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## **PRINCIPLES OF JUSTICE DIGITALIZATION**

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**Introduction.** The digitalization of the judicial system is a current phenomenon that was significantly accelerated by the COVID-19 pandemic of 2020–2021. Even before 2020, many countries were already extensively implementing information technologies in public institutions to provide a range of automated services to citizens. International [1] and regional [2] recommendations support these trends. The need for social distancing and travel restrictions, which made physical attendance of parties at court hearings impossible, facilitated the rapid integration and expansion of technologies in the judicial sector across many countries, including Moldova [3]. As a result, litigants could obtain information about court activities, hearing schedules, and judicial decisions through the electronic portal of Moldovan courts [4]. During the state of emergency, courts used videoconferencing to review criminal cases [5], which enabled access to justice and helped protect the rights of detainees. Increasingly, legal and judicial professionals are discussing the need to expand the use of videoconferencing to more types of cases, including civil ones, and to various stages of legal proceedings, as permitted by procedural legislation [6], [7]. Thus, the law provides for the possibility of organizing court hearings via videoconferencing for the participation of certain categories of participants: experts in civil cases (Article 154(4) CPC); witnesses in civil cases (Article 216(11) CPC); witnesses in criminal cases (Article 90(12)(5),

Article 110 CPP); and participants in civil proceedings who cannot attend the hearing due to being outside Moldova, serving a sentence in Moldovan prisons, being hospitalized, or having mobility disabilities (Article 213(3) CPC). At the same time, the digitalization of the judicial system must be carried out with caution, ensuring compliance with legislative norms and fundamental principles of the rule of law, as well as fundamental human rights and freedoms. It is also essential to adhere to international and regional principles regarding the integration of new technologies.

Given the multifaceted nature of digitalization, we will continue to advocate the idea that modernization of judicial services through the implementation of technologies should be undertaken in a manner that does not undermine the guarantees established by the fundamental principles of state organization, the judiciary, and democratic society. Similarly, in the context of developing principles for modernizing judicial services through technology, attention must be paid to the rights guaranteed to litigants and the protections afforded to those involved in the administration of justice.

On the other hand, considering that the creation of technology-based realities involves adherence to technical operating principles, we will identify and promote for implementation within the modernization process the principles that underpin the digitalization of justice.

*Fundamental principles of state and law:*

We have identified the following principles of law to be applied to the process of digitization of judicial services [8]:

- Ensuring the legal framework for the functioning of the state;
- Guaranteeing the freedom and equality of individuals;
- Principle of social responsibility of individuals;
- The principle of equity and justice.

The rule of law principles that must be considered in the process of modernizing judicial services are:

- The state is based on the supremacy of the Constitution and guarantees the safety and constitutional rights of its citizens;
- Civil society is an equal partner with the state;
- The separation of state powers into different branches (legislative, executive, and judicial) with distinct and independent powers and responsibilities;
- Both the legislative power and democracy itself are linked to constitutional rights and principles.

*Principles of justice*

According to Prof. Alexandru Arseni [9], the fundamental principles that underpin justice include: 1) The principle of legality; 2) The independence of the judge; 3) The non-retroactivity of the law; 4) The presumption of innocence; 5) The right to access to justice; 6) The guarantee of the right to

defense; 7) Justice is uniform and equal for all; 8) The use of the official language and the right to interpretation; 9) The public nature of judicial proceedings; 10) The availability of appeals.

In line with this, it is important to note that the recent surge in digitalization trends within the justice sector has been accompanied by an increase in documents that institutionalize guarantees and protect rights and freedoms. These documents are intended to mitigate potential risks and establish a proper framework for the operation of justice. Among these, several key documents stand out. For instance, at the international level, the UN Strategy on New Technologies, developed and approved in 2018, aims “to outline how the UN will support the deployment of technologies and ensure their alignment with the values enshrined in the UN Charter, the Universal Declaration of Human Rights, and international legal standards.» The Strategy sets forth principles of global relevance:

- Protecting and promoting global values;
- Promoting inclusion and transparency;
- Building partnerships;
- Utilizing existing capacities;
- Continuous study and interaction.

At the regional level, the CEPEJ working group, which developed the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and approved by CEPEJ in 2018, sought to “offer a framework and assurances to member states and legal professionals interested in developing or utilizing information and communication technologies and/or artificial intelligence systems in the judiciary to improve the effectiveness and quality of justice.» The Charter outlines the following principles:

- The principle of respecting fundamental rights;
- The principle of non-discrimination;
- The principle of quality and security;
- The principle of transparency, impartiality, and fairness;
- The principle of informed choices «under user control».

### **Conclusions**

– Digitalization in the judiciary must align with the fundamental principles of the rule of law, including legality, independence, and fairness. Ensuring that technological advancements do not compromise established legal principles or individual rights is crucial.

– As judicial systems incorporate new technologies, it is essential to uphold and protect the rights and freedoms guaranteed by constitutional and international standards. This includes ensuring fair access to justice, safeguarding privacy, and maintaining the presumption of innocence.

– The digitalization process should enhance transparency in judicial proceedings and ensure accountability. Clear protocols and guidelines for the

use of technology can help maintain public trust and ensure that judicial decisions are made fairly and transparently.

– Technological solutions should be designed to be inclusive and accessible to all individuals, regardless of their socioeconomic status or physical abilities. Ensuring that all parties can participate in the judicial process, even remotely, is a key aspect of digital equity.

– The implementation of digital technologies in the judiciary should be continuously monitored and evaluated. Regular updates and adaptations are necessary to address emerging challenges and ensure that technological tools effectively support judicial functions.

– Digitalization efforts should be guided by international and regional principles and standards. Documents such as the UN Strategy on New Technologies and the CEPEJ Charter provide valuable frameworks for integrating technology in ways that respect global values and ethical norms.

– Adequate training and capacity building for judicial professionals are essential to the successful integration of digital technologies. Ensuring that all users are proficient in new tools and understand their implications is vital for effective implementation.

– The digitalization of justice requires robust measures to protect sensitive data and ensure cybersecurity. Implementing strong data protection protocols is crucial to maintaining the integrity and confidentiality of judicial information.

In summary, while digitalization presents significant opportunities for enhancing the efficiency and accessibility of judicial systems, it must be pursued with careful consideration of legal principles, rights, and ethical standards. A balanced approach that integrates technology while preserving core judicial values will contribute to a more effective and equitable justice system.

### **References:**

1. UN Secretary-General's strategy on new technologies. <https://www.un.org/en/newtechnologies/images/pdf/SGsStrategy-on-New-Technologies.pdf>

2. Consultative Council of European Judges, Opinion No. (2011)14 of the CCJE on Justice and Information Technology. <https://rm.coe.int/1680748207>

3. Emma van Gelder, Xandra Kramer and Erlis Themeli. Access to justice in times of corona. <https://conflictoflaws.net/2020/access-to-justice-in-times-of-corona/>

4. National Court Portal. <https://instante.justice.md>

5. Order No.3 of the Commission for Emergency Situations of the Republic of Moldova dated April 15, 2021. [https://gov.md/sites/default/files/dispozitia\\_cse\\_nr3\\_15.04.2021\\_r\\_.pdf](https://gov.md/sites/default/files/dispozitia_cse_nr3_15.04.2021_r_.pdf)

6. Civil Procedure Code of the Republic of Moldova. [https://www.legis.md/cautare/getResults?doc\\_id=129218&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129218&lang=ro)

7. Criminal Procedure Code of the Republic of Moldova. [https://legis.md/cautare/getResults?doc\\_id=96049&lang=ro](https://legis.md/cautare/getResults?doc_id=96049&lang=ro)

8. Baran N. General Theory of Law, Chapter 3: Fundamental Principles of Law. Notion. <https://cis01.central.ucv.ro/csv/curs/tgd/c3.html>

9. Arseni A. Judicial Authority – A Genuine Institution for Implementing the Branch of State Power in the Context of Building the Rule of Law. In: National Law Review, 2013, No. 11.

## **СУЧАСНІ НАПРЯМКИ ТА ПЕРСПЕКТИВИ ВИКОРИСТАННЯ ІНФОРМАЦІЙНИХ ТЕХНОЛОГІЙ В РОЗСЛІДУВАННІ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ**

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Питання активного використання спеціальних знань у кримінальному провадженні, як важливої складової ефективного виконання завдань останнього, завжди перебували в центрі уваги криміналістів, як науковців, так і практиків. Тим більшої вагомості вони набувають у час протистояння Україною агресії з боку рф. Коли йдеться про розслідування воєнних злочинів, немає інших цілком схожих випадків, подібних до тих, що вчиняються агресором в Україні. Тут український досвід є унікальним, бо жодна з країн, де вчинялися військові та злочини проти людяності (колишня Югославія, Руанда та ін.), не знала таких масштабів та різновидів злочинів. На фоні зазначеного, значну допомогу у збиранні слідів злочинів і створенні доказової бази для Міжнародного кримінального суду має активне використання спеціальних знань і сучасних технологій.

Сучасні досягнення інформаційних технологій (ІТ), цифровізація все активніше завойовують життєвий простір: впроваджуються у виробництво в різних галузях економіки, стають основою для різноманітних наукових проєктів, використовуються широкими