

PECULIARITIES OF THE INTRODUCTION OF MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES IN THE COURTS

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Annotation: This article discusses the challenges of digitizing courts and achieving justice in the Republic of Uzbekistan, the experience of the United States and Germany in this area, and the digitization of the judiciary.

Key words: Information and communication infrastructure, electronic document, cyber tracking, e-government, electronic application, technical means, information flow, cryptographic mechanism

SUDLAR FAOLIYATIGA ZAMONAVIY AXBOROT- KOMMUNIKATSIYA TEXNOLOGIYALARINI JORIY ETISHNING O'ZIGA XOS JIHATLARI

ОСОБЕННОСТИ ВНЕДРЕНИЯ СОВРЕМЕННЫХ ИНФОРМАЦИОННО-КОММУНИКАЦИОННЫХ ТЕХНОЛОГИЙ В СУДАХ

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Toshkent davlat yuridik universiteti
Sud, huquqni muhofaza qiluvchi organlar
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Annotatsiya: Ushbu maqolada O'zbekiston Respublikasida sudlarni raqamlashtirish va odil sudlovga erishish bo'yicha amalga oshirilgan vazifalar, bu boradagi AQSh va Germaniya tajribasi hamda sud tizimlari faoliyatini raqamlashtirish haqida fikr yuritilgan.

Аннотация: В данной статье обсуждаются проблемы оцифровки судов и достижения справедливости в Республике Узбекистан, опыт США и Германии в этой области, а также оцифровка судебной системы.

Kalit so'zlar: axborot-kommunikatsiyalar infratuzilmasi, elektron hujjat, kiber ta'qib, elektron hukumat, elektron ariza, texnik vosita, axborot oqimi, kriptografik mexanizm.

Ключевые понятия: информационная и коммуникационная инфраструктура, электронный документ, кибер-отслеживание, электронное правительство, электронное приложение, технические средства, информационный поток, криптографический механизм

In our country, which has been developing rapidly in recent years, one of the important tasks is to fully ensure the rights and freedoms, the legitimate interests of citizens, and the head of state is setting directions to implement this task through national legislation. The activity of the judiciary plays a special role in protecting the rights and freedoms of citizens, fully ensuring their legitimate interests. Therefore, the judicial system, along with other areas, is being effectively reformed in our country, which aims to take a worthy place among the developed countries. At present, the creation of a modern information and communication infrastructure in the judiciary, the development of information resources and information systems, the introduction of electronic document management systems and the provision of interactive services to citizens through judicial websites form the basis of innovations in the judiciary. Also one of the main tasks of the introduction of modern information and communication technologies in the judiciary is to ensure openness, transparency and efficiency of the judiciary, improve the quality of court proceedings and access to justice.

We are concluding the second decade of the twenty-first century. We have entered the new millennium with real success and change. We can say that the industrial revolution, which began three centuries ago, has given way to the information age in the industrialized world. Undoubtedly, this information age, which is in its infancy, can have a significant impact on the whole world, just like the industrial revolution. The reduction in the costs associated with the use of means of communication creates many opportunities not only for developed countries, but also for developing countries.

The modern information and communication technologies, which we are witnessing year by year, have proved that they can be used in any system. The introduction of such technologies in the judiciary also allows citizens to conduct court cases quickly and conveniently, without unnecessary hassle, saving time for citizens who apply to the court. However, the development of technology has not only brought positive results for the judiciary and law enforcement. The Internet, which is the basis for the mobilization and use of modern information and communication media, has demonstrated not only convenience in every field of activity, but also its disadvantages. While the Internet has increased freedom of speech by allowing free and effective unregulated communication, it has made it easier to commit many types of crime. These include the distribution of child pornography, fraud, gambling, blackmail and cyberbullying. There have even been cases of incitement to murder over the Internet¹.

We have already mentioned the positive impact of the media on the work of the courts. This begs the question. Which of its activities can be positively affected by the digitization of courts? First of all, the wide use of information, ie its free circulation between the judiciary, a significant improvement in the use of the law, registration of court proceedings, management and control of court proceedings, in-service training and, most importantly, communication between the judiciary including.

In the developed world, modern information and communication technologies have been used in the judiciary for many years.

The United States can be called the initiator of the use of the electronic form of judicial activity and the founder of the idea of e-government. The electronic court system in the United States is based on the PACER (Public Access to Electronic Records) system. The system has a wide range of features. Capabilities include functions such as downloading and printing documents in the system, reviewing audio recordings of court hearings, and monitoring the status of the case. All this is done within the framework of round-the-clock access. The system also provides complete information on the case, such as the names of the parties and other participants in the trial, the case number, the procedural actions of the parties, documents submitted by other parties, court decisions and orders on the case, and the current status of the case. The convenience of this system is that it allows you to search for information about the names of the parties to the case, the nature of the dispute, as well as the court hearing the case. The user can view all the information provided in this system, print it out, make copies. It is also possible to download to external devices. However, this or that document may not be in the system, it may not have been downloaded yet. In such cases, the court will have to provide a copy to the party.

¹ Interights Bulletin, Volume 12 No. 3 Page 1.

It should be noted that the system named above was significantly updated in 2010. From then on, he began to have an extensive database of audio recordings of court hearings. This procedure was adopted at the initiative of the novel court conference, which, based on an analysis of past years' experience, concluded that due to the special needs of users for this information, it was necessary to provide audio information to the participants. However, access to such data is optional, i.e. such data is not open to public access. The chairman of the relevant court shall independently decide on the issue of access to the audio recordings of any court session.

All courts in the United States use the CM / ECF system for electronic filing. The system is the main electronic platform through which federal courts interact. This system allows the parties, their representatives, lawyers to submit documents directly to the court using the Internet, and gives the courts the right to store and manage their files and access them permanently. To use the system, you only need standard equipment: a computer, Internet access, as well as a software package that works with documents in PDF (Portable Document Format) format².

On issues related to the digitization of courts in the United States, it should also be noted that there are many training materials on the use of electronic court software, which in turn provide for people who do not have professional skills in using these types of electronic systems. The aforementioned PACER system is constantly being replenished with various services and now a mobile version of it is also available³. Based on the above, we can say that the United States has a long history of e-justice, which is one of the first countries not only to use technical means in court proceedings, but also a leader in the level and quality of e-justice.

Germany is another country where the experience of e-jurisprudence can be studied. The most important tool for the functioning of the e-judicial system in Germany is the e-court and administrative mailbox (EGVP). To use this system, the user must install a special program "Electronic court and administrative mailbox" on the PC. The software is absolutely free and can be easily installed on a hardware tool. The program is the result of successful administrative reforms and will help implement the new provisions of e-judicial legislation in the country.

According to German law, the means of scientific and technical communication must ensure an effective flow of legal information between the population and the state apparatus. The EGVP system provides users with round-the-clock access to forensic information resources, reliable data transmission, secure communication using cryptographic mechanisms, electronic file processing, automatic receipt of e-mails and support for all accredited signature cards⁴.

Procedural rules of judicial activity include various requirements aimed at ensuring the security and transparency of the judicial process. Ensuring the security and confidentiality of electronic communications requires appropriate technical and organizational measures from the courts. All documents submitted to the court must be certified using an electronic digital signature, which guarantees the authenticity of the responsible person and replaces the handwritten signature. The websites of the German courts are filled with the necessary information to help the user get acquainted with the rules of court proceedings in each of them. Court decisions are also published on official websites and are open to a wide range of people.

It should be noted that Germany, using electronic legal resources, primarily aims to make justice open to the entire population and everyone. For example, the information provided on the websites of courts and other legal organizations is presented in simple language that is understandable to the public, rather than in a complex "legal" language that is full of legal and often incomprehensible terms for the population. This approach will undoubtedly allow the population to fully realize the protection of their rights without the need for outside legal assistance. In addition, the sites have special information for people with disabilities, for whom information is provided in video materials that are made through gestures.

² Proposed amendment to the federal rules of appellate procedure // Официальный сайт судебной системы США. URL: http://www.uscourts.gov/Viewer.aspx?doc=/uscourts/RulesAndPolicies/rules/AP_25.pdf

³ Proposed amendment to the federal rules of appellate procedure // Официальный сайт судебной системы США. URL: http://www.uscourts.gov/Viewer.aspx?doc=/uscourts/RulesAndPolicies/rules/AP_25.pdf

⁴ Elektronisches gerichts- und verwaltungspostfach // Официальный сайт EGVP. URL: http://www.egvp.de/beh_allgemeine_info/index.php

In our independent republic, many changes are being made to digitize courts and increase the efficiency of justice. In particular, the Resolution of the President of the Republic of Uzbekistan dated August 30, 2017 №RP-3250 "On measures to further improve the introduction of modern information and communication technologies in the judiciary." Based on this decision, many positive changes have been achieved in the activities of the courts on issues related to the use of information and communication technologies. Including:

- the opportunity to apply to the courts remotely;

- it was determined that it is possible to participate in the court session using the videoconferencing system;

- introduced a system of automatic distribution of cases among judges among judges;

- the final conclusions of the court will be made available to the public on the Internet, and enforcement documents will be sent electronically using information technology.

In order to further strengthen the positive results of these changes, further improve the judicial activity and the widespread introduction of modern information and communication media, on September 3, 2020 the President of the Republic of Uzbekistan adopted the Resolution "On measures to digitize the judiciary." The resolution noted that the exchange of information with ministries and agencies in the course of court proceedings is carried out mainly in paper form. The existence of such a procedure in itself requires more time for a final decision on the case, preventing the courts from resolving disputes more quickly and preventing an increase in the volume of cases pending before the court. In addition, the decision provides for the expansion of the range of interactive services provided by the courts to citizens and entrepreneurs.

In order to eliminate the above, this document sets the tasks for the next stage of digitization of the courts. In particular, the range of interactive e-services provided to citizens and entrepreneurs will be expanded, online monitoring of each appeal process will be provided, free access to interactive services will be introduced in courtrooms, as well as openness and transparency of the judiciary special information programs will be introduced to ensure The resolution also provides for the possibility for the parties to obtain court decisions online, which is expected to save citizens time and create additional convenience.

On the basis of the decision, a great milestone was reached in the near future in connection with the digitization of courts, the following program of digitization of the activities of the judiciary in 2020-2023 was approved.

Automatic distribution of cases among judges in the courts of appeal and cassation, free notification of all participants about the time and place of court hearings via SMS, submission of court decisions to the parties online, and at their request in paper form, in court activities, including citizens and the introduction of about 10 interactive services to facilitate access to justice for entrepreneurs, the transfer and receipt of court cases electronically to the state archives, means that another major new step has been taken in our national judicial system to facilitate citizens.

Considering the activities and experience of digitization of the judicial system, we can see that our countries have created many opportunities for citizens to carry out their judicial work through modern media. In particular, positive measures have been taken to ensure that citizens do not face difficulties in using such tools, and that situations do not arise that are difficult for them to understand. Indeed, the information revolution cannot cover the entire population of the state. It is natural that citizens of different ages and with different abilities to use modern information technologies apply to the court to protect their interests. If the technology is involved in the work of the courts, but the citizen cannot use it effectively, the goal of reform will not be achieved. Therefore, the preparation of small-scale instructions, brochures on the use of electronic judicial software and their free distribution to the citizen who came to the courthouse, would contribute to ensuring a significant participation of citizens in the digital justice process.

Radical changes in the judiciary in recent years have further strengthened their role in protecting public administration, the rights and legitimate interests of citizens. Taking into account that the main goal is to increase the confidence of citizens in the work of the courts, to satisfy them, positive changes are being made in the legislation in this area. This decision will also allow to further improve the work of the courts, to easily solve the problems of citizens. We all know that the full implementation of these changes in practice is important in achieving the clear goal of the decision. To do this, first of all, citizens must get acquainted with

these changes and participate in the implementation of the decision, knowing their rights. We believe that such changes will further enhance the role of the judiciary in protecting civil rights.

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