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## **АДМІНІСТРАТИВНО-ПРАВОВЕ РЕГУЛЮВАННЯ ВИКОРИСТАННЯ ІНФОРМАЦІЙНИХ ТЕХНОЛОГІЙ У ДІЯЛЬНОСТІ СУДОВИХ ОРГАНІВ**

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## **ADMINISTRATIVE-LEGAL REGULATION OF THE USE OF INFORMATION TECHNOLOGIES IN THE JUDICIARY**

Information Technology (IT) has captured unprecedented importance at national as well as global level as one of the vital factors for growing and sustainable economy, good governance, and administration of justice.

In order to determine which information technology can improve jurisdiction, it is necessary to know what the work of the judiciary is, and how it uses information to do that work. The judiciary in The Netherlands is quite similar to a large business. In 2002, the judiciary had more than 8500 staff employed, a budget of e650 million and a turnover of approximately 1,583,000 cases. There are 19 district courts with normally four sectors each: a civil law sector, a criminal law sector, an administrative law sector and a local courts sector. The civil law sectors have a specialized commercial unit and a unit for summary proceedings. The formerly over 60 local courts were administratively integrated into the districts courts in 2002. They deal mostly with small money claims, traffic violations, minor family matters, and employment and rent contracts. In these fields, they also have summary proceedings. There are five appeal courts which hear appeals of civil, criminal and some administrative cases [1, p. 190].

In common law court systems, like the U.S. and the U.K., in both civil and criminal justice, cases are ultimately decided by trial if they are not settled in an earlier phase. Very few cases actually come to trial, and trial rates vary widely across countries. Some of those trials are conducted in front of a jury. In those trials, the principle of immediacy of evidence is very important. This means the evidence itself needs to be presented in the courtroom: witnesses making a statement, exhibits like

original documents and objects. This has given rise to implementation of information technology to support conducting trials [2].

Dory Reiling said that Finland, Austria and the United Kingdom, but also Estonia, Slovakia and Hungary, are in the very high implementation group. High levels of implementation can be found in France, Germany, Sweden, Latvia, Bulgaria and the Netherlands. Belgium, Ireland and Croatia are in the moderate level group. In the low level group we find Cyprus, Ukraine and Russia [2].

But regulation «**On access to public information in the Supreme Court of Ukraine**» laid the foundations for the administrative and legal regulation of judiciary in the conditions of use of information technology [3].

Over the last several years, interest in high-technology courtrooms has grown. Traditional litigators and judges whose skills were honed without the newfangled gadgets were not the fastest to embrace new technologies. As time passed, however, the population of old-school litigators dwindled and interest in litigating in hightechnology courtrooms increased.

At its foundation, courtroom technology is a means for putting evidence before everyone in the courtroom—the judge, the jurors, the opposing lawyers, the courtroom support staff, and even onlookers—at the same time. The displays—usually on monitors or projection screens—convey many kinds of information more efficiently. Most lay people can look at a display and follow along with an explanation more readily than they can find the place in a hard copy document and try to read the small type while also trying to listen.

Because lawyers are accustomed to handling documents and practice doing that every day, they often fail to appreciate that lay jurors often have no similar experience. Courtroom technology is also a means to draw attention to particular points, to emphasize certain aspects of the evidence, and to make visible that which otherwise would exist only as a mental picture formed from words spoken by an advocate or a witness. It is these enhancements and their messages that form the basis for objections concerning the limits of technological displays and new considerations with respect to the control that judges exercise in the courtroom and in creating the record[4].

Today's social and political environment places ever increasing demands on courts to share information with other courts and various law-enforcement agencies. One of the most promising technologies that facilitate information sharing is Extensible Markup Language, commonly referred to as XML. XML has been around for a number of years, but it has taken the development of standards and supporting applications to bring this technology to the courts.

XML is a technology that has matured over the last few years. The development of national and justice XML standards has established a platform that any court can use to produce their own IEPD and enable information exchanges with improved costeffectiveness.

Once information behemoths such as the FBI implement XML, then the accomplishment of mandatory reporting will show even greater improvements and implementing them will be much easier and cheaper. Missouri has already identified

a handful of exchanges that could be implemented in short order if the receiving agency could accept XML [5].

Placement of information about the activities of the courts on their official websites designed to ensure the rights of citizens to obtain information on the activities of the Court; improving the quality of justice at the expense of its public objective and fair coverage and discussion; raising the level of legal culture of citizens; assist in the implementation of constitutional rights of citizens to judicial protection, reducing the number of appeals to the court, and free access to legal and judicial information; ensuring the protection of information classified as privileged prevention of offenses and crimes; improvement of judicial practice and the establishment of civilian control over the judiciary.

Dr. Elizabeth R. Osborn writes about the Indiana Supreme Court through its "Courts in the Classroom" project to employ webcast technology (primarily through the broadcast of its oral arguments and the creation of related teachers support materials).

Dr. Elizabeth R. Osborn finds that the justices, lawyers, teachers, students, and citizens all consider the installation of webcast equipment into the Indiana Supreme Court chambers as an unqualified success. Through a wide variety of webcasts, the court is reaching out to the public to educate them not only about how the judicial branch works, but also about the history of the courts and the law in both Indiana and the nation as a whole. While most courts might initially consider installing the equipment necessary for streaming video to broadcast their oral arguments, once the equipment is in place, it only makes sense to get as much use out of it as possible. Generally, the only additional expense incurred to broadcast a wide variety of other events that take place in the courtroom is the cost of the staff person to run the equipment. But the use of the equipment is limited only by your imagination [6].

The implementation of a sound system of governance will help court organizations work together to achieve common goals, instead of working as discrete, competing units. It will produce a single set of priorities that will allow resources to be focused more effectively on solving the highest priority problems as quickly as possible.

It will provide a forum for resolving related policy, business, and technical issues in a thorough, systematic way. Better expectation management will result in a lower level of frustration. Conflicts will be resolved before they damage working relationships. Technology staff will receive clear, unambiguous direction. Solutions will be business driven, rather than technology driven [7].

Thus, the administrative - legal regulation of judiciary in the conditions of use of information technology includes the process of informatization of the judiciary, the establishment of regulations for the implementation of information functions of the judiciary, judicial statistics and staffing of courts in order to ensure free access to information on the activities of vessels. So, at the present stage of development of society the implementation of the information function of the state in the judiciary is above all to promote the development of the information society, improving the quality of life through the full implementation of technology in the

judiciary, while creating the conditions for full protection of the rights of all subjects who take in the administration of justice.

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#### **Sitnic Galina. Administrative-legal regulation of the use of information technologies in the judiciary**

*The article marked approaches to the use of information technologies in the judiciary. It is noted that the information is the most important resource of the country, along with financial, natural, labor, material and other resources.*

**Keywords:** *judicial authority, information, management, administrative law, government.*

#### **Ситник Г.О. Адміністративно-правове регулювання використання інформаційних технологій у діяльності судових органів**

*У статті окреслено підходи щодо використання інформаційних технологій у діяльності судових органів. Зазначається, що інформація є найважливішим ресурсом країни поряд з фінансовим, природним, трудовим, матеріальним та іншими ресурсами.*

**Ключові слова:** *судова влада, інформація, управління, адміністративне право, уряд.*

#### **Сытник Г.А. Административно-правовое регулирование использования информационных технологий в деятельности судебных органов**

*В статье обозначены подходы к использованию информационных технологий в деятельности судебных органов. Отмечается, что информация является важнейшим ресурсом страны вместе с финансовым, природным, трудовым, материальным и другими ресурсами.*

**Ключевые слова:** *судебная власть, информация, управление, административное право, правительство.*

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