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**DIGITAL TRANSFORMATION TECHNOLOGIES OF LEGAL
PROCEEDINGS IN CIVIL AND ADMINISTRATIVE CASES**

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Abstract

This article analyzes the existing technological solutions and software systems used in justice administration by various countries worldwide. It also outlines the goals and objectives of the digitalization in justice administration; identifies the main types of new technologies used in civil and administrative cases, including automated decision-making systems and court documents issuance. The research paper emphasizes the differentiating importance between dispute resolution and automatic technology appliance, helpful in a court decision on an uncontested case. The given research works studies the problems of justice effectiveness in digitalization context, the possibility of using "big data" technologies, software systems and cloud services in current civil procedure paradigm, which is traditionally based on the principles of humanism, legality, equality and competitiveness. It also considers the main features of Brazilian, American, and Chinese models of justice digitalization as well as the steps of the Russian Federation in this sphere. Despite the serious efforts that are being made for the digital transformation of justice administration, there are problems both of organizational and legal nature, as well as its format issues. As a result of the study, it is advisable not to use the Chinese justice digitalization model, and focus on creating convenient services that will increase access to the court, but will not replace the process of dispute resolution by a person with higher legal education, qualifications and experience. A gradual digital transformation is being proposed with mandatory balance between court systems of general jurisdiction and arbitration courts in the sphere of high-tech solution applications.

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1. Introduction

Digital transformation technologies in justice administration applied in civil and administrative cases are the research objects in both computer science and law. Data scientists (Bagherian-Marandi et al., 2021) believe that the study of litigation using digital technologies is a borderline area between computer science, sociology, anthropology and law. A new approach to legal proceedings changes not only the civil procedure itself as a type of human activity, but also the science of data. The law acts not only as a behavioral regulator in the society, but also as a way of processing data sets. At the same time, a full trial is possible both with technology application and without it. Scientists question the possibility to transform the law so that machine learning, algorithmization and information processing will automatically replace part of the routine operations in the civil and administrative procedure (Murray & Fussey, 2019). And most importantly, is it applicable in democratic value systems based on the rule of law, humanism and equality of individuals.

2. Problem Statement

Digital justice is an innovative model for the exercising court activities in proceedings and resolution of cases, based on the active use of various information technologies. At the present stage, it determines the vector of development of doctrine, legislation and law enforcement practice in Russia. Some digital justice components were developed and implemented in national legal system in accordance with positive experience of some foreign countries. However, major informational technologies are the result of scientific technical innovations worked out by Russian experts in relation with specificity of structuring and activities of judicial bodies.

According to the assessment European Commission on the efficiency of justice of the Council of Europe, Russia has a high level of electronic interaction between courts, as well as between the court and the participants in the process (European judicial systems, 2020).

The following digital transformation technologies in justice administration are currently implemented in Russia:

- electronic filing of arbitration cases enabling to process electronic case documents;
- video conferencing, implemented during the Coronavirus pandemic as an emergency measure ensuring access to justice, despite the difficult epidemiological conditions;
- recording of a court session using audio recording means;
- informing the participants of the process about the progress of the case using technical means;
- tracking the progress of any arbitration case using the Electronic Guardian service (guard.arbitr.ru);
- preparation of judicial acts in the form of an electronic document;
- electronic digital system "Justice" (state automated system), which combines information on civil, criminal and administrative cases tried by different courts of general jurisdiction;
- e-government and e-notary, which simplify the system of electronic evidence in civil and arbitration proceedings;

- reference data-base legal systems, including universal and formalized legislative framework, by-laws and judicial practice;
- electronic libraries of scientific information (Cyberlininka, Elibrary) and scientometric systems that record and store scientific information;
- project management systems for law firms, integrated into Commercial Case File Data and allowing to track the case process;
- legal document formation systems for private lawyers and law firms;
- publicly available online databases of court decisions (Sudakt.ru);
- video conferencing systems that allow to conduct a trial and to examine some cases remotely.

The fact that arbitration courts institute summary proceedings, determines the need to form an "electronic case file" and post its materials on the official website of the arbitration court on the Internet in a limited-access mode.

Development of digital technologies and their active implementation in the mechanism of exercising justice guarantees the transparency of judicature. For example, it becomes more and more common practice when court hearing is broadcasted by radio, TV, and in Internet. Interested persons are provided with the possibility to access the information about court activities, placed in courthouse, mass media and in Internet.

Despite the fairly good development of digital technologies, they currently do not replace the classical institutions of civil and administrative procedure. Scientists state that digitalization even without changing the procedural paradigm can lead to a number of problems not only in the principle of direct proceedings, but also in the protection of intellectual property rights (Siri et al., 2020).

There are also such important issues as to ensure the access to judicial protection in conditions of digitalization, to guarantee equal opportunities for defense, and protection of citizens' personal data.

3. Research Questions

The main issues of the given study are the paradigm definition of digital justice administration in foreign countries, and the question of artificial intelligence technology with its application in civil and administrative cases.

The importance of digital justice is multifaceted. Modern digital technologies used in the judicial system provide additional opportunities for realizing the right to access the court, provide access to justice, to information about judicial activity, and contribute to procedural economy. At the same time, digital justice should not be considered in the context of rejection of the existing system of principles of judicial defense, those rights and values that have been developed by the world community over a long period of its historical development.

The determining of issues of introducing artificial intelligence systems into justice requires specific approach. It is due to the fact that digitalization of judicial activity, on the one hand, can provide a number of advantages for the participants in the process, and on the other hand, fraught with the danger of violating ethics, diminishing the fundamental rights and freedoms of a man and a citizen. That is why there is strong need to develop a legal framework for the use of artificial intelligence in justice. This framework is due to ensure balance between the latest technologies and traditional human values.

4. Purpose of the Study

The purpose of the research is to study the current digital changes of justice administration in civil and administrative cases in modern Russia and in the world.

5. Research Methods

The basis of this study is the analysis of legal acts and documents, as well as the works of foreign authors and researchers. The following methods were used: dialectical materialism, synthesis, induction and deduction, historical, systemic, comparative-legal, formal-legal analysis.

6. Findings

The digitalization process of state and society started affecting the court system long time ago. In common law countries, it has been known since the 80s of the last century. Therefore, in the United States, computer technology is used to varying degrees in different states. Almost everywhere, there are databases with case precedents, allowing filing court documents in electronic form, with formalized rules to prove its authenticity. The proof, however, is done in the classical format. The judicial investigation is based on the principle of directness and the court evaluates the legal positions of the competing parties personally.

In the US legal community there is an opinion that the court should not turn into viewing evidence via video conferencing. And even during the coronavirus pandemic American justice was largely based on classical principles. At the same time, the American system of evidence examination uses artificial intelligence quiet widely. The DARE software package helps to study evidence and expose lies in civil proceedings. This complex is used in practice, but it is not an alternative way to resolve a conflict or examine evidence. There are certain tests and evaluation in this area, but most of the scientists and practitioners dealing with cases and precedents emphasize the need to consider the humanistic component of justice. So, it is noted that in the software package it is difficult to evaluate such parameters as a person's emotions, his/her facial expressions during a conversation and other characteristics that a professional reads more at the level of intuition, and not with the help of some formalized tools.

In the United States and Canada (Voss, 2020), there is a fairly conservative position regarding case investigation. The goal to cut the cost of justice and replace it with any software packages is not worth it. The task of reducing the burden on the judicial system is solved quite successfully with the help of ADR (alternative methods of resolution): mediation, quasi-judicial bodies and arbitration. In addition, there is a strong formative influence of the Model US Code of Civil Procedure, which does not contain regulations in this area and the widespread use of class action lawsuits (Rivette, 2020).

In Brazil, database technologies are also used in judicial systems. The country has created a database of administrative cases related to traffic violations and used a special method of encrypting information in it. The database stores both witness statements and case documents in video format. A special feature is the use of artificial intelligence technologies: the system itself preliminary determines the nature of an offense and issues a court ruling. Thus, the judge's work is partly replaced by artificial

intelligence. This model is quiet progressive and has been introduced, first of all, to deal with huge social problem – a great number of road accidents and judges who cannot cope with the amount of administrative burden. In addition, it can be noted that e-justice in administrative cases will reduce the corruption risks typical for this area in Brazil.

Indeed, video recording of testimony makes it difficult to falsify evidence in the future. The most developed system of justice digitalization at the time of the study was created in China. Claims can be considered in a special messenger, and the process itself resembles the communication of a user and a chat bot. Artificial intelligence adjudicates and that decision is generally binding. Control over the "bot justice" is also present. The judge may change the decision if he has grounds to consider it unjust. By the end of 2019, more than 3 million cases in trade relations, copyright and other economic disputes were considered in the so-called "mobile court". The Chinese model is interesting to most civilists (Plesner & Justesen, 2021) as an alternative model of justice. To begin with, the court stopped using the traditional procedural form. Court proceedings in a chat bot have formal certainty when examining the evidence and it has no aspects of classical spontaneity. The parties provide evidence for research and evaluation in the given format, the initial steps of it is carried out by means of artificial intelligence. The judge, as an official, is only obliged to review the decision of an "electronic assistant" and look at it from the viewpoint of factual and legal errors.

Chinese scientists do not see a problem in violating the principle of direct proceedings and it is indicated that the judge is still responsible for the decision, its content and justice (Plesner & Justesen, 2021). The technology is also used in criminal cases such as robbery and murder. The basic principles of civil justice, such as dispositivity (principle of free disposition or "non ultra petita") and adversarial justice, are also taking a new meaning.

In fact, the ability of correct legal presentation depends not only on the lawyers' professionalism representing the party interests, but also on their "technology aptitude". Moreover, the civil and administrative procedures in China are based on the prevailing point of view (Fan, 2019; Lee, 2021) that chat bot proceedings in economic disputes promote the justice availability and triumph.

In Russia, there are the following major options of digital transformation in justice: simplification of the process of income documents in electronic form in court; development of unified service for Russian judicial system – which is the automatic informational system; implementation of alternative video-conferencing options for distant interaction between court and participants of proceeding; implementation of software tools for analytical support of activities and scanning of all documents submitted to the courts; formation of electronic files and formation of an electronic archive of court cases; etc.

The most promising technologies from the point of view of ensuring the informatization of the judicial system are cloud storage, artificial intelligence systems, big data and blockchain.

Such an approach generally reflects the common tendency to apply digital technologies both in Russia and the other countries.

7. Conclusion

The digitalization of litigation process raises a number of ethical and procedural problems. Thus, the dehumanization of justice deals with the aspect of its fairness a priori (Wing et al., 2021). From the procedural paradigm view adopted in the Russian Federation, making decisions by a chat bot model as in China is not acceptable. However, the use of ASF can contribute to the further integration of justice systems in the world (Velicogna et al., 2020).

The organization of ASF process is not technically difficult and is already used in the Russian Federation on a general basis. It seems that the development of distant justice with the participation of lawyers, parties, and judges is a more promising direction for Russia than the "Chinese model" with the use of chat-bots for civil, arbitration, and administrative cases.

At the same time, it seems that the problems of formation and functioning of digital justice are of a complex nature. They cover legal aspects as they are; the guarantees of the implementation of the principles of organizing the judiciary and the administration of justice, in particular, the principle of equality, fairness, competition, immediacy are the most important ones. They also cover technical, social, economic aspects. The solution of these issues requires joint scientific research provided by representatives of various fields of knowledge.

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