

# **Electronic Judicial Procedure as an Element of Access to Justice Regarding Protection of Rights of Individuals: Legal, Theoretical and Informational Aspects<sup>1</sup>**

## **O Procedimento Judicial Eletrônico como Elemento de Acesso à Justiça na Proteção dos Direitos das Pessoas Físicas: Aspectos Legais, Teóricos e Informativos**

Tetiana Pikulia<sup>2</sup>

Nataliia Borysocheva<sup>3</sup>

Iryna Sykhan<sup>4</sup>

### **Abstract**

The purpose of the research is to consider electronic judicial procedure as an element of access to justice regarding protection of rights of individuals. Main content. It has been established that that certain elements of digitalization of social processes change the social space and, in particular, the mechanisms of judicial proceedings. In the process of the development of society, certain factors came to life and these factors led to the growth of the role of information, and therefore to a clearer allocation of the information function in the field of jurisprudence. Development of society and science requires introduction of new technologies into the judicial system of Ukraine. Methodology: The methodological basis of the research is presented as comparative-legal and systematic analysis, formal-legal method, interpretation method, hermeneutic

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<sup>2</sup> Phd candidate of law sciences, assistant professor, Kyiv National Economic University named after Vadym Hetman, Ukraine. ORCID ID: <https://orcid.org/0000-0003-0430-3255>. Email: [pikulia.tatyana@gmail.com](mailto:pikulia.tatyana@gmail.com).

<sup>3</sup> PhD in Law, Chief Specialist of the Office of the Prosecutor General, Ukraine. ORCID ID: <https://orcid.org/0009-0008-9890-0504> Email: [borysocheva@gmail.com](mailto:borysocheva@gmail.com).

<sup>4</sup> PhD in Law, Associate Professor of the Department of Administrative, Financial and Information Law, State University "Uzhhorod National University", Ukraine. ORCID ID: <https://orcid.org/0009-0001-4709-0176>. Email: [iryna.sukhan@uzhnu.edu.ua](mailto:iryna.sukhan@uzhnu.edu.ua).

method as well as methods of analysis and synthesis. Conclusions. The following conclusion was made that the need to use information technologies in the judiciary is due to the global informatization of the modern society, the development of new forms of interaction in the civil sphere with the use of electronic means of communication: the global Internet, mobile and satellite communication systems, etc. "Electronic justice" involves the use of information and communication technologies in the process of implementing procedural legislation. The novelties of the judicial system are aimed at expanding accessibility of justice in conditions of territorial peculiarities of the Ukrainian state, improving the quality of the process and efficiency, achieving transparency and openness of the judicial system.

**Keywords:** Access; Electronic judicial procedure; Justice; Protection; Rights of individuals.

### Resumo

O objetivo da pesquisa é considerar o procedimento judicial eletrônico como elemento de acesso à justiça no que diz respeito à proteção dos direitos dos indivíduos. Conteúdo principal. Está estabelecido que certos elementos da digitalização dos processos sociais alteram o espaço social e, em particular, os mecanismos dos processos judiciais. No processo de desenvolvimento da sociedade, alguns fatores ganharam vida e esses fatores levaram ao crescimento do papel da informação e, portanto, a uma alocação mais clara da função de informação no campo da jurisprudência. O desenvolvimento da sociedade e da ciência exige a introdução de novas tecnologias no sistema judicial da Ucrânia. Metodologia: A base metodológica da pesquisa é apresentada como análise jurídico-comparativa e sistemática, método jurídico-formal, método de interpretação, método hermenêutico, bem como métodos de análise e síntese. Conclusões. Concluiu-se que a necessidade do uso das tecnologias de informação no judiciário se deve à informatização global da sociedade moderna, ao desenvolvimento de novas formas de interação na esfera civil com o uso de meios eletrônicos de comunicação: a Internet global, sistemas de comunicações móveis e por satélite, etc. A "justiça eletrônica" envolve a utilização de tecnologias de informação e comunicação no processo de implementação da legislação processual. As novidades do sistema judicial visam ampliar a acessibilidade da justiça nas condições das peculiaridades territoriais do Estado ucraniano, melhorando a qualidade e a eficiência do processo, alcançando a transparência e abertura do sistema judicial.

**Palavras-chave:** Acesso; Justiça; Direitos dos indivíduos; Procedimento judicial eletrônico; Proteção.

### Introduction

Since the beginning of Russia's invasive war against Ukraine, electronic evidence has become even more important, because affected people will prove damages caused to them by providing electronic evidence, namely photos and

videos reflecting their damaged property and in the future officials of the relevant authorities and courts will evaluate the specified evidence and recognize or reject it to be evidence.

Today, electronic devices are an integral part of our lives. With the penetration of technologies into our lives, increased dependence on gadgets, development of technologies, etc., electronic devices store a large amount of sensitive data about the person who owns the device. This makes electronic devices an important piece of evidence, much more so than any breathing witness that helps law enforcement officers in solving cases, or individuals in establishing their case. However, electronic evidence is sensitive, prone to falsification and manipulation, which can significantly change the course of the case. Therefore, it becomes important to handle this evidence with care. For the same reason, courts are hesitant to accept and declare electronic evidence admissible.

Legislative consolidation of electronic evidence at the national level is certainly a positive step that defines a new stage in the evidence process and provides additional opportunities for litigants to defend their rights in court. Collection, storage, transmission and presentation of computer-generated evidence must comply with legal requirements for admissibility of evidence. Electronic evidence collected in a way that does not comply with the law will be considered inadmissible and they will be rejected in court.

In recent years, the issue of electronic justice has become more active in connection with the judicial reform and intensity of the processes concerning introduction of electronic justice into judicial practice. However, this issue is characterized by a peculiar problematic. Currently, there is a need for a comprehensive scientific study of information processes that take place in civil judicial proceedings, their methodological and legal foundations.

The purpose of the research is to consider electronic judicial procedure as an element of access to justice regarding protection of rights of individuals.

Every year, an increasing attention is focused on the “State in a smartphone” concept. It includes many different aspects, with electronic judicial procedure being one of these aspects that has gained a particular importance. It

is difficult to imagine modern life without progress, that is, without the desire for maximum improvement. The rapid development of information technologies, modern ways of recording and transmitting information affect all spheres of human activity, also affecting the evidence base in the civil process. Created are many types of digital and electronic media that differ from the paper media we are used to. Justice and the judicial procedure, as forces ensuring protection of rights and freedoms of a person and a citizen, are obliged to keep up with the times, and therefore these forces are not exceptions. It should be noted that now already many courts, both in Ukraine and abroad actively use such elements of electronic justice as SMS notification of process participants, video conference communication, electronic submission of documents, mobile witness protection complex.

The legal nature of electronic evidence has characteristic features that primarily distinguish it from written evidence or any other evidence. For example, A. Kalamayko singles out the following signs of electronic evidence: “1) impossibility of direct perception of information, which necessitates the use of technical and software tools to obtain information; 2) availability of a technical medium of information that can be used multiple times; 3) a specific process of creating and storing information, which makes it possible to easily change the medium without losing the content and, conversely, makes it possible to make changes to the content without leaving traces on the medium; 4) absence of the concept of “original” of electronic sources of evidence due to the complete identity of electronic copies; 5) the presence of specific “requisites”, so-called metadata - information of a technical nature, which is encoded inside files”.<sup>5</sup>

Today, the problem of the high risk of forgery of electronic evidence remains important. We agree with the opinion of A. Kalamayko that when assessing reliability of information, it is necessary to consider shortcomings of the electronic form, however, it is inappropriate to consider information in electronic form as unacceptable due to its possible forgery. Signatures and seals used to certify “traditional” documents cannot also be a guarantee of immutability of

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<sup>5</sup> KALAMAİKO, Andrii Yuriiovich. **The place of electronic means of proof and specific issues of their use in the civil process.** Law and innovation. v. 2, n. 10, p. 127-132, 2015.

documents in today's conditions<sup>6</sup>.

In addition to that, separate issues related to the problems of implementing the right to education are covered in the scientific works by such present-day Ukrainian scientists as Halaburda *et al.*<sup>7</sup>. These works constitute a scientific basis for further research of the specified instruments and initiate a scientific discussion regarding prospects for their legislative improvement.

At the same time, it is worth noting that at the current stage electronic judicial procedure is quite relevant as an element of access to justice regarding protection of rights of individuals.

The research is based on works of foreign and Ukrainian researchers on electronic judicial procedure as an element of access to justice regarding protection of rights of individuals.

With the help of the epistemological method, features of electronic judicial procedure as an element of access to justice regarding protection of rights of individuals, etc. were clarified; thanks to the logical-semantic method, the conceptual apparatus was deepened, features of electronic judicial procedure as an element of access to justice regarding protection of rights of individuals, etc. were determined. Thanks to the existing methods of law, we managed to analyze features of electronic judicial procedure as an element of access to justice regarding protection of rights of individuals, etc.

## 1. Results and discussion

Foreign experience has become an example of introducing electronic judicial procedure. So, for example, currently the "Electronic Court" systems are successfully operating in Australia, Switzerland, the USA and many other countries of the world. It is thanks to these systems that models of the judicial process can be implemented, including models that provide an opportunity to

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<sup>6</sup> KALAMAİKO, Andrii Yuriiovych. **Electronic means of proof in the civil process**: diss. candidate. **Law of science Kharkiv**, Ukraine, 2016.

<sup>7</sup> HALABURDA, Nadiia; LEHEZA, Yevhen; CHALAVAN, Viktor; YEFIMOV, Volodymyr; YEFIMOVA, Inna. Compliance with the principle of the rule of law in guarantees of ensuring the legality of providing public services in Ukraine. **Journal of law and political sciences**. v. 29, n. 4, 100-121, 2021. Available in: <https://drive.google.com/file/d/1QC9SYuNbdTo7rVq50Z1BvLYY9iGxalt/view>. Access in 01 out. 2023.

consider cases in court without performing unnecessary physical actions.

This is exactly the goal that the judicial authorities of Ukraine strive to achieve. Currently, during the coronavirus pandemic, remote justice is quite relevant. After all, despite the quarantine restrictions, courts continue to work, trying to consider as many cases as possible. This corresponds to the Constitution of Ukraine, which stipulates that the right of a person for protection is not subject to restrictions even in conditions of a state of emergency or in conditions of martial law<sup>8</sup>. Therefore, digital technologies began to penetrate all spheres of social life including justice much faster. It has become necessary to ensure possibility of the parties to participate in court sessions outside the boundaries of the judicial institution with the help of technical means. The practice of conducting court hearings in the mode of video conference has become widespread.

The coronavirus pandemic has accelerated the process of judicial digitization. In conditions of the quarantine, there was a significant boost in implementation of the “Electronic Court” program, which is a subsystem of the Unified Judicial Information and Telecommunication System. Launch of this program was planned long before the pandemic, but there were various obstacles in the implementation process. And only with introduction of the quarantine the situation demanded quick and effective actions of the Supreme Council of Justice, which partially launched the program in the sphere of justice.

Electronic court is a special subsystem that enables the parties in a court process to submit documents to the court electronically, gives an opportunity to send documents to these parties in electronic form together with documents in paper form.

The Regulation on the Court’s Automated Document Management System approved by the decision of the Council of Judges of Ukraine dated 26 November, 2019 No. 30, as amended by the Decision of the Council of Judges of Ukraine dated 02 March, 2017 No. 17 with amendments (hereinafter referred to as the Regulation on the CADMS), provides for the possibility of launching the

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<sup>8</sup> HALABURDA, Nadiia; LEHEZA, Yevhen; CHALAVAN, Viktor; YEFIMOV, Volodymyr; YEFIMOVA, Inna. Compliance with the principle of the rule of law in guarantees of ensuring the legality of providing public services in Ukraine. **Journal of law and political sciences**.

Unified Judicial Information and Telecommunication System presupposing test mode use of individual electronic justice tools in courts, including the “Electronic Court” subsystem.

The order of the State Judicial Administration of Ukraine dated 22 December 2018 No. 628 “On Conducting Testing of the “Electronic Court” Subsystem” introduced a test mode of operation of the “Electronic Court” subsystem in all local and appellate courts of Ukraine (pilot courts).

Therefore, starting from 22 December, 2018, it is possible for local and appellate courts to accept applications and other procedural documents submitted by individuals through the “Electronic Court” subsystem.

In addition, the panel of judges also draws attention to the fact that the possibility of using electronic documents and organizational and legal principles of electronic document circulation are also provided for by the Law of Ukraine “On Electronic Documents and Electronic Document Circulation”<sup>9</sup>.

According to part 2 of Article 9 of the Law of Ukraine “On Electronic Documents and Electronic Document Circulation”, the procedure of electronic document circulation shall be determined by state bodies, local self-government bodies, enterprises, institutions and organizations of all forms of ownership in accordance with the legislation<sup>10</sup>.

The Regulation on the CADEMS is such an order of electronic document circulation, defined for courts in the sense of Article 9 of the above-mentioned Law.

In accordance with Article 8 of this Law of Ukraine “On Electronic Documents and Electronic Document Circulation” the legal force of an electronic document cannot be denied solely because this document is in electronic form. Admissibility of an electronic document as evidence cannot be challenged solely on the basis of the fact that it is in electronic form.

According to parts 3, 4 of Article 18 of the Law of Ukraine “On Electronic Trust Services”, an electronic signature or seal cannot be recognized as invalid and deprived of the opportunity to be considered as evidence in court cases

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<sup>9</sup> UKRAINE. **Law of Ukraine**. May 22, 2003. n. 851-IV. Available in: <https://zakon.rada.gov.ua/laws/show/851-15#Text>. Access in 10 set. 2023.

<sup>10</sup> UKRAINE. **Law of Ukraine**. May 22, 2003. n. 851-IV.

solely on the grounds that they are presented in an electronic form or do not meet the requirements for a qualified electronic signature or seal<sup>11</sup>.

A qualified electronic signature has the same legal force as a handwritten signature and is presumed to correspond to a handwritten signature.

That is, the mentioned norms of the Law also provide for recognition of the legal force of electronic documents signed with an electronic signature.

Clause 2 of Chapter XI of the Provision on the CADEMS provides that participants in a legal process can send copies of electronic documents to other participants in the court case (except when the other participant does not have a registered electronic account) submit claims and other procedural documents provided for by law (claims and documents that are submitted to court and may be the subject of legal proceedings) as well as receive court decisions and other electronic documents.

According to clauses 3-5 of the Provision on CADEMS, with the help of a registered electronic office, persons can form projects (they create by filling in the appropriate forms, edit, attach), sign and submit to the court and transmission system operator electronic requests, complaints, proposals and other non-procedural appeals concerning activities of such bodies, and they can also receive a response to such submitted documents.

To create drafts of electronic documents, individuals use general forms created by the administrator or create their own forms using their electronic cabinet with the possibility of saving them in the electronic court subsystem and reusing them. The administrator can set additional technical restrictions regarding forms and content of electronic documents (size, format, etc.).

For draft of any electronic document created in the electronic court subsystem at all stages of its formation, confidentiality of its content shall be ensured by means of encryption using the electronic digital signature of the author of the draft. Persons admitted to the protected information shall be defined by the author of the document. From the moment a document is transferred to the "Original" state, this document loses its confidential status and the list of

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<sup>11</sup> UKRAINE. **Law of Ukraine**. October 5, 2017. n. 2155-VIII. Available in: <https://zakon.rada.gov.ua/laws/show/2155-19#Text>. Access in 10 set. 2023.

persons admitted to its content shall be determined by the administrator in accordance with the requirements of the law.

Therefore, sending procedural documents in electronic form requires the use of the “Electronic Court” service, in accordance with the prior registration of an official email address (Electronic Cabinet) and with the mandatory use of personal electronic signature.

That is, with the help of this program, the parties to a court process can pay the court fee online, they can track the status and progress of the document consideration by the court, draw up and submit an electronic power of attorney, receive information related to the status of the case consideration, etc.

That is, exchange of electronic documentation between a participant in the process and the court is one of the most important mechanisms of digitalization of justice. As it is rightly pointed out by O. Uhrynovska “this procedure for document exchange between process participants and the court can be used under the conditions that:

- the participant in the respective civil process has been registered in the electronic documentation exchange system;
- he/she submitted to the court an application for receiving electronic documents in electronic form on the specified case”<sup>12</sup>.

However, the most important progress in the development of the judiciary consists in the possibility for the parties to participate in the judicial process remotely. According to the report of the state enterprise “Information Court Systems”, at the request of the courts, since the beginning of 2021, about 54 sessions of video conferencing have been held. Thanks to special systems (such as Zoom, EasyCon etc., it has become possible to perform remote communications between large and small groups. Participants in a legal process share information, databases, documentation, and make decisions collegially<sup>13</sup>.

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<sup>12</sup> UHRYNOVSKA, Oksana Ivanivna. Electronic document flow in the civil process of Ukraine. **Bulletin of Lviv University**. p. 144–150, v. 64. 2017.

<sup>13</sup> LEHEZA, Yevhen. PISOTSKA, Karina; DUBENKO, Oleksandr; DAKHNO, Oleksandr; SOTSKYI, Artur. The Essence of the Principles of Ukrainian Law in Modern Jurisprudence. **Revista Jurídica Portucalense**, Dec. 2022, p. 342-363. DOI: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15). Available in: <https://revistas.rcaap.pt/juridica/article/view/29662>. Access in: 29 set. 2023.

However, at the given stage of law-making activity, active work is being done on adoption of a draft law that would regulate the organization of electronic justice. The main proposals of this normative act are:

- submission of documents only in electronic form;
  - access to the court from the lawyer's office in a video conference mode;
  - cancellation of the condition of a mandatory face-to-face meeting;
  - automatic distribution of cases between all judges throughout Ukraine according to their specialization;
  - using any messengers to communicate with the court;
- compulsory work with the use of an electronic cabinet<sup>14</sup>.

The above-mentioned proposals should significantly facilitate and make the justice system in Ukraine more convenient. For example, abolition of territorial jurisdiction will reduce cases of corruption. After all, at present, nothing prevents lawyers from entering into secret illegal agreements with judges, since for the most part such connections are already permanent in one region. It will also give an opportunity to significantly save money, contribute to the openness of the court process, reduce the number of delayed cases due to the non-appearance of participants, save their time, etc.

Use of the "Electronic court" service in the court of cassation is another rather controversial issue of applying information technologies during consideration of cases in court<sup>15</sup>.

Thus, in accordance with the Ruling of the Civil Court of Cassation dated September 17, 2019, in case No. 344/16649/16c it is noted that applications submitted in electronic form via e-mail on behalf of the plaintiff do not meet the

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<sup>14</sup> HORBALINSKIY, Volodymyr; LESHCHENKO, Oleksandr; MASHCHENKO, Olha; LEHEZA, Yevhen; PRYMAKOV, Kamil. Ways to protect the rights of individuals in administrative proceedings: legal regulation and international experience international experience. **Cuestiones Políticas**, v. 41, n. 77, p. 324-334, abr./jun. 2023. DOI: <https://doi.org/10.46398/cuestpol.4177.22>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/40143/45548>. Access in: 29 set. 2023.

<sup>15</sup> VILLASMIL ESPINOZA, Jorge; LEHEZA, Yevhen; HOLOVII, Liudmyla. Reflections for the interdisciplinary study of the Russian Federation's invasion of Ukraine in 2022. **Cuestiones Políticas**, v. 40, n. 73, p. 16-24, 2022. <https://doi.org/10.46398/cuestpol.4073.00>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/38383/42552>. Access in: 12 set. 2023.

requirements of the Civil Code of Ukraine regarding the written paper form of the application. Motions submitted by a person in electronic form, without an electronic digital signature, are not signed by the person they are submitted by. The court of cassation notes that it is necessary to consider that the “Electronic Court” subsystem was introduced by the order of the State Judicial Administration of Ukraine dated 22 December 2018 No. 628 “On Testing the “Electronic Court” Subsystem in Local and Appellate Courts” in test mode in all local courts and courts of appeal of Ukraine (pilot courts).

In accordance with Article 388 of the Civil Code of Ukraine, the Supreme Court is a court of cassation, and therefore it does not belong to the courts where the “Electronic Court” system has been implemented; and this fact indicates the impossibility of submitting procedural documents to the court of cassation through this system, since the “Electronic Court” system has not been implemented in the Supreme Court<sup>16</sup>.

Analyzing judicial practice, one can come to logical conclusions that in some cases courts allow violations of the current legislation and their decisions do not correspond to the current practice of the European Court of Human Rights. It should be noted that in accordance with Part 4 of Article 10 of the Civil Code of Ukraine, the court shall apply the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its protocols, which have been approved to be binding according to the consent of the Verkhovna Rada of Ukraine (hereinafter the Convention), as well as practice of the European Court of Human Rights (hereinafter referred to as the ECtHR) as sources of law<sup>17</sup>.

According to clause 1 of Article 6 of the Convention the state guarantees that everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial court established by law, which will resolve a

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<sup>16</sup> LEHEZA, Yevhen; SHCHERBYNA, Bogdan; LEHEZA, Yulia; PUSHKINA, Olena; MARCHENKO, Olesia. Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine. **Revista Jurídica Portucalense**, p. 340–359, 2023. Available in: <https://revistas.rcaap.pt/juridica/article/view/29662>. Access in: 24 out. 2023.

<sup>17</sup> DYMKO, Iegor; MURADIAN, Arsen; LEHEZA, Yevhen; MANZHULA, Andrii; RUDKOVSKYI, Oleksandr. Integrated approach to the development of the effectiveness function of quality control of metal products. **Eastern European Journal of Enterprise Technologies**. v. 6, n. 3, p. 26-34, 2017. DOI: 10.15587/1729-4061.2017.119500. Available in: <https://journals.urau.ua/eejet/article/view/119500>. Access in: 01 out. 2023.

dispute regarding his/her civil rights and obligations or establish the validity of any criminal charge brought against him/her<sup>18</sup>.

When considering cases, the ECtHR proceeds on the basis that, when implementing the provisions of the Convention, it is necessary to avoid a too formal attitude to the requirements provided for by law, since access to justice must be not only factual, but also real. Excessive formality when deciding the issue of accepting a claim or complaint is a violation of the right to fair legal protection<sup>19</sup>.

In particularly, in the decision of 04 December 1995 in the case “Bellet v. France”, the ECtHR noted that Article 6 of the Convention contains guarantees of a fair trial with access to court being one of aspects of these guarantees. The level of access provided by national legislation should be sufficient to ensure a person’s right to a court, considering the principle of the rule of law in a democratic society. For access to be effective, an individual must have a clear practical opportunity to challenge actions that constitute an interference with his/her rights<sup>20</sup>.

Analysis of the above-mentioned issue regarding implementation of the “Electronic Court” subsystem in the activity of the judiciary allows us to conclude about imperfect software, material and technical capabilities of courts, the need to improve qualifications of judges regarding the issue of digitalization, ignorance of participants in processes regarding possibilities and advantages of electronic

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<sup>18</sup> MATVIICHUK, Anatolii; SHCHERBAK, Viktor; SIRKO, Viktoria; MALIEIEVA, Hanna. LEHEZA, Yevhen. Human principles of law as a universal normative framework: Principios humanos del derecho como marco normativo universal. **Cuestiones Políticas**, v. 40, n. 75, p. 221-231, 2022. <https://doi.org/10.46398/cuestpol.4075.14>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/39269/44120>. Access in: 01 out. 2023.

<sup>19</sup> KORNEYEV, Maxim; ZOLOTUKHINA, Liliya; HRYHORASH, Tetiana; LEHEZA, Yevhen; HRYHORASH, Olha. **The development of small business as a source of formation of local budget revenues in Ukraine. Investment**. Management and Financial Innovations. v. 15 p. 132-140, 2018. DOI:10.21511/imfi.15(1).2018.12. Available in: <https://www.businessperspectives.org/index.php/journals/investment-management-and-financial-innovations/issue-274/the-development-of-small-business-as-a-source-of-formation-of-local-budget-revenues-in-ukraine>. Access in: 05 out 2023.

<sup>20</sup> LEHEZA, Yevhen; SHABLYSTYI, Volodymyr; ARISTOVA, Irina V; KRAVCHENKO, Ivan O; KORNIAKOVA, Tatiana. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. **Journal of Drug and Alcohol Research**. v. 12, n. 4, p. 1-8. 2023. DOI: <https://doi.org/10.4303/JDAR/236240>. Available in: <https://www.ashdin.com/archive/jdar-volume-12-issue-4-year-2023.html>. Access in: 05 out 2023.

judicial procedure and many other nuances which need to be improved in order to implement an effective judicial system in Ukraine, which would develop together with the development of our society.

Another innovation that the Ukrainian authorities plan to implement is the so-called “Court in a smartphone”, the purpose of which is to prevent abuses and ensure transparency of judicial activity. According to Volodymyr Zelenskyi, “the majority of bureaucratic procedures should go online, which will speed up the processing of cases, minimize corruption and the possibility of abuse of power”<sup>21</sup>.

As of today, it is possible to single out such problems typical for the judicial process which if not solved will make development of electronic justice impossible. First of all, the problem is presented as the problem of information inequality, which consists in limiting possibilities of using electronic justice for those categories of the population that have limited access to means of communication. We believe that the solution to this problem can be presented as installation of specialized automated devices that would give an opportunity to fully realize all the possibilities of electronic justice<sup>22</sup>.

Second, the focus on the digital sphere increasingly causes the need to abandon “paper documents” traditional for our legislation. Currently, “paper documents” are an outdated form of securing information due to the availability of an electronic form of documents<sup>23</sup>. Third, the technical component is the most important condition for correct and efficient functioning of electronic justice. No one is immune from possible equipment failures and hacker attacks<sup>24</sup>. Fourth,

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<sup>21</sup> ZELENSKYI, Volodymyr. **Court in a smartphone**. 01 mar. 2021. Available in: <https://www.ukrinform.ua/rubric-polytics/3199503-zelenskij-anonsuvav-sud-u-smartfoni.html>. Access in: 05 out 2023.

<sup>22</sup> LEHEZA, Yevhen; FILATOV, Viktor; VARAVA, Volodymyr; HALUNKO, Vira. KARTSYHIN, Dmytro. Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine. **Journal of Legal, Ethical and Regulatory Issues**. v. 22, n. 5, p. 1-8, 2019. Available in: <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>. Access in: 10 out. 2023.

<sup>23</sup> ZADYRAKA, Nataliia; LEHEZA, Yevhen; BYKOVSKYI, Mykola; ZHELIEZNIAK, Yevhenii; LEHEZA, Yulia. 2023. Correlation of Legal Concepts of Administrative Procedure and Administrative Liability in the Sphere of Urban Planning. **Jurnal cita hukum indonesian law journal**. v. 11 n. 1, p. 33-44. DOI: <https://doi.org/10.15408/jch.v11i1.31784>. Available in: <https://journal.uinjkt.ac.id/index.php/citahukum/article/view/31784>. Access in: 10 out. 2023.

<sup>24</sup> KOBRUSIEVA, Yevheniia; LEHEZA, Yevhen; RUDOI, Kateryna; SHAMARA, Oleksandr; CHALAVAN, Viktor. International standards of social protection of internally displaced persons: administrative and criminal aspects. **Jurnal cita hukum indonesian law journal**. v. 9, n. 3, p.

another problem consists in technical illiteracy of a certain percentage of the population. In order to solve this problem, it is necessary to conduct state and regional informatization programs, implement and develop certain educational standards in this field<sup>25</sup>.

Based on the above, it can be concluded that there are many different problems associated with the use of electronic justice. However, presence of these problems is determined by generation of this institution improvement of which has just been started by legislators<sup>26</sup>.

### Conclusion

So, the article discusses new electronic mechanisms for implementation of the democratic principles of the Ukrainian justice system in accordance with the needs of the modern society. Having analyzed the main directions of the development of “Electronic justice”, we can draw an unequivocal conclusion that the specified topic occupies one of the leading position in the system of measures for implementation of the information function by the state. Further development of the justice system is carried out through the prism of new information technologies that ensure openness, transparency and accessibility for citizens of Ukraine. Herewith the problems consist in insufficiently formed normative and legal framework for considering such evidence and determining their reliability.

Recently, electronic documents have become increasingly common in civil proceedings as evidence. This type of evidence has been used not so long ago, but it has already got certain problems when being applied. The article deals with the concept of electronic document as evidence, its legal nature is analyzed

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461-484, 2021. DOI: <https://doi.org/10.15408/jch.v9i3.23752>. Available in: <https://journal.uinjkt.ac.id/index.php/citahukum/article/view/23752>. Access in: 11 out. 2023.

<sup>25</sup> LEHEZA, Yevhen; NALYVAIKO, Larysa; SACHKO Oleksandr; SHCHERBYNA, Victor. CHEPIK-TREHUBENKO. Olha. Principles of law: Methodological approaches to understanding in the context of modern globalization transformations. **Ius Humani. Law Journal**, v. 11 n. 2, p. 55-79. 2022. <https://doi.org/https://doi.org/10.31207/ih.v11i2.312>. Available in: <https://iushumani.org/index.php/iushumani/article/view/312>. Access in: 12 out. 2023.

<sup>26</sup> TYLCHYK, Vyacheslav; MATSELYK, Tetiana; HRYSHCHUK, Viktor; LOMAKINA, Olena. SYDOR, Markiiian; LEHEZA, Yevhen. Administrative and legal regulation of public financial activity: Regulación administrativa y legal de la actividad financiera pública. **Cuestiones Políticas**, v. 40, n. 72, p. 573-581. 2022. <https://doi.org/10.46398/cuestpol.4072.33>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/37784>. Access in: 12 out. 2023.

and the form of submitting electronic information to courts is disclosed. Highlighted are also problems concerning the fact that the legislation of Ukraine does not include specific criteria for reliability of data contained in electronic documents, admissibility of these data, and use of electronic documents in connection with electronic digital signatures. Ways to solve the problems of legal regulation in this area are proposed.

Unfortunately, the current law does not provide efficient regulation of social relations that arise in the process of creating and using information and communication technologies in public administration. Existing normative legal acts are not coordinated with each other and regulate only certain aspects of information exchange between state authorities, business entities and citizens.

Based on the above, it can be concluded that there are many different problems associated with the use of electronic justice. However, their presence is determined by generation of this institution, improvement of which has just been started by legislators. Thus, development of electronic technologies is one of the priority areas of Ukrainian legal policy. Improvement of digital technologies also requires improvement of electronic document flow in the judicial system.

## References

DYMKO, Iegor; MURADIAN, Arsen; LEHEZA, Yevhen; MANZHULA, Andrii; RUDKOVSKYI, Oleksandr. Integrated approach to the development of the effectiveness function of quality control of metal products. **Eastern European Journal of Enterprise Technologies**. v. 6, n. 3, p. 26-34, 2017. DOI: 10.15587/1729-4061.2017.119500. Available in: <https://journals.uran.ua/eejet/article/view/119500>. Access in: 01 out. 2023.

HALABURDA, Nadiia; LEHEZA, Yevhen; CHALAVAN, Viktor; YEFIMOV, Volodymyr; YEFIMOVA, Inna. Compliance with the principle of the rule of law in guarantees of ensuring the legality of providing public services in Ukraine. **Journal of law and political sciences**. v. 29, n. 4, 100-121, 2021. Available in: <https://drive.google.com/file/d/1QC9SYuNbdTo7rVq50Z1BvLYY9iGxalt/view>. Access in: 01 out. 2023.

HORBALINSKIY, Volodymyr; LESHCHENKO, Oleksandr; MASHCHENKO, Olha; LEHEZA, Yevhen; PRYMAKOV, Kamil. Ways to protect the rights of individuals in administrative proceedings: legal regulation and international experience international experience. **Cuestiones Políticas**, v. 41, n. 77, p. 324-334, abr./jun. 2023. DOI: <https://doi.org/10.46398/cuestpol.4177.22>. Available

in:

<https://produccioncientificaluz.org/index.php/cuestiones/article/view/40143/45548>. Access in: 29 set. 2023.

KALAMAİKO, Andrii Yuriiovych. The place of electronic means of proof and specific issues of their use in the civil process. **Law and innovation**, v. 2, n. 10. p. 127-132, 2015.

KALAMAİKO, Andrii Yuriiovych. Electronic means of proof in the civil process: diss. candidate. **Law of science Kharkiv**, Ukraine, 2016.

KOBRUSIEVA, Yevheniia; LEHEZA, Yevhen; RUDOI, Kateryna; SHAMARA, Oleksandr; CHALAVAN, Viktor. International standards of social protection of internally displaced persons: administrative and criminal aspects. **Jurnal cita hukum indonesian law journal**, v. 9, n. 3, p. 461-484, 2021.  
DOI: <https://doi.org/10.15408/jch.v9i3.23752>. Available in:  
<https://journal.uinjkt.ac.id/index.php/citahukum/article/view/23752>. Access in: 05 out. 2023.

KORNEYEV, Maxim; ZOLOTUKHINA, Liliya; HRYHORASH, Tetiana; LEHEZA, Yevhen; HRYHORASH, Olha. The development of small business as a source of formation of local budget revenues in Ukraine. **Investment, Management and Financial Innovations**, v. 15, p. 132-140, 2018.  
DOI:10.21511/imfi.15(1).2018.12. Available in:  
<https://www.businessperspectives.org/index.php/journals/investment-management-and-financial-innovations/issue-274/the-development-of-small-business-as-a-source-of-formation-of-local-budget-revenues-in-ukraine>. Access in: 05 out 2023.

LEHEZA, Yevhen; NALYVAİKO, Larysa; SACHKO Oleksandr; SHCHERBYNA, Victor. CHEPIK-TREHUBENKO. Olha. Principles of law: Methodological approaches to understanding in the context of modern globalization transformations. **Ius Humani. Law Journal**, v. 11 n. 2, p. 55-79, 2022.  
<https://doi.org/https://doi.org/10.31207/ih.v11i2.312>. Available in:  
<https://iushumani.org/index.php/iushumani/article/view/312>. Access in: 12 out. 2023.

LEHEZA, Yevhen; FILATOV, Viktor; VARAVA, Volodymyr; HALUNKO, Vira. KARTSYHIN, Dmytro. Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine. **Journal of Legal, Ethical and Regulatory Issues**. v. 22, n. 5. p. 1-8, 2019. Available in: <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>. Access in: 10 out. 2023.

LEHEZA, Yevhen; SHCHERBYNA, Bogdan; LEHEZA, Yulia; PUSHKINA, Olena; MARCHENKO, Olesia. Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the

Counter Duty by the Other Party According to the Civil Legislation of Ukraine. **Revista Jurídica Portucalense**, p. 340–359, 2023. Available in: <https://revistas.rcaap.pt/juridica/article/view/29662>. Access in: 24 out. 2023.

LEHEZA, Yevhen. PISOTSKA, Karina; DUBENKO, Oleksandr; DAKHNO, Oleksandr; SOTSKYI, Artur. The Essence of the Principles of Ukrainian Law in Modern Jurisprudence. **Revista Jurídica Portucalense**, Dec. 2022, p. 342-363. DOI: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15). Available in: <https://revistas.rcaap.pt/juridica/article/view/29662>. Access in: 29 set. 2023.

LEHEZA, Yevhen; SHABLYSTYI, Volodymyr; ARISTOVA, Irina V; KRAVCHENKO, Ivan O; KORNIKOVA, Tatiana. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. **Journal of Drug and Alcohol Research**. v. 12, n. 4, p. 1-8, 2023. DOI: <https://doi.org/10.4303/JDAR/236240>. Available: <https://www.ashdin.com/archive/jdar-volume-12-issue-4-year-2023.html>. Access in: 05 out 2023.

MATVIICHUK, Anatolii; SHCHERBAK, Viktor; SIRKO, Viktoria; MALIEIEVA, Hanna. LEHEZA, Yevhen. Human principles of law as a universal normative framework: Principios humanos del derecho como marco normativo universal. **Cuestiones Políticas**, v. 40, n. 75, p. 221-231, 2022. <https://doi.org/10.46398/cuestpol.4075.14>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/39269/44120>. Access in: 01 out. 2023.

TYLCHYK, Vyacheslav; MATSELYK, Tetiana; HRYSHCHUK, Viktor; LOMAKINA, Olena. SYDOR, Markiiian; LEHEZA, Yevhen. Administrative and legal regulation of public financial activity: Regulación administrativa y legal de la actividad financiera pública. **Cuestiones Políticas**, v. 40, n. 72, p. 573-581, 2022. <https://doi.org/10.46398/cuestpol.4072.33>. Available in: <https://produccioncientificaluz.org/index.php/cuestiones/article/view/37784>. Access in: 12 out. 2023.

UHRYNOVSKA, Oksana Ivanivna. Electronic document flow in the civil process of Ukraine. **Bulletin of Lviv University**. v. 64, p. 144–150, 2017.

UKRAINE. **Law of Ukraine**. October 5, 2017. n. 2155-VIII. Available in: <https://zakon.rada.gov.ua/laws/show/2155-19#Text>. Access in: 10 set. 2023.

UKRAINE. **Law of Ukraine**. May 22, 2003. n. 851-IV. Available in: <https://zakon.rada.gov.ua/laws/show/851-15#Text>. Access in: 10 set. 2023.

VILLASMIL ESPINOZA, Jorge; LEHEZA, Yevhen; HOLOVII, Liudmyla. Reflections for the interdisciplinary study of the Russian Federation's invasion of Ukraine in 2022. **Cuestiones Políticas**, v. 40, n. 73, p. 16-24, 2022. <https://doi.org/10.46398/cuestpol.4073.00>. Available in:

<https://produccioncientificaluz.org/index.php/cuestiones/article/view/38383/42552>. Access in: 12 set. 2023.

ZADYRAKA, Nataliia; LEHEZA, Yevhen; BYKOVSKYI, Mykola; ZHELIEZNIAK, Yevhenii; LEHEZA, Yulia. Correlation of Legal Concepts of Administrative Procedure and Administrative Liability in the Sphere of Urban Planning. **Jurnal cita hukum indonesian law journal**. v. 11, n. 1, p. 33-44, 2023. DOI: <https://doi.org/10.15408/jch.v11i1.31784>. Available in: <https://journal.uinjkt.ac.id/index.php/citahukum/article/view/31784>. Access in: 10 out. 2023.

ZELENSKYI, Volodymyr. **Court in a smartphone**. 01 mar. 2021. Available in: <https://www.ukrinform.ua/rubric-politics/3199503-zelenskij-anonsuvav-sud-u-smartfoni.html>. Access in: 05 out 2023.