

registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if he has acquired no trademark or service mark rights; 3. the domain name holder is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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«ELECTRONIC COURT» SYSTEM IN UKRAINE: TRENDSETTING AND CHALLENGES

The article substantiates the necessity of introducing technological solutions, in particular, «Electronic Court» system, which has become an important step towards transformation of legal activity from the established system to the communication model, which involves de-bureaucratization and increasing the efficiency of legal proceedings. In this context, the article analyzes the stages of implementation of the e-justice system, which laid the foundations for automation and informatization of the court process and highlighted their advantages.

Key words: *e-justice, «Electronic Court», efficiency of justice.*

Researchers from different spheres guess that informatization of society has numerous risks, since it generates a large number of contradictions [3], and the ability of a person to timely realize and follow the pace of the functioning of the information environment is far behind these pace. As a result of this, there is a threat to the privacy of human life.

However, the abovementioned does not mean reducing the value of information technology to meet public needs. On the contrary, informatization of public relations becomes an important tool in areas that are of a purely public nature [1, p. 5], for example, public administration, a separate component of which is justice.

The democratic structure of the state envisages the division of the branches of power into legislative, executive and judicial, this axiom can

serve also to e-democracy, the essence of which is the application of information and communication technologies (ICTs) to attract citizens into public and political life. which is a key component of a democratic system, in the context of the development of e-democracy in Ukraine, also does not remain unaltered and receives new tools for ensuring the accessibility of justice, efficiency and transparency of the judiciary.

In general, innovations of the Electronic Court system have resulted in organizational improvements, namely, the availability of justice through the introduction of electronic document circulation between participants in the litigation, reducing court costs and paperwork, accelerating the exchange of documents between judicial authorities and instances and many others. Indeed, the maintenance of transparency and accessibility of justice, the efficiency of the judicial system and the saving of public costs on the judicial system are also the main tasks of electronic justice.

The State Judicial Administration has developed and approved the Concept for the creation of a Single Judicial Information System whose purpose is to create and operate the «information and technological support of justice on the principles of balancing the need of citizens, society and the state in the free exchange of information and necessary restrictions on its dissemination» [4]. However, despite the fact that the Concept was approved in 2014, only with the entry into force of new procedural codes (December 15, 2017), namely, Civil Procedural Code, Commercial Procedural Code, Code of Administrative Proceedings, the legislator announced the introduction of a new Single Judicial information and telecommunication system.

Within the framework of Single Judicial information and telecommunication system of Ukraine, the project «Electronic Court» is currently in operation, the task of which is to improve the functional and technological capabilities of the information infrastructure of the courts of general jurisdiction. The priority objectives of the project are to ensure open access of process participants to information through the creation of modern Internet resources and the installation of information kiosks in the courts, a phased transition to the electronic exchange of procedural documents between court and participants of the process using digital signature, to electronic exchange of information from databases of other state bodies and institutions, to ensure the complete computerization of court proceedings, the formation of a single electronic archive of judicial documents [4].

The introduction of the «Electronic Court» system was developed in several stages in accordance with the needs of the judicial system. The main ones include the following steps:

1. Creation of a single local network through protected Internet channels and improvement of technical equipment of judicial bodies, creation of conditions for the use of electronic digital signature (EDS) for the protection of information in electronic documents.

2. Development of specialized software «Automated system of document circulation», which currently provides electronic document circulation and the establishment of judicial statistics. Thus, a closed cycle of processing information from its receipt to the transfer of court decisions to the State

Register of Court Decisions is created. It also greatly simplifies the generation of statistical reports for any period of the court's operation (the only condition – since the start of the work of the Automated system of document circulation of the court).

The main novelty of this phase was the introduction of an automated division of litigation between all judges of a particular court. The distribution algorithm takes into account the specialization of judges and their current load, which undoubtedly guarantees the impartiality and transparency of appointing a judge to a particular proceeding.

3. Ensuring electronic document circulation between the judicial authorities and other public authorities, in particular, the State Fiscal Service – for obtaining information on the taxpayer registration number (INN).

4. Creation of a system of automatic informing on the progress of consideration of litigation. The automated system of document circulation of the court, subject to the provision of the parties in a specific case of prior agreement, may provide dispatch of court summonses and procedural documents to the process participants by e-mail and in the form of SMS on the time and date of the court session in the case. This innovation has significantly accelerated the timing of sending judicial documents (in particular) and significantly increased the cost savings of correspondence.

5. Equipment of courtrooms with a complex of technical fixing of court proceedings and videoconferencing. The automated system of court documents also includes the registration of a court session journal, which, due to technical fixation, is formed by the secretary of a court session in an automatic mode.

Video conferencing allows for remote court sessions in cases where the participants of the proceedings can not personally be present at the court sitting while in a remote place in Ukraine or abroad. Equipping courtrooms with similar systems guarantees transparency and publicity of proceedings, since it allows you to broadcast the session on the Internet, while receiving a transmission of the video using YouTube video hosting.

6. Full-scale involvement of electronic communications and documents to speed up the receipt of information from State registries, obtaining attorneys' orders (in the case of providing free secondary legal aid), the creation of a single database of electronic addresses, fax numbers (telefax) of the authorities. All this allows de-bureaucratic and operational interaction between judicial authorities and other state actors in the process of judicial proceedings.

7. Implementation of the project and training of judicial staff in work in the «Electronic Court» system. In general, the implementation of the «Electronic Court» project has enabled the creation of effective mechanisms for the exchange of information between the Unified Judicial System Database and the Unified Register of Pre-trial Investigations, Unified state register of persons who have committed corruption or corruption-related offences, State Register of Voters, and many other state registers, «where the speed of updating information, its completeness, security by means of

cryptography and the exclusion of human influence from the information exchange process is very important for the work of law enforcement and control bodies of the state» [3].

Consequently, electronic litigation, as a direct activity of the court and related bodies, has a number of significant advantages:

- saving time and costs. Paper documents required personnel, financial and time costs, and did not provide reliability and efficiency. Currently, this problem is almost eliminated through the introduction of electronic document management;

- providing quick access to the materials of the parties' proceedings in the proceeding;

- elimination of the necessity to certify paper copies of documents, which avoids the time spent on the production of paper copies of documents, and the electronic copy will always correspond to the original and can be verified using system information;

- rational use of material resources (financial, natural, etc.).

But there are drawbacks. For example, O. Bryntsev notes «the unpreparedness of the legal field» [1, p. 19] to the full implementation of e-justice in practice. Courts, despite the «reloaded» procedural rules, are not in a position to abandon the paper form of the process, and electronic communication with the participants in the trial process is not always possible to adjust.

Thus, jurisprudence has always been a system in which technological solutions played far not the main role. But in today's conditions of transformation of society, changes in the vector of development of social processes in the direction of the information component and reloading of human activity and communication in the electronic form, legal activity acquires new properties, which are closely related to the informatization of society.

The introduction of technological solutions, in particular, the tools of electronic justice, is an important step towards the creation of a communication model of legal activity aimed at de-bureaucratization and increasing the efficiency of the functioning of public authorities.

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