Publisher: The USA Journals

🔓 **Research Article**

INTEGRATION OF MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES AS AN IMPORTANT AREA OF PREVENTION OF CORRUPTION IN THE JUDICIAL SYSTEM

Atajanov Azizbek Abdimalikovich
Postgraduate student of the Supreme School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan

ABSTRACT

The article examines the experience of foreign countries in the application of digital technologies in the justice system. It is determined that in most foreign countries, the development of e-justice systems is considered as an integral component of judicial and legal reform. The use of Artificial Intelligence in judicial practice based on computational procedures is a very feasible program and for other countries positioning itself as a legal one.

It is determined that the use of Artificial Intelligence will avoid the use of traditional methods of resolving legal disputes. Artificial Intelligence is based not on situational logic, but on computational procedures.

It is proved that the use of modern technologies in the justice system will contribute to improving the effectiveness of judicial reforms, ensuring its effectiveness and objectivity. It will simplify the legal process and de-bureaucratize it, reduce court costs and facilitate access to justice.

It is noted that the purpose of using Artificial Intelligence in the judicial system is to create a tool to help in decision-making to reduce, if necessary, the excessive variability of decisions made by courts in the name of observing the principle of equality of citizens before the law. The use of Artificial Intelligence technology based on modern technologies will fundamentally change the judicial process and reduce the workload of the judicial staff.

KEYWORDS

E-justice Judicial Law enforcement and Supervisory activities Digital technologies Artificial intelligence Digitalization of judicial authorities Legal tech Systems of preventive judicial Analytics and chatbots.

INTRODUCTION

Today, when information openness and transparency are developed, judicial activity has become more accessible. New IT technologies are being introduced into all judicial instances aimed at reducing material costs and time without outside support and legal advice to independently find out about the procedure for sending and the necessary details of the complaint (petition), as well as the procedure and timing of its consideration. The important thing is that the contact of legal entities and individuals with employees of the judicial apparatus is minimized.

It should be noted that Uzbekistan lags far behind global trends in the field of digitalization. Thus, «In 2020, the share of the digital economy in Uzbekistan was 2.2% of the country's GDP. At the same time, the average optimal indicator is 7-8%, in the UK, for example, it is 12.4%, South Korea - 8%, China - 6.9%, India - 5.6%, Kazakhstan - 3.9%, Russia - 2.8%» [1].

Comprehensive and scientifically-based implementation of IT in state structures indicates the level of development of this state. To date, the essence of the informativeness of public administration and law enforcement activities is carried out only by technical support for the creation of a legal framework, and their further direction for execution, while the digital aspect of the state and civil society is obliged to be based on such digital resources that would guarantee extra-bureaucratic contact of citizens with authorities on issues of ensuring and protecting their private rights.

According to Professor Richard Susskind (England), today's judicial system is expensive (meaning attending trials and other costs) and time-consuming for citizens who apply to it for the resolution of legal issues. To modern society, such a long and expensive justice seems anachronistic and inappropriate in the Internet society, and citizens increasingly expect that the state service for resolving judicial disputes will be provided in digital (online) form [2].

Lawyer practitioner Taimur Ali Khan Mohmand (Pakistan), talking about the online case management system implemented in the courts of Islamabad, argues that an electronic judicial service would not only eradicate corruption, but also improve the justice system, making it more accessible to those who live far from legal centers or who are struggling to afford the costs of seeking justice [3].

Foreign experience in the use of information and communication technologies (ICT) by courts, in particular, the experience of such technological leaders as Singapore, the Republic of Korea, Malaysia and Germany shows that the introduction of new technologies makes it possible to improve the work of judicial bodies by optimizing their work. In particular, thanks to the electronic document management system, judicial authorities were able to reduce the number of actions taken by judges and judicial personnel. The introduction of electronic justice has helped to solve numerous issues of courts, in particular, it has allowed to reduce the time for

consideration of citizens' appeals, to ensure interaction and data exchange between departments, and also created conditions for the automatic collection of analytical data on the activities of courts.

In our opinion, the introduction of IT technologies into the activities of courts is a system of measures aimed at authorizing systems of interrelated methods and ways of collecting, storing, searching and processing computer data in order to speed up the judicial process, reduce the burden on judges, increase the openness of the judicial system, and most importantly, facilitate access of individuals and civilians to judicial procedures by reducing court costs caused by the need for the physical presence of the parties.

The introduction of IT into the activities of the courts of our Republic is carried out in stages. Particularly, on December 10, 2012, a Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to introduce modern information and communication technologies into the activities of courts" was adopted. In order to implement this Decision, the Supreme Court of the Republic of Uzbekistan, together with UNDP in Uzbekistan, has developed a National Information System for electronic Court Proceedings «E-SUD». The purpose of this system was to provide interactive services to the public in the field of administration of justice and the development of electronic document management in the judicial system.

Since January 1, 2018, a single centralized electronic database has been introduced in the activities of courts. In particular, an effective monitoring system has been created for the timely consideration of cases in the courts, the possibility of timely elimination of problems and shortcomings in the proceedings has been created.

The following interactive services for citizens and business entities have been launched: exsud.sud.uz "Appeal» that makes it possible to send appeals to the courts in electronic form, observe the process of their consideration online and receive court decisions in electronic form at the specified link; "Electronic payment system" (billing.sud.uz) a unified electronic payment system has been introduced to account for the state fee and the amount of fees charged by the court.

The introduction of information and communication technologies into the activities of courts has led to the following advantages:

- Participation of individuals in court sessions without leaving their places of residence;
- Saving time and money of citizens to participate in court sessions;
- Ensuring full participation of the parties in court sessions.

In order to implement the established tasks provided for in the Action Strategy, on August 30, 2017, the Decree of the President of the Republic of Uzbekistan "On measures for the further introduction of modern information and communication technologies into the activities of courts" was approved [4].

The Decree defines the following priority tasks for digitalization of courts: "ensuring openness, transparency and efficiency of court activities, automation of court activities, timely consideration of cases in courts, increasing the productivity of clerical work in courts, increasing the list and improving the quality of interactive services provided to individuals and legal entities."

The study of the practice and legal framework for the introduction of IT technologies into the judicial system

revealed the following problems in the introduction and subsequent use of information technologies:

the complexity of training judicial personnel, in particular judges, the rules for the use of automated information systems (AIS); the need to upgrade existing AIS and infrastructure into judicial systems; weakness of Internet resources providing communication; the difficulties of improving software, the lack of IT specialists who understand the specifics of lawsuits, etc.

Despite the above problems, the use of IT technologies in the judicial system is absolutely solvable, under conditions of constant analysis, as well as the provision of systemic technical and legal modernization.

The transformation of legal technologies is expected in the world today. Transformation is a complete change in the way we work. The future of independent, transparent and open judicial proceedings lies in the transformation of law enforcement.

In world practice, we observe how the pandemic has forced the acceleration of digital transformation in all industries and the resolution of legal issues online has become a normal phenomenon.

In many foreign countries, "electronic justice systems" are considered as an integral component of judicial and legal reform.

The issue of using Artificial Intelligence (AI) in judicial and other areas of law enforcement is not a matter of technology and information policy, but a political and partly socio–psychological problem.

According to V.Ovchinsky and E.Larina, AI is «a computing system that makes a choice based on statistical information. The main thing that is solved in such systems is to ensure that the actual state of affairs is reflected in statistical information. The most effective AI will make or recommend decisions based on real connections, dependencies and relationships that are identified based on the analysis of the real state of affairs» [5].

Studying the works of V.Ovchinskaya, E.Larina "Artificial intelligence "Ethics and Law" it can be concluded that the problem of implementing AI in courts is that AI is based not on situational logic, but on computational procedures. And it is not intended to work with contexts.

The USA is considered to be the pioneers in the implementation of AI solutions in the judicial system and jurisprudence. In the early 2000s, startups began to appear in the United States, which were introduced into information technology in solving problems of jurisprudence. The "legal tech" technology was developed by Rocket Lawyer and Legal Zoom, which provided services for creating dynamic documents, smart contracts and offering legal advice.

Due to the specificity of legal systems, most companies in the field of legal tech are reoriented, first of all, to the local market. It is for this reason that, despite the growth of the market for these services in the states, the companies involved in this business were in no hurry to expand in this direction.

The form of legal tech, which is present in the markets of many countries of the world, is considered to be information technology services for accounting reports and financial management, limiting the need for average legal personnel.

The legal regulation of the use of "AI" in judicial systems was first considered at the level of the European Commission in April 2018. The European Ethical Charter on the Use of AI in Judicial Systems and

the Realities Surrounding Them (Strasbourg, December 3-4, 2018) [6] defined as five basic principles the use of AI in judicial systems principles:

1. Following the basic standards of law: the development and further application of AI must comply with the basic rights;
2. Do not discriminate: preventing the appearance of causes that discriminate against individuals or a group of individuals;
3. Quality and safety: judicial decisions and analytical data should be processed using certified sources and intangible information using models created on safe and reliable technologies;
4. Transparency, impartiality and reliability: data processing must comply with the principles of transparency and openness, the company must have access to the work carried out;
5. User control: give full control to the user to track down work processes.

Today, Uzbekistan is gradually creating a legal framework for the development of artificial intelligence technologies and it is too early to talk about any achievements.

In order to accelerate the introduction of artificial intelligence technologies

On August 26, 2021, the Decree of the President of the Republic of Uzbekistan «On measures to introduce a special regime for the use of artificial intelligence technologies» was adopted [7]. In accordance with this decree, a Research institute for the development of Digital Technologies and Artificial Intelligence is being created in Uzbekistan.

The study of scientific literature on Artificial Intelligence allows us to draw the following conclusions:

AI is a platform that prepares a forecast and analysis in judicial activity based on the results of processing relevant information with the use of machine learning, neural networks and image detection methods with the output of final results for the user.

In world practice, the use of AI in the judicial system is seen in the following directions:

Progressive semantic corporate search engines;

Systems for searching and analyzing conditions available in legal documents;

Support systems for the creation of legal documents based on automatic template generation;

A system of predictive judicial prognosis aimed at law firms;

Legal chat bots, leading notifying parties in the process of first contact on certain issues in natural languages.

Today, the introduction of AI in courts is very relevant in European countries. For example, since the beginning of 2021, a predictive analysis system has been launched in the Latvian judicial system, which includes processing from human and material resources data to the final verdict in the case. Latvia has managed to launch a system of predictive judicial analytics, which is «designed not for private companies acting on the side, as a rule, of the defense, but in the interests of the state - mainly the prosecution» [8].

In October 2020, the European Commission on the Effectiveness of Justice of the Council of Europe (CEPEJ) published a new report on the assessment of the effectiveness and quality of justice. According to this report, the leaders among the countries of the European continent in the introduction and application of digital technologies are Germany, Russia, Italy,

France and Switzerland. These countries have effectively used the period of self - isolation in the context of the pandemic [9].

In conclusion, we can say that the world of information technology is changing very quickly. This process does not bypass the justice system. We see how machines are becoming capable of performing legal tasks, technologies are becoming an integral part of judicial processes, and participants in legal proceedings are acting in new formats.

Today, the prospects for AI in law are not so high, as they are still at an inchoate level. But the USA and the countries of the European continent are working on projects for the widespread use of AI.

However, the fact remains that AI will take a dominant place in legal practice in the long term. In the future, thanks to machine learning, AI will be able to predict a court decision more accurately than any expert.

Statistics show how the burden on judges increases every year. A certain threshold of the judge's workload, which exceeds his physical capabilities, leads to degradation of the quality of justice. In conditions of such a workload, even the most well-intentioned and professional judge is simply deprived of the opportunity to delve into the essence of the case, study and study evidence, listen to witnesses, delve into the arguments of the parties, and therefore uses template approaches, both in court and in preparing a decision.

The use of AI will lead to a quick solution to the issue of ship congestion. The practical application of technologies using a special program-an algorithm with AI, is able to process a large amount of various legal (and not only) information, and as a result - to give a forecast about the most likely outcome of the situation, a possible court decision.

We consider it necessary to intensify research in the field of the use of ICT and software solutions in the field of the use of Artificial Intelligence in the course of justice, the development of "predictive justice" technologies based on the main provisions of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and the realities surrounding them (Strasbourg, December 3-4, 2018).

Summing up, we note that the introduction of modern information and communication technologies is an important area of preventing corruption in the judicial system in this regard, it is proposed:

minimize the participation of judicial staff and judges in the process of accepting applications from individuals and legal entities for record keeping by gradually switching the acceptance of claims and applications to electronic order;

in order to prevent collusion between employees of the judicial apparatus and employees of other departments in the consideration of cases, to strengthen the integration between the information systems of various departments for rapid and effective mutual exchange of data when considering cases in courts.

REFERENCES

1. Информационно-аналитический портал Review.uz // https://review.uz/post/uzbekistan-otsifroviyvaetsya

2. Tickle L. Online Justice: Why Courts Should Explore Emerging Digital Possibilities. The Guardian 16.01.2017 // https://www.theguardian.com/public-leaders-

network/2017/jan/16/online-justice-courts-explore-digital-possibilities

3. Taimur Ali Khan Mohmand E-judiciary Today's Paper published 04/10/2016 https://www.thenews.com.pk/print/ 154687-E-judiciary

4. Постановление Президента Республики Узбекистан от 30.08.2017 года «О мерах по дальнейшему внедрению в деятельность судов современных информационно-коммуникационных технологий» за № ПП 3250 // https://www.lex.uz/docs/3327996

5. В.Овчинский, Е.Ларина «Искусственный интеллект. Этика и право» электронный ресурс //https://books.google.co.uz/

6. Европейская этическая хартия об использовании искусственного интеллекта в судебных системах и окружающих их реалиях Принята на 31-м пленарном заседании ЕКЭП (Страсбург, 3-4 декабря 2018 года) https://rm.coe.int/ru-ethical-charter-en-version-17-12-2018-mdl-06092019-2-/1680986of4

7. Постановление Президента Республики Узбекистан «О мерах по внедрению специального режима применения технологий искусственного интеллекта» №ПП-5234 26.08.2021 // https://lex.uz/ru/docs/5603368

8. Скарлетт-Мэй Ф. Алгоритмы, протестированные в противовес справедливому судебному разбирательству // http://lexis360.fr

9. European judicial systems CEPEJ Evaluation Report Part 2 Country profiles // https://rm.coe.int/evaluation-report-part-2-english/16809fc059