



PROSPECTS FOR DIGITALIZATION OF CIVIL LEGAL PROCEEDINGS

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Annotation

This article analyzes such issues as the introduction of modern information and communication technologies in civil proceedings, the further improvement of information systems and resources aimed at improving the efficiency of civil proceedings in courts, as well as the introduction of electronic document management. As well as the use of the system in videoconferencing court sessions, the automatic distribution of cases between judges, the publication of court decisions on the Internet, the sending of executive documents in electronic form for enforcement, the information system "E-XSUD" was studied. Analyzing the experience of the countries of the USA, Germany, Singapore, Australia, Estonia, as well as the opinions of legal scholars, the author presents proposals and recommendations on the introduction of new modern technologies in the activities of civil courts in Uzbekistan, the digitalization of the activities of courts, the creation of online courts, the introduction of artificial intelligence, further improving the exchange of electronic documents and information between the court and other bodies, expanding the possibilities for providing interactive services in the activities of the courts, that is, the establishment of a special terminal in the building of courts for civil cases, further improvement of the system for automatic distribution of cases between judges both in the courts of appeal and cassation.

Keywords: civil courts, electronic document, digitalization of the activities of courts, video conferencing, online courts, artificial intelligence, judicial protection, publicity, transparency, civil proceedings, judicial acts.

Introduction

Ensuring the rule of law in society, reliable protection of human rights and interests are the basis of consistent reforms in the judicial system of our country. In this regard, the introduction of modern information and communication technologies in the courts, the creation of information systems and resources to increase the efficiency of civil proceedings in courts and the introduction of electronic document exchange and study and analysis of best practices of developed countries are among the urgent tasks.





Indeed, the use of modern information and communication technologies accelerates the circulation of electronic documents in the activities of civil courts, ensures the collection, processing, systematization and storage of relevant information. At the same time, it will be possible to notify the participants of the trial in electronic form through the information system and send them court documents and other correspondence. All this will ultimately serve to increase the efficiency of justice, ensuring its speed and convenience.

Uzbekistan has adopted a number of normative and legal acts in this regard. In particular, "On the Principles and Guarantees of Freedom of Information", "On Mass Media", "On Guarantees and Freedom of Information", "On Communications", "On Telecommunications", "On Informatization", "Copyright" Law on Legal Protection of Computer Software and Databases, Law on Information and Library, Law on Electronic Commerce, Law on Electronic Document Management and many others. Legislation has played an important role in the legal regulation of the field of direct informatization, providing the industry with information and communication tools[1].

Also, the President of the Republic of Uzbekistan No. PF-4848 of October 5, 2016 "On additional measures to ensure the rapid development of entrepreneurial activity, comprehensive protection of private property and improving the quality of the business environment" [2], dated October 21, 2016 PF-4850 "On measures to further reform the judicial system, strengthening guarantees of reliable protection of the rights and freedoms of citizens" [3], PF-4947 of February 7, 2017 "On the Strategy for further development of the Republic of Uzbekistan" No. PF-4966 of February 21, 2017 "On measures to radically improve the structure and efficiency of the judicial system of the Republic of Uzbekistan" [5], July 13, 2018 "On measures to radically improve the structure and efficiency of the judiciary of the Republic of Uzbekistan" PF-5482 "On measures to increase confidence in government agencies" [6], approved the strategy "Digital Uzbekistan - 2030" dated October 5, 2020 PF-6079 [7] of July 24, 2020 "On additional measures to further improve the work of courts and increase the efficiency of justice" [8]] Decree No. PP-3250 of August 30, 2017 "On measures for the wider introduction of modern information and communication technologies in the judiciary" [9], September 3, 2020 "On measures to digitize the activities of the judiciary" As a result of the adoption of decisions [10], a number of programs of modern information and communication technologies were introduced in the activities of courts. In particular, remote access to courts, participation in court hearings using videoconferencing, automatic distribution of cases among judges,





publication of court decisions on the Internet, mandatory execution of enforcement documents in electronic form, information systems "E-XSUD" were introduced.

However, today the introduction of new modern technologies in the judiciary, digitization of courts, the introduction of artificial intelligence, optimization of judicial processes, transparency, further improvement of electronic documents, information exchange between the court and other bodies, reducing the human factor in the field, the establishment of online courts, Acceleration of work on expanding the range of interactive services provided by the courts to citizens and entrepreneurs is one of the pressing issues. In this regard, the spread of coronavirus infection (COVID-19), which has occurred around the world, has necessitated the digitization of judicial activities in the context of a pandemic, the conduct of court proceedings online.

Therefore, the "Development Strategy of the New Uzbekistan for 2022-2026" approved by the Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022, developed in our country on the principle of "From Action Strategy to Development Strategy". The State Program for the Year of Independence of the Republic of Tajikistan sets important goals, such as "gradual digitization of the judicial system, radical increase in access to justice for citizens and businesses through the elimination of bureaucratic hurdles" [11]. In the future, this will be achieved through the digitalization of the judiciary, the electronic interaction of citizens and businesses with them, the electronic exchange of information with government agencies and organizations that require information for the administration of justice, the electronic submission of writs of execution by courts. this process requires the implementation of important priorities such as full digitization. Therefore, it is important to study the experience of developed countries. In many developed countries, litigation is fully equipped with modern information and communication technologies, and the activities of the courts are fully digitized. In Germany, for example, everything from filing a lawsuit to filing an electronic court case with the state archives is done electronically. However, each person has their own electronic digital signature and it is possible to identify each person through this signature. After the plaintiff submits the application from his e-mail address, he will receive information from the court that the application has been accepted. It should be noted that the documents sent to and from the court are encrypted, which excludes third parties from reading these documents [12].

In the United States, court information is obtained electronically through the Public Access to Court Electronic Records (PACER) system and through a global system called Case Management / Electronic Case Files (CM / ECF), which allows you to file





an application electronically. Use of this system is paid. These payment amounts are used to service this system and support the information system.

In the Public Access to Court Electronic Records (PACER) system, the receipt of the application can see the register, the proceedings and the decision-making process, information about when the trial will take place. Case Management / Electronic Case Files (CM / ECF) is a complex case management system of the Federal Judicial System that allows courts to apply for documents online and submit applications electronically [13].

Electronic justice is developed differently in the European Union. An e-justice portal has been created by the European Union. "Automated processing (processing)" contains up-to-date information on the use of information technology in national courts. Legislation in many countries is being amended to allow the use of information technology during court proceedings. In some countries, communication networks such as the Internet are used in all types of litigation, while in others only some are used.

Electronic Filing System (EFS) in Singapore has been used by the Supreme Court and lower courts for almost three years after various tests and experiments.

Effective March 1. According to the Singapore experience, in order to access the electronic document submission system, the user must register, have the necessary technical equipment and licensed software. Courts, in turn, act as an independent certification center: after registration, the user is issued a smart card with a digital certificate and access to EFS. He will then be able to use the electronic system service. In Singapore, in the early years of the system, the law introduced a 15 per cent reduction in the fee charged to the courts in the general procedure for applications in this form in order to encourage the submission of documents in electronic form to the courts.

All documents that can currently be used in court proceedings are required to be sent to the court through the EFS system. This system of electronic submission of information to the court refuses to accept documents created with the help of other software.

The user is required to submit the documents to the court through the EFS system after entering the appropriate password, i.e. a conditioned password. The court, in turn, before checking the document, checks its compliance with the requirements of procedural law. A fee is automatically charged for filing an application with the court. A certificate confirming that the document has been accepted by the court is automatically generated by the system and sent to the user within five minutes of its receipt. This certificate also serves as proof that the document has been submitted to





the court. Upon receipt of the document, the user is automatically issued a unique identifier, and legal entities that apply to the court are issued a unique identifier of the law firm. The EFS system has a specific template for the metadata of documents (content, context and size of the document), and each document has its own details, ie the number of the document, the date of its submission, the date of its operation and a unique number required. Once the document is entered into the EFS system, the court will not have the right to change the metadata.

As of 2016, in Singapore, court documents can be sent to the defendant via Facebook, Skype or Internet forums, as well as messengers, connected to the phone number (WhatsApp, Viber, etc.) [14].

The Australian Federal Court also uses the electronic filing system, also known as e-filing (electronic registration). In turn, the Regulations of the Federal Court serve as a regulatory framework for the implementation of this online service. Electronic documents are sent through the Court's website. The main electronic interface for user applications and referral documents is The Electronic Filing System (EFS).

Estonia has an electronic information system for initiating legal proceedings, submitting documents, and filing complaints in civil and administrative cases. Procedural documents are submitted using an electronic signature. In criminal proceedings, you can file a lawsuit. Payment orders and maintenance claims are submitted only through the Internet, which shows that the development of information technology is high enough, and most importantly, the population is ready to use these technologies.

Filing a lawsuit is done by filling out special forms, which of course simplifies the task and makes it easier to use justice. Forms may differ depending on the type of stationery and form, but the format is the same.

You can log in with your ID card or Mobile ID. Access is granted only to jobs and information registered under the user ID. The X-Road national information system is used for secure data transmission.

Court decisions, rulings and subpoenas can also be sent electronically or through the information system, with the date of their opening automatically recorded or the court informed of their receipt by the participant's e-mail.

In China, courts have already set up online service platforms. All you have to do is go to the relevant Supreme Court website, go to the claim filing page, select the court in the desired administrative district and fill out the form according to the instructions, upload the identification information and evidence and send it to the court.

The case review process can be monitored by the applicant. On September 10, 2020, the website of the Supreme People's Court of the People's Republic of China





(<http://www.court.gov.cn/>) reported that a National Platform for Enforcement and Legal Supervision had been established. The creation of such a platform is aimed at improving the use of information technology, standardization of legal control, strengthening cooperation and exchange of information between the judiciary [15].

Scientific sources on the digitization of civil proceedings have also expressed their views. For example, according to lawyer MK Suleymanov, e-justice is the use and application of information and communication technologies that allow to carry out procedural actions in electronic form in civil proceedings, as well as electronic support of judicial activity. The procedural form of e-justice is e-justice, which is a procedural activity of the court based on the use of information and communication technologies in the consideration and resolution of civil cases [16].

According to O. Pirmatov, the digitization of civil proceedings includes procedural steps, from online filing of a lawsuit to online publication of a court decision [17].

In this regard, F. Ibratova [18] and G. Atalikova also expressed their views in their scientific article, emphasizing the need to formalize the court order in electronic form [19].

In addition to the above considerations, it should be noted that this process involves not only the digitalization of the judicial process but also the digitization of the enforcement process.

Nowadays, the introduction of artificial intelligence in litigation is especially important in the digitalization of litigation.

Artificial intelligence is a system that demonstrates rational behavior by analyzing the environment and taking certain levels of autonomous action to achieve specific goals, according to the European Commission's 2018 AI Policy Communiqué Program.

The use of this system leads to an increase in the quality of work, as well as simplifies the implementation of certain tasks. In this regard, the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) 2018.

On December 4, the first document defining the ethical principles for the use of artificial intelligence in the judiciary was adopted [20]. This document supports the use of artificial intelligence methods and components designed to improve the efficiency and quality of justice. Thus, artificial intelligence has taken the validity of court decisions to a new level by reducing the number of errors in court decisions and reduced the workload on the judiciary.

According to Juravleva MD, development does not stop there, which led to the development of the intellectual system "Assistant Judge". As an example, in China, it has become possible to use artificial intelligence, which develops templates of legal





documents for judges, which are then used in individual cases. As a result, the decision-making process is accelerated.

Thus, the introduction of artificial intelligence into the judicial system leads to the automation of many practical universal tasks: the machine can organize documents, formulate cases and send correspondence or summons when filing a claim and accepting a case. During the trial phase, the robot can find the desired job out of many cases and quickly add new documents to it [21].

Starkov A.V. In his view, the transfer of justice to the "hands" of artificial intelligence is controversial. The positive aspects of using artificial intelligence as a judge are the absence of human factors such as emotionality, subjectivity, as well as political, gender, and social injustice. Unlike a human, a robot is not stressed, does not get tired, and does not have health problems. Also, the advantage of artificial intelligence is the large amount of memory, high speed of data processing and the search for the optimal solution.

However, the downside is the possibility of a cyberattack to manipulate artificial intelligence, unauthorized interference with its functionality, or a "virus infection" [22].

In addition to the above considerations, it can be noted that the application of artificial intelligence in the civil litigation process can lead to a number of successes and challenges. Different opinions are put forward in this regard. Kargina Yu.Yu. thinks that most scholars have come to the conclusion that this process may not have a good effect on the civil process. In his opinion, the use of information technology in the judicial system should eliminate the problem of authenticity of all information related to the resolution of cases. It is also necessary to improve the skills of those involved in litigation [23].

Indeed, while the positive aspects of applying artificial intelligence to civil litigation in this process are addressed by increasing the efficiency of the litigation, by eliminating red tape, the disadvantages are that the parties argue, evaluate the evidence, and take disciplinary action against it as a result of annulment of court documents issued by the robot judge. problems can occur. In addition, the question arises as to whether the robot judge is a participant in civil proceedings or not. Also, the fact that human destiny is decided by a robotic judge, in which there is no emotion, that they only work on the program, then leads to dissatisfaction among citizens. In our opinion, it is expedient to apply artificial intelligence to the category of cases that can be considered without conflict, in an orderly manner, and in a simplified manner. Currently, there are a number of pending issues related to the digitization of civil proceedings, the integration of court documents with other government agencies and





organizations. In particular, the courts are currently considering cases such as restricting the legal capacity of a citizen or declaring him incapable, declaring a minor fully capable of legal capacity (emancipation) and issuing court decisions. However, the list of these individuals in this type of case does not have a database on any government agency or organization, even on the official websites of the Supreme Court. This has led to many disputes as a result of subsequent agreements or actions taken by these individuals. In our opinion, in order to prevent problems in this area, we consider it expedient to establish an electronic exchange of documents on these court documents with the Civil Registry Office and notaries, as well as the creation of a single electronic database.

Based on the above, it can be concluded that the prospects for further digitalization of civil proceedings:

First of all, in order to facilitate judicial protection of our citizens, based on the experience of foreign countries, a special terminal should be installed in the building of civil courts, where the case will be heard, in which courtroom, which judge will hear the case, the chairman of the court and judges. providing a range of interactive services, such as application forms;

secondly, the possibility of automatic distribution of cases among judges in the courts of appeal and cassation, as well as the possibility of online access to decisions made by the court of this instance, facilitate judicial protection and increase the efficiency of justice.

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