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DIGITAL TRANSFORMATION OF THE LEGAL PROFESSION: OPPORTUNITIES AND RISKS UNDER MARTIAL LAW

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The institution of the legal profession occupies a distinctive place within the system of mechanisms for safeguarding human and civil rights and freedoms, since Article 59 of the Constitution of Ukraine guarantees to everyone the right to professional legal assistance and to the free choice of legal counsel [1].

The significance of the tasks entrusted to lawyers requires them to maintain the highest standards of professionalism, ensuring compliance with legal norms and responding to the challenges currently confronting the Ukrainian legal profession at this stage of the country's existence. Since

the onset of the full-scale invasion of Ukraine by the Russian Federation, the legal profession has been compelled to transform the directions of its activity in order to ensure the effective protection of citizens' rights and freedoms under martial law. This necessity arises from the deterioration of the legal situation of individuals due to emergency restrictions, threats to the observance of fundamental human and civil rights and freedoms, and the growing number of war crimes and related legal disputes.

The processes of digital transformation of the Ukrainian legal profession, in the context of global technological change and the conditions of martial law, encompass the introduction of modern information and communication technologies, electronic services, and innovative forms of interaction with clients and state institutions into professional practice. The digital transformation of the legal profession in Ukraine, shaped both by global technological trends and by the exigencies of martial law, involves the integration of digital platforms, remote forms of legal counselling, and electronic document management tools into the daily practice of lawyers.

The regulatory and legal framework for the introduction and development of digitalisation in the professional activity of lawyers in Ukraine has already been established, although it remains fragmented and insufficiently refined. For instance, the Law of Ukraine On the Bar and Legal Practice of 5 July 2012 No. 5076-VI does not contain special provisions concerning digital services; nevertheless, the general principles of the legal profession provide a basis for their use. Procedural codes oblige lawyers, notaries, and other legal professionals to open electronic accounts in the Unified Judicial Information and Telecommunication System, or in its specific subsystems (modules) that ensure document exchange, on a mandatory basis. An explicit reference to this requirement is contained in Article 14 of the Civil Procedure Code of Ukraine, Article 6 of the Commercial Procedure Code of Ukraine, and Article 18 of the Code of Administrative Procedure of Ukraine. Furthermore, Article 4(3) of the Law of Ukraine On Court Fees of 8 July 2011 No. 3674-VI provides for the application of a coefficient of 0.8 to reduce the rate of court fees when procedural documents are submitted electronically [3].

In practice, lawyers increasingly resort to tools of videoconferencing, electronic mail, cloud services, and specialised software for storing and processing confidential information, as well as electronic powers of attorney. This trend became particularly relevant during the COVID-19 pandemic, and under conditions of armed conflict the importance of the digitalisation of legal services has become even more pronounced. Supporting this argument, O. Urdenko notes that in the context of contemporary digital transformation, a significant part of legal practice no longer requires physical presence in the workplace, personal meetings,

or participation in court hearings. Through the use of digital technologies and remote means of communication, most professional tasks can be performed remotely, including the preparation of procedural documents, communication with clients, participation in video hearings, case management, and access to state registers [4].

The active use of information and communication technologies in legal practice inevitably exposes lawyers to associated risks. The foremost among these concerns the preservation of professional confidentiality through the introduction of safeguards to protect communication channels from cyberattacks and to prevent data leaks from electronic resources where information obtained in the course of legal practice is stored. Article 22 of the Law of Ukraine On the Bar and Legal Practice of 5 July 2012 No. 5076-VI emphasises the lawyer's duty to maintain confidentiality regarding information received or acquired in any form, including on electronic media, in the course of professional activity [2].

Scholars underline that, given the heightened sensitivity of information handled by lawyers, its protection must be ensured through the implementation of a comprehensive set of organisational and technical measures. Electronic information utilised in legal practice includes scanned copies of documents, text files, audio recordings, and graphic materials. Such information may be stored locally – on personal computers, laptops, smartphones, tablets, USB drives, office servers, or even in the memory of peripheral devices (such as printers and smart watches) – as well as remotely, in cloud storage, on email servers, or on backup servers of mobile devices where copies of messages, photographs, contacts, calls, geolocation data, and browsing histories are kept [4].

In light of the foregoing, it is reasonable to emphasise that the Law of Ukraine On the Bar and Legal Practice does not adequately address the contemporary risks arising from the use of digital technologies. Accordingly, it appears necessary to introduce amendments to this Law in order to establish clear procedures for the storage and processing of electronic data obtained by lawyers in the course of professional activity, as well as to incorporate mandatory digital security standards for lawyers into procedural legislation.

Given the heightened risks generated by present circumstances, a number of measures may be proposed to mitigate the risks associated with the use of digital technologies in legal practice under martial law: 1) the protection of electronic information stored on data carriers should involve encryption methods. This may include cryptographic protection of operating systems through security software employing multi-factor authentication for access to professional electronic resources; 2) the regular updating of antivirus software and cybersecurity systems protecting internal data carriers;

3) the encryption of external data carriers related to legal practice. Experts recommend applying encryption to USB drives and other removable media, or alternatively using devices equipped with built-in hardware-based cryptographic protection; 4) the establishment of backup systems for data storage by ensuring reliable duplication of documents on protected servers, employing double data preservation both locally and in secure cloud storage; 5) the secure use of cloud storage in encrypted form or through encrypted archives.

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ЗАСТОСУВАННЯ ДО ЗАСУДЖЕНИХ В МІСЦЯХ НЕСВОБОДИ ДЕРЖАВНОЇ КРИМІНАЛЬНО-ВИКОНАВЧОЇ СЛУЖБИ УКРАЇНИ ІНДИВІДУАЛЬНО-ПРОФІЛАКТИЧНИХ ЗАХОДІВ

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Вивчення наукової літератури пенітенціарного спрямування щодо проблем застосування до засуджених в місцях несоводи Державної кримінально-виконавчої служби (далі ДКВС України) індивідуально-профілактичних заходів показало, що такі заходи уже піддавалась вітчизняними вченими певному аналізу.