

GCPMED 2020
**Global Challenges and Prospects of the Modern Economic
Development**

**DIGITALIZATION OF JUSTICE AND STATE BODIES: CURRENT
STATUS AND DEVELOPMENT PROSPECTS**

S. V. Rastoropov (a)*, A. V. Azarkhin (b), V. K. Barchukov (c)
*Corresponding author

(a) University of the Prosecutor's Office of Russian Federation, Azovskaya Str., 2 the building of the house 1,
Moscow, Russia,

Lomonosov Moscow State University, Sparrow Hills, 1, Moscow, Russia, rastoropov_sv@mail.ru

(b) Samara State University of Economics, Soviet Army Str., 141, Samara, Russian Federation, aazarkhin@mail.ru

(c) Lomonosov Moscow State University, Sparrow Hills, 1, Moscow, Russia, barchukov-vk@mail.ru

Abstract

In our country, as in many countries of the world, work is underway to create digital infrastructure and all kinds of electronic services that help to deliver justice. The introduction of digital technologies into the activities of state bodies makes it possible to receive services online. There is no doubt that digital courts have their own future. This future is not so distant and very promising. Currently, justice and litigation are difficult to imagine without the use of digital technologies. Many positive results have been achieved due to digitalization of the judicial system. In this article, the author analyzes the current situation of the judicial system, considers the introduction of digital technologies to the activities of state authorities, accounts for digital technologies. When conducting this analysis, the author made conclusions about the consequences of digitalization of the judicial system of our country, as well as the activities of two state bodies in the Russian Federation. The tax authority and the anti-monopoly authority were selected as the subjects of analysis. Also, ways of solving problematic issues arising in this area were proposed. In addition, the author identified certain problems that exist in the process of using the developed and implemented systems, as well as ways to overcome problems that arise in the process of using and applying these systems in practice.

2357-1330 © 2021 Published by European Publisher.

Keywords: Antimonopoly authority, courts, digitalization, digital applications, digital systems



1. Introduction

Electronic justice is a new economic reality in our modern world. In our country work is done to create digital infrastructure, along with all kinds of electronic services that help administer justice. At the same time, a full-fledged transition to a digital system will require a lot of time and effort. Also, the transition to digitalization itself involves a whole range of measures. These activities include not only equipping courtrooms with computers, creating software, but also the development and adoption of regulatory legal acts that regulate these issues. The process of digitalization of justice undoubtedly leads to the increase in accessibility of justice. Besides justice digitalization is introduced into the activities of state bodies. This became especially noticeable and clear during the pandemic.

2. Problem Statement

Currently, the justice system, despite the fact that it is rapidly developing and transforming, remains a system that requires changes. These changes must concern both those systems that exist in the administration of justice and new ones that are introduced into the activities of courts. Digitalization also affects the activities of state bodies. More and more government agencies are switching to electronic document management which requires certain programs, services, and databases. These programs are created and actively implemented in the activities of state bodies. In this paper we will analyze the current state of the justice system, as well as state bodies from the point of digitalization. The study highlights what is already achieved in the digitalization process and points out problematic issues that arise during and after the implementation of digital processes.

3. Research Questions

When conducting research on this topic, the author posed the following questions.

1. How digitalization affects justice in the Russian Federation;
2. How digitalization affects the activities of government bodies;
3. What changes have occurred in the justice system of the Russian Federation and in the activities of state bodies;
4. What problematic issues arise when introducing digital technologies into the activities of government bodies and courts;
5. What are the prospects for the development of digitalization of courts and government bodies;
6. What are the ways to solve the problems that exist in the process of introducing digital technologies into the activities of courts and government bodies.

4. Purpose of the Study

The aim of the study is to cover the issues related to the process of introducing digital technologies into the justice system of the Russian Federation, activities of state bodies. To do that it is necessary to analyze the current state of the legal process carried out using digital technologies. It is also necessary to draw a conclusion about how digitalization has affected the litigation in our country. It is also important to

analyze the prospects for the development and further digitalization of justice, as well as the digitalization of the activities of state bodies. In addition, in this article we analyze the issue of introducing digital technologies into the work of state bodies. Also, a rather important component of this study is the analysis of positive and negative aspects of the digitalization of justice and the activities of state bodies. The final goal of this study is to conclude that it is necessary to consider all the positive and negative aspects of the implementation of digital technologies in the activities of courts and government bodies.

5. Research Methods

This article uses the method of analysis, which means dividing the whole into parts, sides, and properties for further study. The authors analyzed changes in the digitalization process in courts and government agencies. The following method that was used when writing the article is a description. Description is fixing information. The article describes the current state of digital justice processes and government agencies. The authors also used a comparison method. In particular, in the framework of this article, a comparison of digitalization in state bodies and courts was made.

6. Findings

Information technologies are used in legal proceedings. They are commonly used in the following cases:

- submission of documents to the court;
- direction of court notices;
- preparation and consideration of cases using documents in electronic form;
- execution of judicial acts in the form of an electronic document.

Electronic justice includes websites of courts, specially created platforms, information on the status of a court case, video conferencing systems, online sessions, etc. And the first system that can be designated as an important step in the process of digitalization of justice is the creation and implementation of the «My Arbitrator» system in the work of arbitration courts.

This system is very convenient in terms of filing any kind of application and applying to the arbitration court. So, through the specified system, you can submit: a statement of claim, a response, a counterclaim, interim measures, various kinds of petitions, etc. The essence of filing is as follows: the user enters the «My Arbitrator» system, registers there (at the moment, registration in the personal account of the «My Arbitrator» system is integrated with the State Services system, that is, you can enter «My Arbitrator» under your username and password from State Services). The search in the «My Arbitrator» system is carried out by the numbers of cases, if the user submits a response to a case to which a case has already been assigned in the database of court cases of the arbitration court. Having found the case number, the user selects in the tab the person who is submitting the appeal, the status of the person who applies (applicant, defendant, third party) and then chooses which document must be submitted to the system in order for the specified document to go to court. In the event that a person applies with a statement of claim, the procedure is similar, the only difference is that it is not necessary to search for a case by number, since the case number is assigned after the acceptance of the statement of claim.

By attaching the necessary documents, the user adds applications (if any), as well as, without fail, a document confirming the right to act on behalf of the organization (or an individual entrepreneur). Then the user checks all the completed data and sends the specified documents to the system. Currently, through the specified system, documents are submitted in certain formats (doc, pdf, etc.) and these documents can be signed with an electronic digital signature, or you can send only a digital version of the document without signing it with an EDS, which is also convenient, because not all organizations and individual entrepreneurs have an electronic digital signature.

The existence of such a system for filing applications to arbitration courts is very important and useful, since, firstly, it allows you to significantly reduce paperwork, it is enough to submit these documents through the system and they will be registered accordingly. Secondly, this system significantly reduces the time. For example, in the case when it is necessary to submit a review of the case and documents up to a certain date, sending these documents by mail, there is always a risk of not being able to meet the deadlines, since it is impossible to 100% guarantee the clarity of the mail delivery. Thirdly, the submission of documents through the specified system allows you to reduce the cost of mail. In our opinion, the specified system for filing documents with arbitration courts is very successful, since most of the documents that are submitted through this system are accepted by arbitration courts. The only exceptions are possible mistakes when filling out the card, or, for example, if a person forgets to attach a document confirming the power of attorney. This system also needs to be introduced into civil proceedings, since, until now, it has not been introduced, which, in turn, negatively affects the judicial process in civil proceedings. Most often, documents in a civil procedure are sent either to the court's e-mail or are served directly in the courtroom, which does not contribute to the administration of justice, since the court needs additional time to familiarize and study these documents, which, in our opinion, delays the process (Belyakova, 2019). Further, as a second step in the digitalization of the administration of justice, we can discuss the presence of a file of cases in arbitration courts and courts of general jurisdiction.

Arbitration courts have a service called «Kad Arbitrator». This service allows you to find a court case, track the date of the next court session, download the ruling for the next court session and, accordingly, see what needs to be submitted for the next court session, and also, you can find court practice on similar issues to draw up a certain presentation and opinion on a particular case. Courts of general jurisdiction also have the SAS Justice service, where you can also track the dates of meetings, find judicial practice on a specific issue. However, in our opinion, the «Kad Arbitrator» is much more convenient and understandable in comparison with «SAS Justice». In the «SAS Justice» system, it is not very convenient to search for cases, as well as judicial practice, quite often the specified system is being improved, which leads to certain malfunctions, the system often «freezes» and does not find cases that are in the system. It is quite rare to find attached final judicial acts. This is due not only to the human factor, but also to the imperfection of the specified service.

In our opinion, these problems do not negatively reflect on the digitalization of the justice system, but, on the contrary, hinder the implementation of justice in the online format. In this regard, the specified problem must be solved by changing and transforming the specified service, bringing it to the level of «Kad Arbitrator», for more convenient use, and, accordingly, for the digitalization of the justice process. The next important step that was taken to meet the digitalization of the justice system is the introduction of a video

conferencing system and audio recording of court sessions. In order to participate in the court session using the video conferencing system, it is necessary to apply to the court that is considering the court case, with a corresponding petition, before the case is scheduled for trial. The judge examines the said petition and accordingly makes a decision whether to grant it or refuse it. The decision made by the judge is made in the form of a ruling. It should be noted that participation in a court session through the use of a video conferencing system is a very convenient way to participate in a trial, since it solves many problems. Firstly, the person is present at the meeting, and secondly, he does not bear the travel expenses if the meeting is held geographically in another city. In this case, the person retains his rights.

At the same time, of course, the use of this system is associated with certain kinds of problems. And one of the first is the very fact of satisfying the submitted application, because to participate in the court session through the videoconferencing system, it is necessary to have technical capabilities. How is it expressed? First, the presence of an Internet connection that will work and will not fail at the time of the consideration of the case. Second, consideration time. For example, quite often there are problems of participation in the videoconferencing with the cassation instance of the arbitration courts of the Volga region. The cassation authority of the Volga region is located in the city of Kazan. When scheduling sessions for consideration, the judges of the cassation instance are guided by Kazan time, the difference, for example, with Samara is one hour. Therefore, if the session in Kazan is scheduled for 09:00 am, Samara will only be at 08:00 am, and the working day of the Arbitration Court of the Samara Region starts at 09:00 Samara time. Consequently, there will be no technical opportunity to implement participation in the videoconferencing due to the time difference.

The next problem is the internet connection. It is no secret that no matter how reliable the provider is, often Internet connections are cut off, problems with sound, picture, etc. occur, which also interferes with the consideration of court cases. At the same time, this problem is further aggravated by the fact that often the courts lack full-time IT specialists who can promptly help with the problem. This issue is quite serious, since if a person could not participate in the process even for technical reasons, and the court, for example, ruled in this case not in favor of the person, one of the facts that can be indicated in the complaint may be indicated the inability to provide explanations on this case and express their position. In this connection, of course, the courts are quite serious about this issue.

Of course, video conferencing is a very convenient way, however, in our opinion, it is not without problems. In this connection, in our opinion, if there is a complex litigation with a large amount of evidence, a large volume of papers, the use of videoconferencing may not be entirely justified risk. Live communication in this case will allow the representative to state his position more quickly, orient the court in the case materials. In addition, videoconferencing of course distorts communication, which can negatively affect testimony if videoconferencing is used in civil proceedings. In this connection, it can be said that as the next stage of digitalization of the justice system in our country, the introduction of videoconferencing certainly brought positive results and fruits, however, the use of this system should be considered by the parties individually in each specific case.

The next step that has been taken to digitalize the justice system is the introduction of audio recording of the trial. It is known that the protocol of the court session is an important document in which the entire course of the trial is fixed. The presence of an audio protocol allows you to speed up the process,

since disputes over comments in the protocol will be excluded. In addition, the presence of an audio protocol allows us to combat falsification of evidence in court. The usual minutes of the court session, which are kept by the secretaries of the court session, now reflect no more than 20-30% of the information that becomes known during the session, also, errors may occur there, it is quite difficult to get a paper protocol in your hands for review, because it can, in principle, to be absent from the case, or to be issued only at the request of a party to the case. In this connection, today, in addition to the fact that the protocols are created in writing, in the courts, when considering civil cases, minutes are recorded using audio recording means (with the exception of closed court sessions).

Audio recording is carried out either using hardware and software systems, or by connecting external microphones to the workplace. The minutes of court sessions are conducted continuously during the entire court session. At the same time, a note is made in the minutes that audio recording is being conducted during the meeting. You can also get acquainted with the audio protocol, as well as submit written comments indicating inaccuracies or incompleteness in them. Audio recording should be used only in court sessions of the first and appeal instances, as well as in the performance of certain extrajudicial actions, since it is through the minutes of the court session that higher courts will be able to verify the validity and legality of the decisions made.

Of course, like any system, the audio recording system also has negative sides. These include:

- lack of experience with the equipment;
- lack of motivation among employees of the judicial system, since audio recording is an additional workload;
- lack of control over the implementation and use of the specified system;
- terms of registration of the protocol. Often, the secretary is forced to keep minutes in both paper and digital versions (Kirillova & Krysanova, 2019).

At the same time, the positive aspects are:

- reducing the time of the meeting;
- reduction of comments that are entered into the protocol;
- there is an opportunity for the higher authorities to analyze all the circumstances of the case, since the audio recording guarantees the complete fixation of all the information of the court session and makes it possible to refer to it in cases where objections arise regarding the written protocol (Aleksandrov et al., 2019).

The process of automation and informatization of various spheres of life is actively developing in our country, and legal proceedings are no exception. It is mentionable that during the period of restrictive measures related to pandemic coronavirus infection, the judicial system also did not stand on the sidelines and has acquired a new system of so-called online meetings. To do this, through the information system «My Arbitrator» you need to submit a request for an online meeting. After the specified petition is granted, the meeting will be conducted online. This is especially true both during the period of coronavirus and after the termination of quarantine and self-isolation, since you can take part in the consideration of cases regardless of where you are.

The first such meeting was held in the Arbitration Court of the Samara Region on May 28, 2020 (Arbitration court of the Samara region, 2020). Although at the moment holding online meetings is

undoubtedly associated with certain technical problems and difficulties, certain lack of regulation, the lack of relevant legal regulations, it is obvious that development in this direction will go faster than it was before the coronavirus. There are also suggestions for the online translation of the preliminary consideration of the litigation. Of course, online litigation will help to distribute the load between the courts, however, they still want to consider complex cases on the merits in person. Thus, we can say that the issue of digitalization of justice in our country is developing quite successfully. Quite a lot of progressive steps have been taken in this direction. Of course, like any systems, systems designed to translate the legal process into digital reality are not devoid of negative aspects and they also have drawbacks. However, it must be recognized that these systems improve and simplify the process, as well as the burden on the employees of the judicial system, which is also an important fact in the process of administering justice (Kovtun et al., 2020).

The following questions that we would like to talk about relate to the digitalization of the activities of government agencies. And for the analysis, the activities of tax authorities and antimonopoly authorities are to be mentioned. In the work of the tax authorities there are quite a few systems that help to prepare tax and accounting reports, certificates of 2NDFL, 3NDFL, etc., statements that are related to accounting for taxpayers, etc. All of the above possibilities are provided by the «Taxpayer» program. The «Declaration» allows automatic creation of tax declaration using preprepared forms. In addition, with its help, you can check the correctness of the drawn up declaration, which reduces the likelihood of errors. There is another digital tool «Personal account of the taxpayer for individuals». This service allows the taxpayer to:

- monitor the state of settlements with the budget;
- receive tax notices and receipts;
- pay debts and payments;
- download programs for filling out the declaration;
- submit applications to the tax authorities, without carrying out a personal visit to the tax office.

Another service is «Preparation of a package of electronic documents for state registration». This service helps to prepare a complete set of documents that are necessary in order to create an LLC. At the same time, the service independently generates all the documents that are necessary for state registration (decision, charter, application, payment), which only need to be signed with an electronic signature and can be sent electronically to the registering authority, or in another way. The result of work with the service is sent in electronic form to the e-mail address, and if desired, these documents can be obtained on paper. In the same way, you can submit documents to register as an individual entrepreneur, as well as to make changes to information about a legal entity and an individual entrepreneur, as well as to terminate activities. Next is the Service for obtaining information. With the help of this service, you can receive extracts from the Unified State Register of Legal Entities and individual entrepreneurs in electronic form; from the register of disqualified persons; check the bankruptcy commissioner, etc.

The above programs and services provide an opportunity to obtain information in a more expeditious manner, submit an application through the use of electronic means of cooperation, to carry out activities on the registration, modification and termination of legal entities and individual entrepreneurs. The listed positive aspects do not exclude the presence of negative aspects, which also need to be characterized.

Typical disadvantages include:

- most often an electronic document is tied to a specific information system and their migration to another information system is rather complicated or completely impossible;

- in relation to the programs used, there is a problem of updating these programs. Updating involves the need for support and maintenance, which directly affects the rise in the cost of these programs and their maintenance;

- lack of control by the tax authority of those transactions that are performed in the systems;

- complex software interface for electronic systems;

- the need for an electronic digital signature for legal entities and individuals to submit electronic applications and appeals.

However, despite the presence of negative aspects, the digitalization of tax authorities has been going on for a long time and brings certain positive results. During the restrictive measures, the tax authorities introduced an online registration system for an appointment with the Federal Tax Service. The whole registration system is quite simple, you need to choose the date on which the person wants to carry out the operation, submit a declaration, etc., then select the actual operation that needs to be carried out, enter your data, name. After registration, the system offers to save the electronic coupon in order to subsequently present it to the tax office and go through the procedure that is required by the taxpayer. These measures were implemented until the abolition of restrictive measures related to the spread of coronavirus infection. However, in our opinion, the specified online registration can be applied in the future, since, in our opinion, this removes part of the burden from the employees of the tax authorities. Regarding the activities of the antimonopoly authorities, we can say that these authorities are still only on the way to digitalization. This is due to the fact that before the introduction of restrictions in connection with the coronavirus infection, all complaints, appeals and cases were considered in person. The parties were invited to participate in face-to-face meetings, and often more than 5-6 people were present. During the pandemic, it was decided to introduce the consideration of complaints and appeals through video conferencing, without the face-to-face presence of the parties.

According to the Letter of FAS Russia dated 03.04.2020 № IA/27895/20 (Letter of the FAS dated 03.04.2020), in order to prevent the spread of coronavirus infection (2019-nCoV), FAS Russia and its territorial bodies must ensure the implementation of the rights to participate in the consideration of complaints (appeals) to the actions of the subjects of control when purchasing goods (works, services) for state (municipal) needs or, respectively, the needs of certain types of legal entities, conducting unscheduled inspections, as well as considering appeals for the inclusion of information about an unfair procurement participant, supplier (contractor, executor) to the register of unscrupulous suppliers only remotely, without the full-time participation of representatives of the subjects of control, the applicant.

For this purpose, FAS Russia in the above letter contains links for downloading plug-ins with which you can take part in an Internet video conference. In the notifications of acceptance for consideration of complaints and appeals for inclusion in the register of unscrupulous suppliers, a link to an Internet video conference, a login and password appeared, upon entering which a person can participate in the consideration of the complaint or appeal. However, to participate in the review, confirmation of the parties' credentials is also required. To do this, the parties need to submit a power of attorney, another document confirming authority in advance, and demonstrate a document confirming the participant's identity. These

changes are intended not only to restrict the visits of persons to the antimonopoly authorities, but also to relieve a certain burden from the employees of the antimonopoly authorities, since, of course, holding meetings by means of videoconferencing by the employees, they spend several times less time elementary for registering persons who are waiting for their time before the meeting.

7. Conclusion

In this article, we have analyzed the process of digitalization of justice in our country, as well as the activities of state bodies using the example of the antimonopoly authority, as well as tax authorities. After analyzing these processes, it can be noted that the most significant digitalization process affected the judicial system of our country. The courts conduct audio recording, the parties have the opportunity to participate in the court session through the use of video conferencing systems, the parties can also send procedural documents through the specially created systems «My Arbitrator», «SAS Justice», as well as track the status of cases in the «Kad Arbitrator» system and «SAS Justice». Of course, as in any process, these processes also have negative sides and unfinished aspects. However, in general, we can note the positive dynamics of the digitalization process in the justice system. Regarding the digitalization of public authorities analyzed in this article, such an unambiguous conclusion, unfortunately, cannot be drawn. The process of digitalization in the activities of tax authorities is more developed. There is a personal account, systems that allow taxpayers to submit documents online, make an appointment with an inspection online, receive statements online, etc. Even during the pandemic, the system of tax authorities took actions related to restricting visits to tax authorities, while allowing all taxpayers to receive the necessary services and information. The digitalization of the activities of the antimonopoly authority in comparison with the justice system and tax authorities lags far behind. Only recently, during the beginning of the pandemic, the antimonopoly authorities switched to absentee consideration of complaints and antitrust cases. Thus, in our opinion, digitalization is definitely a step forward in the work of the judicial system, as well as state bodies. At the same time, in the activities of some state bodies, digitalization is not developed as much as we would like, in connection with which there is the possibility of developing and introducing new systems into the activities of these authorities.

References

- Alexandrov, A. S., Andreeva, O. L., & Zaytsev, O. A. (2019). On development prospects of the Russian criminal proceeding in the context of digitalization. *Tomsk State University Journal*, 448, 199-207.
- Arbitration court of the Samara region (2020). On may 28, 2020, the Arbitration court of the Samara region held the first online court session. <https://samara.arbitr.ru/node/19531>
- Belyakova, A. V. (2019). Development of digital technologies in the justice system as one of the ways to speed up legal proceedings in the Russian Federation. *Arbitration and Civil Procedure*, 12, 50-56.
- Kirillova, D. A., & Krysanova, O. A. (2019). Analysis of the problems of audio recording of the court session. *International Student Scientific Bulletin*, 4. <https://www.eduherald.ru/ru/article/view?id=19695>
- Kovtun, Y. A., Vinokurov, E. A., Kapustina, I. Y., Polenov, R. V., & Ozerov K. I. (2020). International trends in the justice digitalization development. *Geplat: Caderno Suplementar*, 3. <http://natal.uern.br/periodicos/index.php/RTEP/article/view/2058>
- Letter of the FAS Russia dated 03.04.2020 № IA/27895/20. <https://www.garant.ru/products/ipo/prime/doc/73742082>