

UDC 342.5

E-JUSTICE

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To begin with I would like to remind that we live in the 21st century, which is known as the century of the information technology emergence and development. It is not a secret that information technologies exist in any sphere of public relations, and thanks to these technologies we are observing the process of informatization, or the advent of the information.

Informatization is a policy or a process, that is aimed at building and developing a telecommunication infrastructure, that combines geographically all distributed information resources [2].

Informatization exists in jurisprudence as well. It can be viewed as the transition from general or standard justice to e-justice.

Unfortunately, there are not many viewpoints, regarding the definition of e-justice, because this concept is relatively new and is studied not well enough. E-justice, for example, can be seen from two perspectives – as a narrow definition and as a broad one. In a broad sense, e-justice can be understood as a combination of various automatic informational systems that provides the means for publishing judicial acts, for conducting an “electronic case”, and for accessing the materials of the “electronic case” by the parties. However, the means of a trial cannot be changed, so e-justice can be used as a supplementary resource only. In a narrow sense, e-justice should be understood as the ability of a court and other participants of a judicial process to carry out actions which are provided by regulatory legal acts, and which can have an effect on the trial, on its beginning and continuation. These actions can be considered as, for example, sending documents to the court trial in electronic form, or participating in a court trial via a video-conferencing system [1].

If we speak about foreign countries, for example the USA, there exists another concept of the term “e-justice”. In the USA judicial system e-justice is understood as a possibility to access court trials with the help of modern information technologies, or the possibility to get information about court cases, to search for documents of court cases, and also to search different information which is connected to the implementation of court decisions [1]. This means that e-justice in the United States is based on the concept of filing electronic documents, as well as e-justice is understood as a quick way to obtain the necessary information, for example, about a specific court case.

In Germany, there are two ways to understanding e-justice. On the one hand, it is a part of e-government. On the other hand, e-justice is an independent phenomenon along with e-government. The second way of understanding e-justice is more preferable among scientists, because it emphasizes the independence of the judicial branch. However, when one considers the ways to perceive e-justice, they should fully understand what e-government is [3]. E-government is a public administrative system that is based on the automatization of managerial processes throughout the whole country [4]. This definition is the key factor to support the second way of understanding e-justice rather than the first one in Germany.

In the Czech Republic e-justice is connected with the ways how people use information technologies in order to access the judicial system and e-justice helps to increase the efficiency of legal proceedings. The legal proceeding is understood as any action that is aimed at closing the argument, mediation, or how fines are imposed for certain actions, as well as the way to achieve positive changes in the quality of a trial, or to have easier and more effective one [6, p. 11].

One of the concepts of e-justice is given by European Union of Terminology. It follows that, depending on the context, e-justice can include any or all of the following: posting on-line laws without specific data and posting other legal texts on the Internet; giving lawful information (for example, a land registration, a registration of companies or, even a criminal record) through the Internet; permission to initiate and/or conduct certain legal procedures by electronic means, that entails creating electronic legal communication between the parties of the proceeding and the court [5].

In the Russian Federation, e-justice is understood as a method of administering justice that is based on the use of modern informational and communicational technologies that allow the use of paperless information exchange in court proceedings between all participants of the judicial process [1].

It is important to mention in this article that there may be some confusion about the definition of e-justice: the term “e-justice” is often understood as “digital justice”, though there is a difference. In the first case, we speak about the properties of the informational carrier, and in the second - about the form of data existence [3].

Thus, we stand to the point that e-justice is an integral element of the judicial system modernization. Thanks to e-justice there is an automation of clerical work, and the storage of case files in an electronic form contributes to a more reliable protection, as a result the delivery time for court appeals and the expenses for it are reduced. The concept of e-justice also includes audio and video, which allows you to record everything that happens during a trial. With the help of special automatic equipment installation, the falsification of video recording results becomes almost impossible. With the help of e-justice it became possible to familiarize ourselves with the case materials and with judicial practice in a particular category of disputes via Internet.

The experience of foreign countries shows that the court informatization ultimately leads to the use of elements of electronic justice in the law enforcement practice of the State [7].

In conclusion we can say that e-justice is a combination of informational technologies that allows introducing innovations into the judicial system. That improves, preserves and strengthens the legislation by being more accessible and makes it possible to be used not only by people with legal education, but also by people who do not have it.

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