impossibility to participate in the videoconference outside the court premises, interruption of communication, etc. are borne by the party to the case, who submitted the relevant application. The court may decide on the participation of a party to the case in a court session by videoconference in the courtroom designated by the court. The technical means and technologies used by the court and the litigants must ensure the proper quality of the image and sound, as well as information security. Participants in the trial should be able to hear and see the progress of the trial, ask questions and receive answers, exercise other procedural rights and responsibilities. The videoconference in which the parties to the case take part shall be recorded by

the court hearing the case by means of technical means of video and audio recording. Video and audio recording of the videoconference is stored in the case file.

The latest innovation in this area is that now Ukrainians can attend the court hearing online and sign the necessary documents on their smartphones via the application Diia – the largest-scale digital project. Many Ukrainians were forced to leave during the war. Now everyone who has left Ukraine or are in the temporarily occupied territories can take part in the Electronic Court by use of “Diia.Pidpys (signature)”. “Diia.Pidpys» is a secure digital signature on smartphone. You can sign any PDF document. The signature requires a valid biometric passport or Ukrainian identity card in Diia.

The security of personal data and the confidentiality of information are no less important than the provision of adequate judicial protection, especially in our time, when cybercrime is very common, affecting not only ordinary citizens but also public authorities and commercial organizations. That is why we believe that it is extremely necessary to legally regulate information security issues, determine the range of persons who must ensure its confidentiality, preserve and transfer the addressee, as well as establish responsibility for violations in this area. As rightly noted, for the transformation of society into a modern information society is important not only the amount of information or the intensity of information circulation and information exchange, but also its quality indicators. The information society is unlikely to be able to emerge without the formation of methods and dissemination of the culture of information processing (Kolisnyk, 2012, p.18-19).

The use of ICT in the judiciary raises many questions about the integrity and security of the digital database resulting from the implementation of digital justice. Recognizing the risk and danger of cyber attacks, the Government of Ukraine has approved two resolutions that strengthen cybersecurity and cyber defense at the national level. Objects of critical information infrastructure are subject to special cyber protection at the state level. According to Mikhail Fedorov, Minister of Digital Transformation, these resolutions introduce a mechanism and criteria for assigning objects to this group, provide for the creation of the State Register of such critical infrastructure, ensuring its proper functioning of the State Special Service (The government is stepping up cybersecurity in the country).

Speaking about the directions and prospects of improving the legal regulation of electronic litigation, it is necessary to point out that the legal array that regulates information relations currently consists of a large number of regulations of different legal force. The current practice of “independent” creation of regulations leads to a large number of duplicate rules, which, unfortunately, sometimes contradict each other. And this is the reason for the redundancy of information legislation, its inconsistencies and inconsistencies. In the conditions of “anarchic” way of formation of information law, when normative - legal acts are created at the height of the day, intuitively, gaps in information legislation are formed, which is an essential brake for the development of civilized information relations in society (Baranov, 2012,

p.13). The solution to this problem is seen in the codification of information legislation and the creation of the special Code, which should include legal norms that are common to public relations in various segments of the information sphere and which in existing practice are repeated in one form or another in various special laws.

The problem of development and implementation of information technology is not only the lack of proper regulation. It has a deeper foundation and touches the foundations of human existence. Thus, O. Danilyan raised the issue of moral dilemmas of the information society. In this context, he notes that the impoverishment of spiritual life against the background of the huge growth of information talked about and written about in the media, says that the information society is not a problem-free and positive reality, as his apologists say, but reveals a new level moral hopelessness and contradictions, which were not known in previous eras (Danylian, 2012, p. 21-22). The solution of the outlined problems is impossible only through purely technical activities - the improvement of information legislation. There is a need for innovative approaches, both to legislative activity in this area, and to the scientific and theoretical understanding of these problematic aspects and the development of the most effective ways to solve them. In view of this, in the modern scientific literature there are trends in laying the foundations of the philosophy of information law. In particular, the research devoted to this problems defines the philosophy of information law as an intersectoral philosophical science that studies the information essence (information construction) of law as a complex social system, based together with traditional methods and techniques on the methodological tools of natural sciences (Dzoban, 2012, p. 29).

Discussions section

The experience of implementing the E-Court pilot project has revealed contradictory aspects that should not be underestimated and that need to be refined, improved or abandoned. Among them are: inconsistencies and imperfections of the legal regulation of the electronic justice system; distrust of the participants in the process to the electronic exchange of procedural documents and the continuation of their duplication in the paper version; lack of proper regulation of issues of ensuring the security of information contained in the system “Electronic Court” and liability for violations in this area.

The minimization of these negative consequences is possible by taking into account the software development of electronic document management in the judiciary, and not only the purely technical aspects. First of all, we should proceed from the priority tasks and functions of justice, as well as the need to ensure the priority of protection of individual rights. The possible ways of troubleshooting of electronic functioning of the court is the improvement of legal regulation of its use through the development of public policy in this area.

Conclusions

The introduction of innovative ICT in administrative justice is due to the natural development of modern technologies and their spread to all spheres of human activity. Their gradual introduction and comprehensive application is the key to improving access to administrative court and improving the quality of justice in this area.

The use of ICT in administrative proceedings helps to optimize such important aspects as ensuring the right to a trial, meeting procedural deadlines, reducing court costs, transparency and openness of court etc.

Over time and with due attention from the state, this innovation will prove its effectiveness. Solving existing and preventing future problems of electronic justice is possible by developing public policy in the field of legal regulation of this area of relations. This should be understood as improving legislation; technical and information support of courts; development of measures and systems to ensure information protection; legal regulation of liability of persons for violations in this area; taking measures to prevent cybercrime in this area; conducting training seminars among court staff and other users of the system; systematic monitoring of system efficiency and its constant modernization. One of the means to achieve this is the implementation of international and European standards and achievements in this field.

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