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Access to Justice During Martial Law

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Abstract

The relevance of the study stems from the necessity to assess the efficiency of access to justice as a compulsory and integral element of human rights in the context of a full-scale military invasion of Ukraine. The purpose of the study is to analyse the main measures undertaken by the Government of Ukraine and the judiciary to restore access to justice during martial law, identify the problematic issues of its implementation, and find efficient mechanisms to overcome them. The research methodology covered general scientific and specific methods of scientific knowledge: comparative legal method, cybernetic method and method of analysis and synthesis. Based on the study of the work of the courts of Ukraine, a conditional division of courts was performed based on the mode of their work and the respective location, namely: territories where active hostilities are underway; territories under occupation (blockade); de-occupied territories, and territories remote from hostilities. It is stated that active hostilities, occupation and constant rocket attacks have established several new problems in access to justice, namely the physical impossibility of judges in the occupied territories and areas of active hostilities to administer justice; the catastrophic shortage of court officials; problems related to the transfer of jurisdiction from one court to another (overloading of judges, physical impossibility to transfer case files, actual destruction of cases, longer delays in court cases). It is concluded that under martial law, using electronic justice is an efficient solution that can ensure the right to access justice. It was noted that the current model of electronic justice in Ukraine still requires improvement through the adoption of a clear regulatory framework governing the full use of electronic justice (including the introduction of appropriate amendments to the procedural codes and the development of detailed instructions for judges and parties to the proceedings); improvement of the software to expand its functionality while providing technical equipment to all judges. The practical significance of the conducted research is of scientific value both for practitioners and scholars studying the theoretical and legal issues of access to justice and can be used to ensure the observance and implementation of the right to access to justice in the face of future challenges of extraordinary or global scale, such as war or pandemic

Keywords: court proceedings, russian military aggression, judicial system, e-justice, consideration of court cases

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Introduction

The fact that in the 21st century, in any part of the world, one country will encroach on the territorial integrity of another country through military aggression still appears as a utopia. However, on February 24, 2022, the Russian Federation conducted a full-scale military invasion of the territory of sovereign and independent Ukraine.

By the Decree of the President of Ukraine [1] of 02/24/2022, martial law was introduced throughout the territory of Ukraine, which was extended until August 2022 [2; 3] and is expected to be extended in the future. The Law of Ukraine "On the Legal Regime of Martial Law" explicitly states that during the period of martial law, justice shall be administered exclusively by the courts, and the reduction or acceleration of any form of legal proceedings is prohibited [4].

The introduction of martial law or any other measures within the framework of countering military aggression must be implemented within the framework of respect for fundamental human rights and the rule of law itself. Therewith, martial law should not be used as a reason for unjustified and illegal restrictions of international human rights standards.

By ratifying the European Convention on Human Rights , Ukraine has assumed international obligations to comply with the principles of a fair trial, an element of which is access to justice. Even though the European Convention on Human Rights provides for the possibility of limiting a country's compliance with international human rights standards, such derogations are justified only in exceptional and urgent situations that threaten the life of the nation.

Theoretical and legal aspects and problems of ensuring access to justice in criminal, civil, economic and administrative cases have previously been the subject of scientific research by such scientists as O. Kozakevych, T. Lukash, N. Sakara, R. Moskal, O. Balatska etc.

Thus, O. Kozakevych explores the establishment and development of the concept of the right to access through the analysis of theoretical approaches to the study of the concept of access to justice. The scientist concluded that the right to access justice cannot be attributed to a purely classical concept of human rights, as this right is universally accepted and is beyond the conventional approach [6].

In turn, T. Lukash, considering access to justice as a component of the right to a fair trial, develops his author's definition of the right to a fair trial as "the possibility of a person (individual and/or collective entity), which is legally enshrined in the protection in specific state institutions (judicial system and bodies in the justice system) of violated rights and freedoms, which results in the actions of special state institutions to restore the violated right and/or the possibility of an individual to hold a position in the judicial system and bodies in the justice system" [7].

N. Sakara, based on the practice of the European Court of Human Rights and analysis of national legislation, notes that the right to access to justice in civil cases should be considered in two reference meanings: "firstly, as the right to access to justice, which follows from paragraph 1 of Article 6 of the Convention and exists on a par with others explicitly enshrined in the above provision and developed by the ECHR; secondly, as access to justice, i.e. a specific international standard for fair and efficient judicial protection" [8].

Exploring the issues of access to justice, R. Moskal draws a clear distinction between the concepts of "access to justice", "accessibility of justice", and "the right to access to court". Therewith, the scientist concludes that "access to justice as one of the elements of the rule of law cannot be equated with 'access to a court' as an element of the right to a fair trial guaranteed by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms" [9].

Considering the essence of access to justice in criminal proceedings, O. Balatska notes the necessity to replace the term "access to justice" with the "principle of access to court", which covers both the possibility of appealing to the court and a set of institutional and functional elements [10].

With all the thoroughness and completeness of the research of the above scholars, most of them explored the problem of access to justice as one of the aspects of ensuring the right to a fair trial in the general theoretical context without considering the possibility of full implementation of this right in the conditions of Ukraine's being in a state of full-scale war. Notably, ensuring access to justice under martial law has been partially covered in the media and the comments of the judges of the Supreme Court and the Council of Judges of Ukraine, but this issue has not been fully explored in a scientific study.

That is why *the purpose of the study* is to conduct a thorough analysis of the work of the courts of Ukraine during the period of large-scale military aggression and to identify the most efficient measures to ensure full and continuous access to justice in the conditions of active hostilities, occupation of territories, and the risk to the life and health of court employees and participants in the process.

Materials and Methods

The study was conducted by using the following general scientific and specific methods of scientific cognition: comparative legal method, through which the author performed a comparative analysis of the legislative measures necessary to prevent restrictions in the field of access to justice during martial law; cybernetic method, which allowed considering the most appropriate alternative methods of administration of justice in the conditions of military aggression on the territory of Ukraine; methods of analysis and synthesis allowed developing scientific and practical conclusions and proposals for further improvement of guarantees of access to justice.

This study analysed the legislation, regulations and recommendations that specifically regulate the activities of the courts and ensure access to justice under martial law (both those in force before the military aggression and those adopted under martial law, in particular, draft laws No. 7315 [11] and No. 7316 [12], which are currently under consideration).

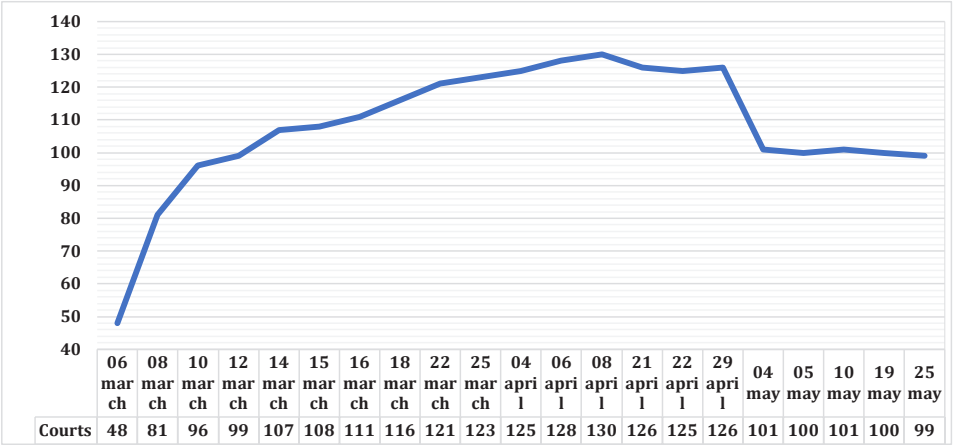
Results and Discussion

Despite some experience gained and adapted to the realities of the judicial system in conditions of threat to human life (meaning the coronavirus pandemic), a full-scale military invasion has become such a powerful challenge that Ukrainian justice could not even imagine. Admittedly, martial law, active hostilities, occupation of territories, destruction of court premises and constant threat to human life forced the judiciary to immediately implement unprecedented measures to restore courts to proper operation and fully implement guarantees of access to justice.

Based on the particular situation on the territory of the regions where they are located, the author divides all courts of Ukraine into four types, namely: 1) *courts located in the territory where active hostilities are ongoing* (part of the courts of Donetsk, Luhansk, Zaporizhzhia, and Kharkiv regions); 2) *courts in the occupied territories* (23 courts of Kherson region, some courts of Donetsk, Luhansk and Zaporizhzhia regions); 3) *courts located in the de-occupied regions* (26 courts of Chernihiv region, Irpin city court of Kyiv region, Makariv district court of Kyiv region, Brusyliv, Malyn and Ovruch district courts of Zhytomyr region); 4) *courts whose administrative-territorial location is remote from any hostilities* (for example, courts of Ternopil, Ivano-Frankivsk, Lviv, Kirovograd, and Dnipropetrovsk regions).

Thus, courts located in the territory of active hostilities or occupation were forced to suspend their activities. However, courts located outside the hostilities zone and in the de-occupied territories continue to operate regularly but with some specific features.

Notably, the mode of operation of courts, according to the territory of their location and the approach of active hostilities, could constantly change (from suspension to resumption and back). For example, on March 6, 2022, the number of non-working courts was 48, already on April 6, 2022, this number increased to 128, and on May 25, 2022, it decreased to 99 (more details on Figure 1).



	06 march	08 march	10 march	12 march	14 march	15 march	16 march	18 march	22 march	25 march	04 april	06 april	08 april	21 april	22 april	29 april	04 may	05 may	10 may	19 may	25 may
Courts	48	81	96	99	107	108	111	116	121	123	125	128	130	126	125	126	101	100	101	100	99

Figure 1. Dynamics of the number of courts that suspended (stopped) their activities under martial law for the period from March 6, 2022, to May 25, 2022

Source: compiled based on official orders of the Supreme Court [13]

As of June 14, 2022, 47 court buildings in the administrative-territorial units of the following regions have suffered significant damage since the military invasion: Luhansk, Donetsk, Kyiv, Chernihiv and Kherson regions. Therewith, the Borodianskyi District Court of Kyiv region, Izium City Court of Kharkiv region, Kharkiv Court of Appeal, and Economic Court of Mykolaiv region were destroyed and are not suitable for use at all.

To restore the possibility of administering justice in courts that have suspended their activities due to the urgent threat to life and health in the conditions of active hostilities and occupation, the Law of Ukraine "On Amendments to Part Seven of Article 147 of the Law of Ukraine 'On the Judicial System and Status of Judges' regarding the determination of territorial jurisdiction of court cases" was adopted [14]. This law provides for the possibility of changing the territorial jurisdiction of cases, which cannot administer justice due to military operations, by transferring such jurisdiction to the court most geographically close to this court. The decision to change the jurisdiction of a particular court is made by the High Council of Justice upon the proposal of the Chief Justice. In the absence of the powers of the High Council of Justice, the change of jurisdiction of the court is based on the order of the Chairman of the Supreme Court.

Thus, in the period from March 6, 2022, to June 14, 2022, the Chairman of the Supreme Court issued

22 orders on the territorial jurisdiction of cases, of which 16 orders concerned the change of territorial jurisdiction, and 6, on the contrary, its restoration. Thus, as of June 14, 2022, the number of courts that do not administer justice is 99, and the number of courts that have resumed their activities is 33.

In turn, to ensure the proper functioning of courts under martial law, the Council of Judges of Ukraine, as the highest body of judicial self-government, has adopted several important decisions and recommendations for all courts of Ukraine. Thus, the decision of the Council of Judges of Ukraine No. 9 of February 24, 2022 [15] contains recommendations for streamlining the work of courts while ensuring the safety of judges, and judicial staff, and a list of required measures in case of escalation of hostilities to preserve court cases and documents. Among the main (key) functional measures should be noted:

1) the possibility for court chairpersons, in case of a threat to the life and health of judges, parties to the proceedings and court staff, to decide on the temporary suspension of the court's activities until the threat is eliminated;

2) the heads and chiefs of staff of the courts were instructed to ensure the safety of seals and stamps of the courts, and to identify and provide court cases and documents to be preserved and evacuated in case of aggravation of the situation;

3) establishment of an operational headquarters at the Council of Judges of Ukraine, which will constantly coordinate the work of courts in Ukraine.

In addition, on March 2, 2022, the Council of Judges of Ukraine developed recommendations for all courts of Ukraine on the immediate regulation of the administration of justice and the procedure for considering cases [16]. Thus, the Council of Judges of Ukraine recommended judges consider the current situation in the respective region:

– to independently make decisions on the mode of operation of the court (including the possibility of suspending its work) based on the real threat to the life and health of judges, court staff, participants in the process and visitors to the court;

– restrict access to the court premises for all visitors (except participants of the trial);

– limit the number of court employees and judges physically present on the court premises by introducing appropriate duties. All other court employees are recommended to switch to remote work;

– if possible, to delay the consideration of court cases (except for urgent and urgent cases: detention, an extension of detention). Therewith, consideration of other cases is possible only with the written consent of all parties to the case;

– to provide daily accounting of all court staff and judges (including information on their whereabouts and safety).

On March 13, 2022, the order of the Chairman of the Supreme Court [17] proposed an algorithm of actions for courts and judges in case of occupation of a settlement (or court) or threat of its occupation. According to these recommendations, judges should respond to the situation with the highest priority – the preservation of human life and health. The algorithm of actions provides for: mandatory evacuation of judges and staff from the occupied territories (through evacuation corridors or independently); the possibility to ensure the transportation of court cases (or at least the most significant and high-profile cases); the procedure for the removal of court seals, robes, breastplates, servers, devices with electronic digital signatures of judges and court staff from the court premises. In case of impossibility of their transportation – everything is destroyed compulsorily.

Although the judiciary has undertaken all possible measures designed to ensure uninterrupted access to justice and the full functioning of the courts, there are still several problems of the judicial system and the activities of the courts that still require urgent solutions and regulation:

1. The problem of physical transfer of court case files from courts that have suspended their activities, and the consideration of cases of this court was transferred to another court under jurisdiction. Currently, if it is necessary to move court cases to a new court, they are moved. Cases that have been relocated are transferred to the clerk's office in the new court and reassigned and heard from the beginning. Cases that cannot be physically removed remain in the court premises (if possible in the safes of the court premises). Therewith, if the proceedings have been initiated, but no judgment has been rendered, the party to the case has the right to file a lawsuit again in the court to which the jurisdiction of the case has been transferred. However, what to do with the materials of proceedings that have not been evacuated, and consideration of court cases without case files is simply impossible?

2. Overload of courts and judges to whom the consideration of cases were transferred from courts located in the occupied territories or in the territories where active hostilities are conducted. For example, court cases from the courts of the Kherson region (21 courts), Donetsk region (12 courts), Luhansk region (16 courts), Zaporizhzhya region (14 courts) and Kharkiv region (6 courts) were transferred to the courts of Dnipropetrovsk region by the order of the Chairman of the Supreme Court. That is, the workload of the courts of the Dnipropetrovsk region has additionally increased by the number of cases that were under the jurisdiction of 69 courts, which increased the workload of judges three times.

3. Problems of the secondment of judges from the territories where active hostilities are conducted to the courts where jurisdiction over cases is transferred. In particular, the possibility of sending courts from the territories of occupation remains a problem, as judges are now physically unable to leave these regions (exit is prohibited), and the possibility of remote work is not

allowed, as there is no mobile communication and Internet in these regions (for example, Kherson and Zaporizhzhia regions).

4. Catastrophic shortage of court staff, starting from secretaries, assistants, court staff and up to judges. It is primarily explained by the fact that as a result of the military aggression, women judicial employees were obliged to leave their homes and evacuate to safer regions (in particular, they went abroad) for their safety and the safety of their children. Thus, almost all courts of Ukraine (which are currently exercising their powers) publish on their official pages' information about a large number of vacant positions in this court, and information about the lack of courts that have the authority to work.

Notably, the problem of preserving life and health under martial law while ensuring access to justice should be considered in parallel with the problem of protecting personal data and data constituting judicial secrecy. That is why the judicial authorities of Ukraine temporarily (during the period of martial law) suspended access to the Unified State Register of Court Decisions, the services "Status of consideration of cases" and "List of cases scheduled for consideration". Therewith, information on the case (including decisions and court summonses) can be obtained by each participant in the process in the personal account of the Electronic Court, which is now constantly updated with information on the status and progress of the relevant case.

It is appropriate to note that the prerequisite and driving force for the widespread implementation and the beginning of the full use of electronic justice was the large-scale spread of the coronavirus disease COVID-19 [18; 19]. The COVID-19 pandemic has accelerated the use of digital tools for court cases, and access to remote justice with the active use of audio and video both in Ukraine and in all European countries [20; 21]. During martial law, Ukraine has an e-Court system with a wide range of tools (possibility of filing lawsuits, statements and motions immediately in court, receiving current and timely information on the date and status of the case, familiarisation with the case file, holding court hearings via video conferencing, receiving court decisions in the electronic cabinet, etc.), in addition, it allowed for court cases to be heard by both judges and litigants from a safe location.

The increase in the use of e-court subsystems under martial law is confirmed by official statistics. Thus, from February 24, 2022, to May 31, 2022, 30,438 court hearings were conducted via videoconference, and 85,659 applications and petitions were filed with the court through the personal account of the electronic court. And the number of newly registered users in the e-court system reached almost 6,000 people [22].

Realising that e-justice is the most efficient mechanism for access to justice in a pandemic [23], and in the conditions of active hostilities, occupation and the threat of missile attacks, the judiciary continues to actively improve technological processes aimed at refining, improving and expanding a wide range of e-court functionality.

Thus, on June 6, 2022, the Order of the State Judicial Administration of Ukraine No. 156 approved the Instruction on working with technical means of recording court hearings [24], which introduced a new procedure for recording court hearings and using new functionality that allows avoiding the recording of court hearings on a CD and fully integrating with the subsystem of the Electronic Court.

Now, the court session will be recorded through the videoconferencing subsystem, and the records of the court session will be stored in the appropriate data storage. Therewith, the court session is recorded through this subsystem both for the sessions held via videoconferencing and for the court sessions held in the courtroom. The instruction provides for the procedure for access to the recording of the court session. Thus, the records of the court session are available at the web link in the court. Participants of the trial have the opportunity to access the link to the recording of the relevant court session after paying the established court fee. In addition, the instruction introduces the technical possibility for the secretary of the court session to work outside the court premises (completely remotely).

In addition, in April 2022, several draft laws were registered that specifically address the issue of the administration of justice, namely draft Law No. 7315 on Amendments to the Law of Ukraine on the Judiciary and the Status of Judges regarding the administration of justice in conditions of martial law or state of emergency [11], and draft Law No. 7316 on Amendments to the Code of Administrative Procedure of Ukraine, the Civil Procedure Code of Ukraine and the Economic Procedure Code of Ukraine (concerning the conduct of court proceedings under martial law) [12].

These draft laws proposed to enable the courts to summon or notify the parties about the place, time and date of the court hearing by any possible means, in particular by all known means of communication: e-mail, telephone, SMS or messenger and even through announcements on the official web portal of the judiciary. After receiving a notification from the court, the participant in the case must immediately send a confirmation of receipt or acquaintance with such a call or message by SMS, phone, messenger or e-mail. The text of such confirmation is printed out, and the telephone confirmation is recorded by the relevant employee of the court staff, attached by the secretary of the court session to the case and is considered to be a proper notification of the participant in the trial. Such notifications can be used only if it is not possible to ensure the notification of participants in the general order. Currently, the possibility of notification by e-mail, telephone or other means (except messengers) exists only if the participant has previously sent a corresponding application.

The draft law proposes to allow the parties to access the electronic version of the court decision and

enforcement documents through the mobile application of the portal "Diya" and the Unified State Web Portal of Electronic Services. If a participant of the trial does not have an official e-mail address, the court will be able to notify them of the court decision by posting information on the official web portal of the judiciary with a link to the web address of such court decision in the Unified State Register of Court Decisions. In addition, there is an opportunity for a participant in the proceedings to get acquainted with the court decision in conditions when it is not physically possible to deliver it in person or send it by mail.

Draft Law No. 7316 expands the possibility of remote participation of a secretary, interpreter, and witness by introducing appropriate amendments to all procedural codes (except for criminal cases). Thus, in the courts located in the occupied territories or in the territories where active hostilities are underway and where the secretary of the court session is physically unable to be in the courtroom or such an employee is absent at all, during the martial law or state of emergency, by order of the chairman of the court, any employee of the court staff with higher legal education may be appointed to exercise the powers of the secretary of the court session. The Secretary will be able to perform their duties via videoconferencing. In case it is impossible to record the court session by technical means, the secretary of the court session will be able to record the course of the court session in the protocol of the court session remotely.

Considering using e-justice as the most efficient solution for the full administration of justice, the experience of the European Union countries, which have been fully using e-justice systems for a long time, should be considered. Thus, the countries with the highest level of integration of information technology in the judiciary include Austria, Italy, Norway, Estonia and Hungary.

For example, the most developed electronic communication court systems are the electronic system Processo Civile Telematico or TOL in Italy and the electronic case e-File and the electronic court system KIS in Estonia [20]. Based on a thorough analysis of the data of electronic court systems, the author has identified their functionality, the implementation of which in the electronic court system of Ukraine will allow providing full access to justice in the conditions of martial law or challenges of extraordinary and global scale, namely:

1) availability of a unified information court system that unites courts of all instances and is used for all proceedings without exception (it is in this system that court cases are registered, and all materials of proceedings and court rulings and decisions are contained). Therewith, the systems provide for the possibility of both filing lawsuits in court and appealing against decisions already passed by any instance;

2) fully electronic document management (from submission, storage and the possibility to get acquainted with the procedural materials of the case at any time). Notably, in Estonia, digital court files are used along with paper court files (and, if the court file is available in digital form, its duplication in paper form is not required);

3) provides for the possibility for the parties to receive court summonses and any information on the progress of the case in electronic form;

4) a full-fledged opportunity to pay court fees immediately in the electronic office;

5) the electronic systems have explicit software restrictions to protect against the dissemination of confidential and personal information: only the judge in charge of the case and only those court employees who are related to the case have access to confidential and personal information;

6) full possibility of holding court hearings remotely (via videoconferencing) using the electronic court system;

7) a precise and legally regulated algorithm of identification and access of the parties to their accounts in electronic court systems.

Conclusions

The study allows concluding that most of the measures introduced to ensure the full functioning of the judicial system were immediate, exceptional and necessary in the current circumstances. However, the military invasion, occupation and active hostilities in large parts of Ukraine have highlighted several pressing problems in providing justice, namely overburdening of judges due to the transfer of court cases from courts in the occupied territories and areas of active hostilities; the physical inability of judges and parties to hear court cases in court premises due to the threat to life; shortage of court staff and judges themselves due to their departure to a safer location; the physical impossibility of transferring court cases from the occupied territories (destroyed court buildings) to a new court, effectively stopping any consideration of these cases until they are restored.

Notably, one of the most efficient solutions to solve the above-mentioned problems and restore access to justice during war and martial law is the transfer of judicial proceedings (electronic communication between the court and the parties to the proceedings: from filing, registration and management of cases, exchange of electronic documents, sending of subpoenas) to the remote mode through electronic courts.

Analysing the experience of Ukraine and the experience of the European Union countries that have been fully using e-court systems for a long time, it is undoubtedly a fact that for the possibility of full and successful functioning of e-justice in Ukraine it is necessary to further regulate its legislative regulation, technical refinement (improvement) and provision. However, it can be confidently stated that Ukraine has chosen the right vector of judicial development towards the establishment of a full-fledged electronic and communicative judicial system, which will ensure continuous access to justice as a fundamental principle of human rights by international standards.

The experience of measures, work of the judicial system and legislative changes under martial law will

become a new vector of world scientific research in the field of access to justice and will provide an opportunity for further improvement of the current legislation towards the improvement and full use of electronic justice.

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Доступ до правосуддя в умовах воєнного стану

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Анотація

Актуальність дослідження зумовлено необхідністю провести оцінку ефективності забезпечення доступу до правосуддя як обов'язкового та невід'ємного елементу прав людини в умовах повномасштабного воєнного вторгнення в Україну. Мета статті – аналіз основних заходів, що вжили уряд України та судова влада для відновлення доступу до правосуддя під час воєнного стану для виявлення проблемних питань його реалізації, а також пошук ефективних механізмів їх подолання. Методологія дослідження охопила загальнонаукові та спеціальні методи наукового пізнання: порівняльно-правовий метод, кібернетичний метод та метод аналізу і синтезу. На підставі дослідження роботи судів України здійснено умовний поділ судів залежно від режиму їхньої роботи й відповідного розташування, а саме: території, де ведуться активні бойові дії; території, що перебувають в окупації (блокаді); деокуповані території, а також території, віддалені від військових дій. Констатовано, що активні бойові дії, окупація та постійні ракетні обстріли створили низку нових проблем у доступі до правосуддя, як-от: фізична неможливість здійснення правосуддя суддями на окупованих територіях та територіях активних бойових дій; катастрофічний брак працівників судів; проблеми, пов'язані з передачею підсудності з одного суду до іншого (перенавантаження суддів, фізична неможливість передачі матеріалів судових справ, фактичне знищення справ, збільшення строків розгляду судових справ). Зроблено висновок, що в умовах воєнного стану застосування електронного судочинства є саме тим ефективним рішенням, що може забезпечити право на доступ до правосуддя. Звернено увагу, що чинна модель електронного судочинства в Україні ще потребує доопрацювання шляхом ухвалення чіткої нормативно-правової бази, що регламентує повноцінне використання електронного судочинства (включно зі внесенням відповідних змін до процесуальних кодексів та розробкою детальних інструкцій для суддів і сторін процесу); доопрацювання програмного забезпечення для розширення його функціональних можливостей з одночасним забезпеченням технічним обладнанням всіх суддів. Практична значимість проведених досліджень має наукову цінність не тільки для практиків і науковців, що вивчають теоретико-правову проблематику доступності правосуддя, а й можуть бути використані для забезпечення дотримання та реалізації права на доступ до правосуддя в умовах майбутніх викликів надзвичайного чи світового масштабу, як-от війна чи пандемія

Ключові слова: судовий розгляд, російська військова агресія, судова система, електронне правосуддя, розгляд судових справ