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**DIGITALIZATION OF LEGAL SYSTEM
OF KAZAKHSTAN ON THE EXAMPLE OF JUDICIAL SYSTEM**

This article deals with digitalization of the legal system of the Republic of Kazakhstan based on the example of the modern Kazakh judicial system, the most, in the author's opinion, indicative. A comprehensive definition of the concepts of «digitalization of the legal system» and «digitalization of the judicial system» is given, this is the key to uncover the raised problem. In the context of the general course of the Republic of Kazakhstan, in particular the state program Digital Kazakhstan, based on the latest sources and events, the introduction of advanced IT technologies and electronic projects (digital services, business management, etc.) into the functioning of today's legal proceedings in Kazakhstan is shown. A conclusion is made about the status and prospects of digitalization in this area, and also the problematic moments of this process are revealed. The purpose of this article is a retrospective analysis of the process of digitalization of the judicial system of Kazakhstan in the light of the tasks and plans set by the state.

Key words: digitalization, digitalization of the legal system, digitalization of the judicial system, «electronic justice».

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**Қазақстанның заңдық жүйесін сандық жүйеге көшіруі
сот жүйесінің мысалы ретінде**

Аталған мақалада Қазақстан Республикасының құқықтық жүйесін, автордың ойынша көрнекілеу болып табылатын заманауи қазақстандық соттық жүйе үлгісі ретінде цифрландыру қарастырылған. «Құқықтық жүйені цифрландыру» және «соттық жүйені цифрландыру» түсініктеріне көтерілген мәселені шешуші кілт ретінде кешенді анықтама берілген. ҚР жалпы курсы, атап айтқанда, соңғы дереккөздер мен оқиғаларға негізделген «Digital Kazakhstan» мемлекеттік бағдарламасы аясында, Қазақстанның бүгінгі сот өндірісі қызметіне алдыңғы қатарлы IT-технологиялар мен электронды жобаларды енгізу көрсетілген (цифрлық қызметтер, бизнесті басқару және т.б.). Бұл саладағы цифрландырудың жай-күйі мен келешегі туралы қорытынды жасалды, сондай-ақ осы процестің проблемалық жағдайлары анықталды.

Түйін сөздер: цифрландыру, құқықтық жүйені цифрландыру, соттық жүйені цифрландыру, «электронды әділеттілік».

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**Цифровизация правовой системы Казахстана
на примере судебной системы**

В данной статье рассматривается цифровизация правовой системы Республики Казахстан на примере современной казахской судебной системы, наиболее, по мнению автора, показательной. Дано комплексное определение понятиям «цифровизация правовой системы» и «цифровизация судебной системы» как ключевых для раскрытия поднятой проблемы. В свете

общего курса РК, в частности государственной программы «Цифровой Казахстан», на основании новейших источников и событий показано внедрение передовых IT-технологий и электронных проектов (цифровые сервисы, делопроизводство и т.п.) в функционирование сегодняшнего судопроизводства Казахстана. Сделан вывод о состоянии и перспективах цифровизации в данной сфере, а также раскрыты проблемные моменты этого процесса.

Ключевые слова: цифровизация, цифровизация правовой системы, цифровизация судебной системы, «электронное правосудие».

Introduction

The XXI century is called the age of «numbers», the time of digital technologies, technology, which are widespread in all spheres of human life. In modern social science, in legal science, among other things, the understanding of digitalization (from the English digital – digital), which came from informatics, dominates: in the generalized form it is the process of transition from the analog form of information transfer (customary for the person and its receptors of perception) to digital (the form of information exchange of computer technology in the form of a binary system of calculus) (British encyclopedia). In fact, this means saturating the physical world with electronic-digital devices (from super-powerful computer systems and server data stores to personal devices), systems and the establishment of electronic communication between them, including online, which creates cyberspace.

In the special literature, as well as in Internet sources of a popular scientific nature, the concept of «digitalization» is used in relation to the economy – digitalization of the economy, digital economy. In the classical sense, this is an economic activity in which digital (electronic, virtual) data (both numerical and textual) is the key means (factors) of production (The Digital Era: Challenges for the Modern Mind // <http://cadmusjournal.org/node/400>). The digital economy is based on information and communication digital technologies, the dynamic development and dissemination of which already affects the traditional (physical-analog) economy, transforming it from one that consumes resources to one that creates them. At the same time, it is the data that become the fundamental resource of the digital economy, generating and providing electronic communication communication.

On the example of the above-described mechanism of digitalization of the economy, this process becomes understandable in other spheres of public life. Therefore, this concept is also applied to public administration, to business, and to the legal sphere. According to the authoritative Broadband Commission for Sustainable Development (Espoo, Finland, 05.06.2017) «Digitalization is crucial for social and

economic development, but countries – developed and developing – must create the necessary political and regulatory frameworks, which will allow digitalization» (<https://www.itu.int/ru/mediacentre/Pages/2017-PR22.aspx>).

Main part

Digitalization in law, digitalization of law, legal system is already an objective reality. At the same time, the analysis of sources on the topic allows us to talk about two aspects of understanding these concepts: digitalization in law as a process that brought to life the emergence of new legal relations and a new legal institution – the information law; digitalization of law. The technical and technological process of «digitizing» the legal system itself (the emergence and expansion of online services for legal entities, the creation of open legal electronic databases and much more) (Talapina A.L., 2018: 6).

Thus, the term «digitalization of the legal system» should, in our view, be understood as the process of transition from material-analog forms, procedures and processes in the middle of the system to modern electronic and digital ones. This process has obvious applied value. In the digital world, in the presence of a digital alternative, the existence and development of most analog systems or spheres becomes impractical, namely the digital state becomes the usual standing of the functioning and development of many systems, spheres and organizations, including legal systems.

It should be noted that there are no comprehensive or simply special narrow-topic studies devoted to the digitization of the judicial system or the legal system of the Republic of Kazakhstan. Therefore, the problem raised in this article, in the author's opinion, is quite relevant and promising. The main base of this research was made up of domestic sources on the topic and the latest publications covering the current state of affairs in this area.

Digitalization as an integrated system of organizational, legal and information-technical measures, as an element of Kazakhstan's competitiveness strategy in the modern global world, is determined

by a clear state policy, expressed in a number of official documents.

In the Addresses of the President of the Republic of Kazakhstan N. Nazarbayev to the people of Kazakhstan from January 31, 2012 «Third modernization of Kazakhstan: global competitiveness» and from 10.01.2018 «New opportunities for development in the conditions of the fourth industrial revolution», the digitalization of the RK is formulated as one of the highest priorities state for the near and medium term (The Message Of The President Of The Republic Of Kazakhstan N. A. Nazarbayev to people of Kazakhstan. 31st January 2017). In the first, the President stressed that «the development of the digital industry will provide an impetus to all other sectors. Therefore, the Government should keep the issue of the development of the IT sphere under special control» (The Message Of The President Of The Republic Of Kazakhstan N. A. Nazarbayev to people of Kazakhstan. 10 January 2018). The President's Message of 2018, without exaggeration, is imbued with the spirit of the digital age. Nazarbayev made a special emphasis on «digitalization of processes in state bodies, including their interaction with the population and business» (Strategic development plan of the Republic of Kazakhstan until 2015).

In the Strategic Development Plan of the Republic of Kazakhstan until 2015, approved by the Decree of the President of the Republic of Kazakhstan No. 636 from February 15, 2013, the principle of «universal penetration of technologies and universal digitalization» is included among the principles of the activity of the authorities (<http://www.akorda.kz>).

The most detailed digitization is written out in the State program «Digital Kazakhstan», approved by the Government of the Republic of Kazakhstan Decree No. 827 from December 12, 2017 and calculated for 2018-2022.

The authors of the program pragmatically state the catching up character of the current state of the digitalization process in the country in comparison with the world's best practices and set an ambitious goal – entering the top 15 states with the highest indicators in this direction for 2022.

One of the five main directions of the implementation of the Program is the «transition to a digital state» – the transformation of state functions into infrastructure for the provision of services to the public and business (<http://digitalkz.kz/ru>). Within the framework of this direction on the topic of this study, it is necessary to point out the following significant point of the Program: «To ensure a reliable

legal environment and strict protection of the rights and freedoms of citizens, the interests of legal entities and the state requires a holistic, global digitalization of this direction. Within the framework of this work, an «electronic file» consisting of five related components will be introduced: electronic citizens' appeals, a single register of subjects and inspection objects, a single register of administrative proceedings, an electronic criminal case, an analytical center» (<http://digitalkz.kz/ru/>). Also, it is planned to further transition to electronic document management and the introduction of information and analytical systems to improve the efficiency of the judicial and law enforcement agencies of the Republic of Kazakhstan.

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In the context of the tasks set by the state on the judicial system of the Republic of Kazakhstan, according to experts, the following tasks are on the agenda in the short term:

1. Ensuring the accessibility and comfort of citizens when applying to court through a variety of electronic online services.
2. Transition to modern automated forms of legal proceedings.
3. Digitization and optimization of work with significant information volumes and databases on the basis of advanced world experience (Digitalization of the legal system-a step into the future).

The implementation of these tasks is already under way.

A serious step in this direction was made by the highest judicial body of the state. In September 2017, the Situation Center of the Supreme Court was put in place, which from now on in electronic format collects the necessary information on the state of legal proceedings in the republic. This made it possible to collect round-the-clock collection and analysis of actual court information coming from 370 courts of the Republic of Kazakhstan in more than seven hundred indicators. The Situation Center monitors the progress of the trials in all the courtrooms in Kazakhstan. This allows specialists to identify as quickly as possible all cases of incorrect behavior in court, including a threatening party to the lawsuit. The work of the center is aimed at prompt identification and correction of possible failures in the schedule of work of ships. In fact, this is a new practical digital solution for protecting the rights of citizens in the administration of justice.

Monitors installed in the center allow online monitoring of trials in virtually all halls of the court of Kazakhstan. If a process does not start on time, then audio-visual recording automatically turns on and the experts of the Supreme Court begin to find out the reason for the delay in the trial process, and there is a certain reaction. Stop recording or make video editing, according to experts, it is technically impossible. After the completion of each process, the video is saved on the server. In accordance with the requirements of the legislation, the participants of the process have the right to request copies on the disk or to get individual access to the server in order to see the entry themselves (<http://zanmedia.kz/>). This practice, like the installation of cameras in the courtroom, disciplines all participants in the process, including judges and defendants. The establishment of the Situational Center of the Supreme Court of the Republic of Kazakhstan made it possible to monitor the state of legal proceedings in the country on-line, and even conduct criminological studies of criminals (the ability to determine the average age of the offender, his gender, educational level and the state of criminality of the regions of the republic) (<https://zonakz.net/>).

The Situational Center of the Supreme Court is part of the system of «Electronic Justice» in Kazakhstan. Also. It includes electronic service «Court cabinet», forum «Taldau» (which is formed on the basis of the Single classifier of categories of cases and materials), a new automated information and analytical system «Torelik», a unified system of courts of the Republic of Kazakhstan, a videoconferencing system between the courts of the republic.

Thus, the analytical information service Forum «Taldau», launched by the Supreme Court of the Republic of Kazakhstan on the official Internet resource, includes the Unified Classifier of Business Categories (UCBC); generalization of judicial practice and background information on the legislation governing relevant legal relations; bank of judicial acts; normative decrees of the Supreme Court of the Republic of Kazakhstan. This service allows has made it possible to provide prompt access to court practice in all categories of cases to a wide range of users, the only condition of which is registration in the «Trial Room» service. In this way. any citizen has the opportunity to get acquainted with the decisions of the courts, summaries on the categories of interest, without consulting the lawyer for advice on their dispute.

Since 2014 the electronic service «Court Cabinet» has been earned and is constantly improving. To date, by means of the service, it is possible to file various electronic applications, complaints, various

applications to the judicial bodies in civil and criminal cases in any court of the country electronically, having received an electronic confirmation thereon. The functionality of the service allows you to participate in the trial without direct presence in the courthouse. This technology shortens the time for consideration of court cases, the time spent by participants in the process related to travel before and from the court, solves the problems of participation in the examination of cases of persons living or staying far from the location of the court, physically restricted to movement on medical grounds in places of deprivation freedom or in custody. According to the state as of 01.05.2018 more than 200 thousand users of this service have been registered (<http://office.sud.kz>).

A single equitable attention should be Unified information-analytical system of Judicial Bodies «Torelik» (UIJB), entered into operation, the 01/19/2015 It is aimed at maintaining the automated accounting and control of observance of procedural deadlines, the formation of statistical and analytical reports, simplifying workflow and procedure. It includes electronic service «Judicial office» system audio and video fixation (APS), an electronic archive of court documents, internal portal, personnel system and the system alerts the trial participants by sending SMS-messages and e-mail, as well as system integration necessary information bases – the base of the Committee of Legal Statistics and Special Accounts, the base for payment of state duty, the basis for execution of judicial acts, etc. . UIJB is a single digital framework that directly integrates all internal information processes within the courts throughout the country.

As part of the digitalization of the judicial system, at the present time, the modernization of the criminal justice system is being carried out – a pilot project is being implemented «electronic criminal case», which is being tested in three regions of the country. By the way, there is a first positive precedent: in January 2018, the Abai district court of Shymkent, for the first time after the adoption of the amendment to the Criminal Procedural Code of the Republic of Kazakhstan on December 12, 2012, allowing electronic legal proceedings, considered an electronic criminal case (theft of household appliances).

On the instructions of the Chairman of the Supreme Court, since July 17, 2017, all the courts of the country have provided an opportunity to consider applications for judicial decisions in electronic form, and materials of cases of mandative production are no longer subject to maintenance on paper carriers. Also, in accordance with the decree of the

President of the Supreme Court of 06.03.2018, since March 12 of this year, digital litigation is being introduced at all stages: from the filing of a claim to the execution of a judicial decision inclusive. According to official data, at the beginning of April 2018, the number of applications filed to the country's courts in electronic form amounted to 91% of the total number, which made it possible to abandon the use of paper documents in the amount of about 66 million sheets only from the beginning of the current year.

Conclusion

As we can see, «electronic justice» in Kazakhstan is really working, significantly simplifying

the work of courts and significantly reducing the time for consideration of court cases. Among other things, it is also a serious step in the fight against corruption and bureaucratization, and therefore to a more transparent and accessible trial. According to domestic experts, in the development of «Electronic Justice», Kazakhstan has been leading among the CIS countries.

Based on the above, the digitalization of the judiciary in the Republic of Kazakhstan can be described as a normatively regulated, purposeful process of technical and technological modernization based on modern digital technologies with the aim of increasing openness, accessibility, transparency, security and convenience for all subjects of the judicial process.

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