

THE STRUCTURE OF INFORMATION AND COMMUNICATION ENSURING THE ACCESS TO JUSTICE IN UKRAINE



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Abstract. The article presents the results of the study of the structure of information and communication ensuring the access to justice in Ukraine. Separate elements of electronic justice that promote the accessibility of justice are considered. The role of the automated system of document circulation of the court, the official web portal “Judicial power of Ukraine”, electronic services and social networks in the information and communication ensuring of the accessibility of justice in Ukraine are described.

Keywords: *justice, accessibility, fair trial, information and communication support, international standards.*

Introduction

The concept of access to the court, which in the context of the development of legal knowledge and the global dynamics of human rights evolved into the category of “access to the justice”, provides for the continuous development of the organizational and legal framework for its provision.

At the present stage of the development of the information society, the demand of time is the enhanced integration of the latest achievements of science and technology in the field of information technology, as well as the achievements of the theory of legal communication in the process of ensuring the availability of justice as a component of the right to a fair trial.

The issues of information and communication ensuring the accessibility of justice were investigated by V. Bondarenko, O. Brintsev, N. Pustova, P. Kablak and others.

However, the information and communication ensuring of access to justice is a complicated organizational and legal system that is constantly evolving. Therefore, there is a need to explore the structure of information and communication ensuring the accessibility of justice at the present stage of its development. In view of this, the purpose of the article is to characterize the structure of information and communication support for the availability of justice in Ukraine.

Research results

Information and communication support for the availability of justice in Ukraine at the present stage is based on the principles of the implementation of e-justice.

V. Bondarenko and N. Pustov argue that the most successful result of e-justice in Ukraine is to provide access to court decisions in electronic form. Formation of information databases as independent informational systems, the legal regime of which is determined by the norms of information law, covering judicial practice, reflects the desire of the state to uniformly apply legislation [1, pp. 160-161]. Informatization of courts has become a manifestation in the implementation

of the automated system of document circulation court [2, p. 17]. Automated system of document circulation of a court (hereinafter – ASDS) – a set of computer programs and corresponding software and hardware complexes that are part of the Single judicial information system, and ensure the fulfillment of the tasks specified in this regulation, including such as: the operation of court documents and organs of the justice system; exchange of information between them and other public authorities; exchange with a single centralized database of the judiciary; disclosure of information through the official web portal of the judiciary of Ukraine;

protection of information from unauthorized access, etc. [3].

ASDS and other subsystems should include automation of court proceedings in the courts and SSPs, including the exchange of information resources within individual bodies, between courts, SSPs and participants in the trial process; maintenance of uniform directories of ASDS obligatory for use by all courts and SSPs, including a directory of participants in court cases; preservation of information resources in the electronic archive and their automated transmission (in accordance with the Exchange protocols approved by the administrator) to the Unified State Register of Judgments, the Unified State Register of Executive Documents and the Central Bank of Ukraine, including for the preparation and automated formation of statistical data, generalization and analytical indicators, reporting on the state of execution of legal proceedings, etc.; objective and impartial distribution of court cases; objective and unbiased definition of the jury; Sending through the contact center of executive documents, court decisions, announcements, court summonses, court summons and other procedural documents or their web addresses in the Unified State Register of Judgments to participants in the trial and other persons by e-mail or other means of communication, (in particular, mobile), which ensure the fixation of a message or a call; providing individuals with information about the state of consideration of legal cases through the electronic cabinet, contact center and web portal in cases established by law; placing on the website of the announcement of a summons to the court (defendant, third person, witness), registered place of residence (stay), where the place or place of work is unknown; to disclose, in cases stipulated by law, other information on the web-portal, the websites of the High Council of Justice and the High Qualifications Commission of Judges of Ukraine; issuance of paper copies of court decisions and executive documents on the basis of data available in the ACDS; other opportunities created by the administrator in accordance with contractual obligations assumed by him [3].

In the appellate and local general courts a computer program "Dilovodstvo-3" is used. The specialized courts also use the computer program "Dilovodstvo specializovanogo sudu" ("DSS").

The analysis of the use of this program was carried out on the basis of the Principles of the use of the automated system of document circulation of the Kuibyshev District Court of Zaporizhzhia Oblast, approved by the Decision of the Judges of the Kuibyshev District Court of Zaporizhzhia Oblast of July 15, 2016 No. 4 [4], as well as the Principles of Using the Automated System of Document Transactions of the Transcarpathian District Administrative Court, Approved by the decision of the meeting of judges of the Transcarpathian Regional Administrative Court dated 10.12.2015. (with changes from 30.11.2015, 16.05.2016) [5].

For the functioning of CP "D-3" in court, the timely introduction to the automated system of reliable data (information on the state of consideration of the court case, the origin of electronic court decisions, information on the entry of judicial decisions of legal force, etc.) and the transfer of necessary information to the Unified State Register of court decisions ; timely provision (deprivation) of the right of access to the automated system to its users; protection of information of the automated system in court; informing the administrator of the automated system and the SJA of Ukraine about problems that arise when using the automated system [4].

With the help of CP "DSS" automation of technological processes of information processing in court is provided, among which we note those that are of great importance for information and communication ensuring the accessibility of justice: registration and distribution of incoming correspondence, registration of outgoing correspondence, as well as internal court documents; recording of the stages of passage of documents to their transfer to the electronic archive, as well as transfer of legal cases from one court to another; registration of procedural actions and documents in court proceedings; operational search of court cases and documents on their requisites; indexing of documents and their context search; making and issuing copies of court decisions and enforcement documents on the basis of the data contained in the automated system, including the electronic communication of the originals of electronic court decisions by means of electronic communication; providing information on the state of consideration of court cases in the manner prescribed by law; preparation and

automatic formation of statistical data, generalizations, analytical indicators obtained on the basis of the information entered into the automated system of information [5].

The provisions on the work of the subsystem of the electronic court are determined by the Regulation on the automated system of the document circulation of the court. The Regulation states in particular that the exchange of electronic documents between the court, the SPC, individuals and participants in the trial is provided by means of the electronic court subsystem. Participants in the trial can, with the help of a registered electronic cabinet, send copies of electronic documents to other participants of the court case, except when another participant does not have a registered electronic cabinet, submit statements of claim and other statutory procedural documents submitted to the court and may be subject to court proceedings, as well as to receive court decisions and other electronic documents. Individuals, with the help of a registered e-cabinet, form the projects (created by filling in the appropriate forms, editing, attaching), signing and submitting to the court and the SSP electronic requests, complaints, offers and other non-procedural appeals concerning the activities of such bodies, and receive a response to them [3].

V. Bondarenko and N. Pustova emphasize that electronic services change the nature of relations between citizens and the state. The experience of the European Union countries shows that the implementation of a productive information exchange in the field of public administration requires the coherence and coordination of all initiatives and projects. In this case, information technology serves as an instrument that enables growth potential to be created, and how much this potential will be realized depends on the aggregate of organizational and political factors [1, p. 156].

The main information resource of the judiciary on the Internet is the website "Judicial Power of Ukraine", which operates in accordance with the Order of the State Judicial Administration of Ukraine dated February 17, 2014, No. 30 "On the organizational support of the functioning of the web portal "Judicial Power of Ukraine" [6].

According to the Rules for Information Content of the official web portal "Judicial Power of Ukraine", approved by the SJAU Order 2014/30, the web portal / website is the

official means of publishing information on the activities of courts of general jurisdiction, other bodies and judicial authorities in the INTERNET network, in the connection with what it applies are the same restrictions and control over the nature and format of information, as well as to the printed publications. Official information that does not contain restricted information may be posted on the web portal / website [6].

The preparation of the information for placing on the web portal / web site is carried out by the structural units of the SJA central administration of Ukraine, officials of the territorial departments of the SJA of Ukraine, local and appellate courts of general jurisdiction, responsible for the maintenance of the web portal in accordance with the list, which is approved by the order of SJA of Ukraine. The preparation of information for placing on the home page and the website of the SJA of Ukraine web-portal is carried out in accordance with the technological process of information placement on the web site of the SJA of Ukraine on the web portal "Judicial Power of Ukraine", which is approved by the order of the SJA of Ukraine [6].

According to the Internet portal "The Cabinet of Electronic Services", the following subsystems of the electronic court are currently operating [7]:

1. Payment of court collection online. Contains information about the details for payment of court fees and provides for the possibility of creating a receipt and online payment of court fees.
2. Information on the stages of consideration of court cases. Includes information about the court hearing the case, the parties to the dispute and the subject of the claim, the date of receipt of the statement of claim, the appeal, the appeal, the application for review of the court decision, the stage of consideration of the case, place, date and time of the court session, the movement of the case from one court to another.
3. The only state register of court decisions. Represents access to an automated system for collecting, storing, protecting, registering, retrieving and providing electronic copies of court decisions.
4. Sending procedural documents by e-mail to trial participants. Provides for the exchange of electronic documents between the court and the participants in the trial, insofar as

the court sends such procedural documents to the participants electronically.

5. Sending a summons in the form of SMS-messages. Ensures the sending of court sentences to court participants and criminal proceedings in the form of SMS-messages.
6. Publication of information in bankruptcy cases. Provides free access to information on the presence of business entities (counterparties, debtors, guarantors, etc.) in bankruptcy proceedings.

In addition, on the web portal "Judicial Power of Ukraine" in the section "Registers and Systems" is presented the Decision of the ECtHR, the Automated System for the Determination of Arbitrage Managers, the Information from the Unified State Register of Persons Who Made Corruption Offenses, the Uniform Register of Lawyers of Ukraine, the Uniform Database of Electronic addresses, fax numbers (telefaxes) of the authorities, the professional network "Themis", as well as conducting court sessions in the video conferencing mode.

In accordance with the Regulations on the automated system of document circulation of the court, the Single Information and Reference Center of the Judiciary of Ukraine [8] acts. Calling for a single free number can get reference information about the addresses and contact numbers of the judicial institutions that are part of the Supreme Court, the schedule of work and the timetable for admission of citizens; information on the state of consideration of court cases; prompt information to the participants of the court process on the stages of the motion of the case; consultation on the conditions for submission and registration of appeals and requests to the judicial authorities; information on the conditions for calculating the court fee and possible ways of payment; information on a list of possible public and private institutions providing legal assistance (free or on a fee basis) in case of legal issues; the opportunity to leave his wish to improve the quality of work of judicial institutions. One of the main tasks of the single information and reference center of the Judiciary of Ukraine is to ensure the availability of qualitative and operational information from a single centralized information source (center) [8].

In order to establish proper relations between the judiciary and the society, to ensure the authority of justice, to increase the level of trust in the judiciary, to guarantee the

right of citizens to information, broad and systematic coverage of the judicial system in the media, taking into account the participation of the Supreme Council of Justice, the creation of conditions in order to protect the authority of justice in accordance with the Decision of the SCJ of August 8, 2017, No. 2384/0 / 15-17, the Press Center of the Judiciary of Ukraine was established at the Supreme Council of Justice [9].

The main tasks of the Press Center are publicizing public information about the activities of the judicial system and the implementation of external and internal communication with judicial bodies and institutions of the justice system, the Communications Committee of the justice system, regional judicial communications centers in order to secure their links with the media and the public in Ukraine and abroad. For the implementation of the main tasks, the Press Center aims to: ensure the transparency of the judiciary; raising the level of authority of the judiciary and public confidence in the administration of justice in general; support of relations between courts, representatives of bodies and institutions of the justice system, assistance in the exchange of information between them and the organization of joint communication outside the judiciary; improvement of relations with mass media, leaders of public opinion, public organizations, state authorities and local self-government in the interests of building a law-governed state; raising the level of legal education of the population, informing citizens about ways to ensure their constitutional rights and the need for their constitutional duties to be observed [9].

The issue of the communications of the judiciary as a means of combating misinformation was considered by the Council of Judges of Ukraine, and the results of this consideration were filed in the form of Decision RSU №37 dated 06/08/2017. The introductory part states: "Modern challenges, and this is judicial reform, the orientation of society to democratic development Countries, threats of political manipulation, require rapid and qualitative responses. If the information niche is not professionally filled, then this vacuum of communication between the courts, the media and the public will be used as a powerful destructive tool of misinformation. Ukrainian society today needs to receive timely, high-quality, impartial, objective, accurate information about what is happening, both in the courtroom, and in

general in the judiciary. The population has accumulated so many questions that it is not only necessary to answer them, but also to outstrip the weighed information of the emergence of new question marks". On the basis of the analysis of the successful activity of the Judicial Media Information Center of the Khmelnytsky Oblast, the RSU recommended that courts in all regions of Ukraine take measures for the organization of oblast judicial info-media centers on the example of the Judicial Media Information Center of the Khmelnytsky Oblast [10].

At the present stage of the development of information technologies, personal communications that bring judicial authorities closer to the public are of particular importance. One of the fundamental inventions that have changed fundamentally changed the ways of mass communications became social networks.

Participation of a judge in social networks, Internet forums and the use of other forms of communication on the Internet is allowed under Art. 20 Code of Judicial Ethics. It is allowed to post, comment only on the information, the use of which does not harm the authority of the judge and the judiciary.

P. Kablack claims that it is permissible to create semi-public judges (admitting the possibility of identifying a judge, but should not contain information relating to his professional activities, allow them to communicate with colleagues, friends, family and receive information, exchange ideas and be in touch) and public (can distribute useful information to court visitors (post some

clarifications, recommendations), maintain business contacts with colleagues and representatives of the press, involve the public in discussion of certain issues in court, etc.) accounts in the universal social network Facebook and microblogging Twitter, however, the content of personal pages of judges must comply with the established restrictions, which should be monitored, which should be monitored [11, 127, 129].

The professional legal network Themis operates in Ukraine - a virtual platform for informal communication of judicial justice professionals, which allows each user to exchange information on a regular basis, discuss various issues in the field of jurisprudence, express their thoughts, ideas and legal positions on issues that is the subject of professional discussions.

In the social network of Facebook there are pages of the Supreme Court of Ukraine, other courts of different levels, represented by the group "Judges of Ukraine", "Judges and lawyers of Ukraine", etc.

We would also like to emphasize that, of course, the presence of judges in social networks that fall under the personal special economic and other restrictive measures (sanctions) in accordance with the Decree of the President of Ukraine No. 139/2017 dated May 15, 2017, is unacceptable. This applies, in particular, to social networks belonging to MAIL GROUP (Vkontakte (www.vk.com) and Odnoklassniki (www.ok.ru).

Conclusions

According to the results of the study, we conclude that the structure of information and communication support for the accessibility of justice requires further improvement in the directions of implementation of innovative technologies available at the present stage of development, which requires increased funding of the judiciary in Ukraine. At the same time, the further introduction of innovative technologies into the work of the judiciary is accompanied by an increasing need for the improvement of the qualifications of judges, their assistants and employees of the apparatus. Also, according to the results of the study, we can recommend strengthening the development of the professional legal network "Themis", which has the prospect of bringing judicial power closer to citizens and thus improving their access to justice.

A promising *direction for further research* is the study of the organizational and legal framework of communications of the judiciary in the context of improving the accessibility of justice.

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