

INTEGRATION OF INFORMATION AND TELECOMMUNICATION TECHNOLOGIES INTO JUSTICE ON THE EXAMPLE OF AFRICAN COUNTRIES

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Abstract - A holistic model for creating digital dispute resolution methods in African countries has not yet been developed, despite the adoption of various targeted programs for the transformation of judicial proceedings, modernization of the judicial system and procedural reform. In most African countries, various acts and strategies have been adopted at the national level regulating the country's digital development agenda, which emphasize the need to introduce modern digital technologies, including in judicial proceedings, and improve the quality of court equipment.

Keywords: digital notary, legal proceedings, evidence, certification, blockchain, framework, Nigeria.

INTRODUCTION

At the recent Russia-Africa Economic and Humanitarian Forum, the main topic of discussion was "Technology and security in the name of sovereign development for the benefit of man", in the context of cooperation between Russia and African countries in the fields of trade, investment, industry, technology transfer, food and energy security, digitalization and others. In numerous publications devoted to the digitalization of the economy, it has been repeatedly emphasized that artificial intelligence (AI) can rebuild the economy, ensure productivity growth, increase its efficiency, reduce costs, and is designed to do this. Thousands of newspapers, books and magazine pages contain the phrase "artificial intelligence". Russian legal science is on the verge of a large-scale study of the content and methods of regulating relations related to the categories of robotics, cyberphysical systems, electronic objects and others [4]. The creation of new economic centers in a multipolar world involves the development of conceptually new dispute resolution methods in the context of typologizing the main trends, threats and risks associated with the introduction of end-to-end digital technologies in various spheres of society. Dispute resolution mechanisms are a key area for ensuring law and order in African countries.

The rule of law is an indispensable pillar of social justice, as well as a necessary condition for every member of society to go to court to protect their fundamental rights.

Ensuring the rule of law is crucial for improving the effectiveness of the judicial method of protecting rights, as well as for a favorable investment climate and economic development that guarantees certainty to business and commercial activities.

According to Logan Finucan, Erika Barros Sierra and Namita Rajesh, judicial systems around the world seeking to ensure the rule of law face many different challenges, including: effectively managing public resources; being transparent and open to stakeholders; being accessible to all social groups and communities; and innovating in response to the needs of citizens. These problems are particularly acute in sub-Saharan Africa. In such countries, resources are limited for both government agencies and courts, so it is not possible to fully implement information and communication technologies in accordance with international standards. The dependence on paper media remains in judicial systems, as a result of which there is a growing number of unfinished court cases and bureaucracy [8].

The international experience of the digital transformation of the judicial system indicates the overcoming of all these problems, increasing the effectiveness of the judicial method of protecting rights. The active integration of a variety of applications and available digital tools gives ships the opportunity to reengineer and optimize legacy paper processes. Despite all the advantages of converting the judicial system to an electronic format, this process is hampered by numerous

institutional problems. The solution may be the adoption of a Roadmap for the introduction of digital justice by integrating various applications into the work of the courts.

Materials and Methods:

The theoretical and methodological basis of the research is the dialectical-materialistic method of cognition of social processes and socio-legal phenomena. In particular, the dialectical-materialistic method will allow us to study the norms of procedural and substantive law in their interrelation, interdependence, inconsistency, taking into account the comprehensiveness of the study. The legal and sociological orientation of the work also determines the use of general scientific methods: generalization, abstraction, analysis, synthesis, induction, deduction, historical, logical, comparison, classification. Allowing for a comprehensive comparative legal and social study of digital methods of protecting rights, taking into account social guarantees and social policy of the state

1. Electronic justice in African countries

The transformation of all spheres of civil turnover into a digital format is one of the main tasks of modern society. This process has proven its effectiveness in many countries of the world, which has allowed them to reach a new level of development. Many areas, be it agriculture or the financial sector, need such processes, which allows achieving a greater, effective development result. It should be noted that financial influences are needed to implement digital agendas adopted in many African countries. Unfortunately, not all African countries can afford to implement this agenda. In addition, it is necessary to achieve certain technical standards for their implementation. Thus, Internet coverage in African countries is still quite low, so we can conclude that the level of development of e-justice in African countries also depends on the level of Internet penetration.

In the context of the new legal reality, the process of integrating digital technologies into civil proceedings is still seen as vector-free and unsystematic. Thus, in Algeria, the digitalization of judicial proceedings began in 2008, when the project "Electronic Algeria 2013" was launched [10]. The Electronic Algeria 2013 project is part of the government initiatives and projects in the field of digital development adopted by the Government of Algeria to achieve global economic competitiveness on a new technical, technological, information and institutional basis. The introduction of digital technologies into the state administration apparatus should help to overcome corruption and bureaucracy at all levels of government.

The experience of Malawi in creating an electronic case management system is of interest. In Malawi, the judicial system introduced an electronic case management system in 2015 as a result of a Government-led reform program. The commissioning of the Electronic Case Management System (ECMS) in the High Court and the Supreme Court of Appeal of Malawi has proven its effectiveness, which is based on information and communication technologies (ICT) [5]. Chawing Chaupe highlighted several advantages of implementing this system: ensuring the safety of court materials, simplifying the tracking and retrieval of case materials.

It is interesting to refer to Nigeria's experience in creating virtual courts [1]. Nigeria has established virtual courts and an electronic document management system in courts. Platforms such as Zoom, Microsoft Teams and Google Meet are used to conduct virtual hearings. In addition, courts can give instructions or issue rulings and decisions through virtual hearings or remote court sessions. In order to satisfy the constitutional requirement for a public hearing of cases, the guidelines stipulate that court presidents must provide live streaming of all virtual court sessions via a published URL or web address or other social media channels so that members of the public can observe the proceedings. In addition, information about virtual court sessions should be published in the usual manner in which the court usually publishes its regular sessions, provided that such publications should indicate the nature of the meeting (i.e. remote trial). The social media channel or web address where the trial will be broadcast must also be indicated in the publication of the court. However, despite the positive process of introducing various technologies into the legal proceedings, Adelowo Stephen Asonibare, Halimat Tope Akaji identified a number of problems: the preservation of a complex procedure for filing lawsuits in court, inadequate mechanisms for carrying out procedural actions, lack of reliability of court documents. Although Nigeria is a developing country and, as such, has not yet advanced in ICT innovation, this cannot prevent the introduction of an electronic way of administering justice.

The successful implementation of e-justice may be hindered by problems with electricity supply, Internet dysfunction, lack of information technology skills, lack of an appropriate legal framework, and other problems [2].

In October 2021, the Ugandan judicial system officially commissioned the Electronic Court Case Management Information System (EECMIS), a solution based on the Synergy ECase product [6].

On May 6, 2022, Zimbabwean President Emmerson Mnangagwa officially commissioned and launched the new Integrated Electronic Case Management System (ZimlECMS), a solution based on Synergy's ECase product for Zimbabwe. Stressing that the era of missing court cases has come to an end [13]. South Africa has established online courts (COURT ONLINE), which provide the parties with the possibility of electronic filing of documents (E-Filing), digital case management and evidence management for the High Courts of South Africa [3].

CONCLUSION

The change in the life of society under the influence of digitalization has led to the emergence of new digital platforms and digital services, which have become a trigger for the emergence of new ways of resolving disputes, which have not yet found sufficient legislative consolidation in African countries, as indicated by the above examples. Individual digital technologies have been subjected to in-depth research in the branch of legal sciences in some African countries, for example: South Africa [12]. Forecasting digital trends in the development of society in African countries is necessary, including in the context of economic collaboration with the Russian Federation [7].

Currently, in African countries, there is a largely artificial process of "fitting" established dispute resolution methods to fundamentally new relations, which leads to the impossibility of properly implementing legal regulation of public relations arising in the process of their digital transformation. The solution to this problem must begin with the formation of dispute resolution models, the creation of a common doctrine, methodology and standardization of dispute resolution processes, and only then will it be possible to implement a comprehensive program of legislative changes related to their digital transformation.

The evolution and vector of development of the main ways of protecting rights under the influence of end-to-end digital technologies is necessary to ensure sovereignty and national security in African countries, as well as a balance of private and public interests in the implementation of state modernization and reform programs in African countries.

The experience of African countries shows that e-justice has proven itself to be excellent, making it possible to simplify, reduce, shorten and connect participants in the process with the court online at remote distances from each other. The programs of the digital state adopted at the state level are being implemented in all social institutions of society, thanks to scientific research.

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