

**DIGITALIZATION OF THE CIVIL JUSTICE SYSTEM:
THE EXPERIENCE OF THE REPUBLIC OF COLOMBIA****Ibodullaev Saidmuhammad Rahmatullaevich**

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Abstract: The system of consideration and resolution of civil disputes by state courts is one of the most striking examples, reflecting the current trends in digital transformation. In the system of administration of justice, this adaptation should be, first of all, practical, facilitating access to justice, and not becoming an obstacle or reason for imposing unreasonable burdens on the parties. The development of new technologies and their subsequent application in civil proceedings call on the participants in the process and employees of the judiciary to rethink concepts that were previously considered irrefutable. The main purpose of this study is to analyze the main stages of the introduction of digital technologies into the civil justice system, as well as to demonstrate how the procedural legislation of the Republic of Colombia has changed under the influence of end to end digital technologies. The main tasks to be solved within the framework of this study are: analysis and development trends of the procedural legislation of the Republic of Colombia as a result of the introduction of digital tools into the judicial system; analysis of modern digital tools used in the system of resolution and consideration of civil disputes in Colombia. As a result of the study, the author analyzed the main legal acts governing the provision of services by the state courts of the Republic of Colombia in digital format. It has been established that the judicial system of the Republic of Colombia has various information systems for judicial administration, different services or IT solutions that meet certain specific needs, which, although they can be fully implemented on the path to digital transformation, but require development towards coherence and unity of approaches based on common standards and recommendations.

Keywords: digitalization, digital judicial tools, online dispute resolution.

Introduction

Technology offers more and more opportunities to support the legal sector. Every day the term Legaltech is most commonly used, which refers to the use of technology to support or replace certain activities in the provision of legal services, as well as the organization of the justice system [1, p. 18]. Tools facilitating document search, chat-bots to help users, online dispute resolution mechanisms, automated preparation of documents and summaries have become indispensable assistants in the administration of justice in most jurisdictions.

Information and Communication Technology (ICT) is essential to improving judicial systems. That is why the changes that are taking place in the civil litigation system must have clearly defined goals, respond to specific needs, be coordinated through carefully planned actions, and be subject to continuous monitoring.

The evolution of this topic is evident. The technological transformations taking place must meet the needs of the context they will serve. The use of information and communication technologies should guarantee compliance with the fundamental principles of judicial processes, such as: publicity, presumption of innocence, transparency, rebuttal and access to

information [2, p. 207]. In addition, the inclusion of ICT in court systems should guarantee the protection of personal data of users, and should be aimed at increasing the coverage, efficiency and quality of service.

Impossible to ignore the widespread awareness of the importance of digital transformation in justice, understood as something that goes beyond the mere operational use of technology. It is part of a real optimization of the way of thinking and functioning of the administration of justice, as well as the creation of real benefits for users, based on taking advantage of digital tools and solutions. Moreover, given that digital transformation is classified, among other things, as a process of social transformation, its possible impact on the deepening of social differences and inequalities must be considered in the development of public policy [3, p. 188].

The Legal Basis for the Digital Transformation of Colombia's Civil Justice System

The introduction of information and communication technologies in Colombia's justice system has been the main goal of the state over the past twenty years. The gradual preparation and creation of an effective regulatory framework has led to a smooth and seamless digitalization of the civil litigation and dispute resolution system. Adaptation and evolution of the regulatory framework and regulatory standards should be seen as an integral part of the digital transformation process, since it is these elements that ensure the efficiency of the judicial process through the use of technology.

Article 95 of the Statutory Law on the Administration of Justice in Colombia (Law 270 of 1996), provides that the Superior Council of the Judiciary shall strive for the use of advanced technologies in the administration of justice, as well as in the general digital policy of the state [4]. Similarly, this law establishes the authority of judicial officers in the use of ICT for the management and processing of judicial processes [4].

Colombia's Law No. 527 of 1999 provides the legal framework for the recognition and evidentiary value of electronic communications⁶ and the conceptualization of digital signatures [5].

Decree No. 2609 of 2012 regulates the management of electronic archival documents, and also contains indications on the authenticity, integrity, permanence, reliability, accessibility and preservation of documents as their key qualities within the conceptualization of the electronic file [6].

The Colombian Code of General Procedure, enacted by Law No. 1564 of 2012 (Código General de Procedimientos - CGP) provides in its Article 103 that the judiciary must "implement a digital justice plan that must be integrated into all jurisdictional management processes and tools through information and communication technologies that allow the formation and management of digital files and online courts" [7]. The Digital Justice Plan acts as a unifying factor that is coordinated by the Superior Council of the Colombian Judiciary and is mandatory for all judicial officers, who must also ensure the use of ICT in the management and processing of judicial processes.

The COVID-19 situation has also had an impact on the digitalization of the judicial system in Colombia. In 2020, the national government issued Legislative Decree No. 806, through which certain measures were taken to ratify the implementation of information technology in the system for the resolution and adjudication of civil law disputes [8]. This measure allowed to streamline some judicial processes and to make the service of litigants more flexible.

The Sectoral Plan for Judicial Development "Modern Justice with Transparency and Fairness" (Plan Sectorial de Desarrollo - Rama Judicial) 2019-2022 defines technological modernization and digital transformation of the judiciary as one of its strategic pillars, whose overall goal is the gradual advancement of digital transformation [9]. This plan includes a set of projects aimed at strengthening and improving the administration of justice in the country through the promotion of innovation, the use of the latest technologies and breakthrough digital tools. In order to achieve the objectives of this Plan, the Judiciary, under the coordination of the Supreme Council of the Judiciary, carries out actions within the policy of implementation of digital justice, which involves the analysis of expert recommendations, user experience, existing problems, as well as the most progressive and promising areas of development of digital judicial tools. Also, the National Development Plan 2018-2022 "Pacto por Colombia, pacto por la equidad", adopted by Law No. 1955 of 2019 (Plan Nacional de Desarrollo 2018-2022 "Pacto por Colombia, pacto por la equidad") identifies digital transformation as a key direction for the entire state system, including the administration of justice [10]. Thus, Article 147 of the National Development Plan establishes a series of principles to guide the implementation of strategic innovation projects by public authorities:

- standards for the protection of personal data and the disclosure of public data;
- security and digital trust policies and standards;
- standards for interoperability between public information systems;
- priority of the use of cloud services. In addition, Colombia's National Development Plan separately establishes strategic standards to ensure the operation of an accessible digital justice system.

These include:

- a strategic framework for the interoperability of the justice system, e-justice and digital services for citizens in the judicial process to ensure digitalization and public innovation in the justice system to improve its efficiency;
- a strategic framework for digitization and public innovation to improve productivity and fairness in the justice system.

The digital government policy has developed a model of digital services for citizens, which includes, among others, interoperability, electronic authentication and folder services for citizens, basic and end-to-end services, the implementation of which is key to facilitate the digital management of judicial proceedings.

In addition, the Government of Colombia, together with the Ministry of Justice and Law, issued the Guide for Information Technology for the Management of Jurisdictional Procedures, which includes a series of functional and technical requirements for the digital transformation of jurisdictional processes of administrative bodies that perform these types of functions and facilitate the standardization of electronic filing tools.

Finally, on November 8, 2019, CONPES 3975, the National Policy for Digital Transformation and Artificial Intelligence, was released, containing the main strategic directions for the development of the state in these areas for the next 5 years [11]. The overall objective of the National Policy is to create social and economic value through the digital transformation of the public and private sectors by removing barriers, strengthening human capital and creating an enabling environment, with the aim of eliminating problems and realizing opportunities for Colombia in the digital transformation of the civil justice system.

Digital Tools Used in Columbia's Civil and Legal Dispute Resolution System

The judicial system faces a complex context that is different in scope from other services. With this in mind, it is worth saying that in the last few years, the Colombian judicial system has progressed significantly in the various areas of internal optimization of judicial administration, as well as access and service to citizens through the use of digital technologies. In addition, the pursuit of virtual and remote work as a result of the COVID-19 emergency has contributed to the removal of obvious barriers and the specific needs of the justice system, which is also part of the transformation.

A variety of technology initiatives are vital in the digital transformation process. Some of the most important areas of digital development in the civil litigation adjudication and resolution system by state courts include the following:

- identifying needs or problems that need to be addressed comprehensively in the digital transformation of the administration of justice;
- to contribute to the definition of standards for the implementation of digital technologies in the courts;
- identifying common or cross-cutting technology initiatives that can be considered as optimal in the transition to digital judicial technologies;
- to contribute to the optimization of new digital services or functionalities of the electronic court management system.

Over the past twenty years, the Republic of Colombia has been able to create a very extensive system of digital tools to help streamline the dispute resolution processes of state courts. Colombia's most popular digital court services are:

- Justice XXI System. The implementation of the system has been gradual as some incidents were eliminated and adjustments were made. This system allows to manage the judicial process and ensures the document flow of the judiciary. The system first started in 2002 with the client-server technology [12]. The functionality of the system "Justice XXI" to file lawsuits, record procedural actions, display information about the decisions made. In 2015 it was decided to transform the system into a web-based technology. The above functions were supplemented with the ability to electronically sign documents and a notification functionality for the parties.
- SIGED and SAMAI. The systems SIGED and SAMAI are aimed at improving the internal management, as well as the management of information related to the activities of the processes from the databases of the Justice XXI system. SAMAI has recently undergone important changes, incorporating various features such as electronic signatures, internal office management, integration with collaboration tools, and others [13].
- SIRNA. A national registry system for lawyers in Colombia. SIRNA provides information on services related to the professional activities of lawyers, judicial authorities, certificates of professional activity for lawyers and judges, certificates of disciplinary action, etc. In addition, SIRNA is a system with a high potential of interaction with the electronic authentication service for lawyers and has a web service facilitating the processes of information exchange and interaction between judicial authorities [14, p. 14].
- Collaborative management tools (Office 365). Initially, the system began to operate only in a few priority courts and then in the High Courts of Colombia. The Disciplinary Jurisdiction Chamber of Colombia, under the coordination of the Superior Council of the Judiciary, developed a work plan to optimize collaboration in the judiciary, based on the use and appropriation of institutional Office 365 tools such as: OneDrive, SharePoint, Teams,

Forms, etc. [14, p. 15] Enterprise email has now become one of the primary valid tools for sending and receiving data messages in an authenticated environment, and in compliance with the provisions of Executive Order 806 of 2020. Similarly, One Drive serves as temporary storage in the cloud, and the MS Teams platform, along with other institutional platforms supports the volume of virtual hearings.

- Electronic signature: the judiciary is introducing different models of electronic signature as part of the authenticity and institutional digital identification, which have become more relevant in the current context of the advancement of virtual.
- BI (Business Intelligence) tools. This type of digital judicial tools is used to analyze and visualize data and statistics. The Superior Council of the Judiciary, the High Courts and the Disciplinary Judicial Chamber have BI tools to provide clearer and more dynamic information and indicators about the conduct of litigation.
- The electronic records requirements model is MOREQ. This tool was enacted by Agreement 11314 of June 19, 2019 [15] as part of the Judiciary Electronic Document Management Program and approved by the Superior Council of the Judiciary of Colombia. MOREQ is the basic document that describes the functional requirements that a technological tool for the management of electronic documents in the judicial system must meet, in accordance with national and international standards on the subject and, therefore, is one of the achievements in terms of standardization of electronic document management for the judicial system of Colombia.
- The Integrated Judicial Management System - SIUGJ. The Superior Council of the Judiciary of Colombia, with the advisory and technical support of the World Bank, is coordinating the structuring of a project to transform judicial administration based on information and communication technologies. The main objective of SIUGJ is to bridge the gaps associated with the lack of strict standards for electronic document management or electronic file management. The phased deployment of a new integrated electronic procedural judicial management system, which serves as a technological support architecture that finally integrates electronic file, process management and digital services with conditions of security, openness and authenticity, thus standardizing the diversity of institutional systems. The implementation of SIUGJ is accompanied by a series of components and actions to strengthen institutional, infrastructural and technological capacity, as well as office adaptation, change management, information, cost efficiency tools and other components.

The SIUGJ is expected to provide:

- 100% electronic registration and interaction;
- 100% integration of electronic court management into the procedural management system;
- timely and quality real-time information;
- integration with digital civil services;
- ensuring and complying with international practices in the field of management and security of judicial processes [9].

Conclusion

The digital transformation is part of the 4th industrial revolution, which means that beyond the use or development of technology, it is now necessary to change the way the organization works, to improve production, to achieve flexibility, speed, proximity and trust through real

tasks. problems based on the capabilities of ICT and with the direct participation of the user of justice.

The Colombian judiciary recognizes the opportunity to intensify the identification and use of tools that allow digital tools in practice to become a reality in the digital transformation of judicial administration and strengthen public trust in the administration of justice. The main objective and task of the judiciary in the coming years is to gradually promote digital transformation in judicial and administrative management". As shown in this study, the judicial system of the Republic of Colombia has different information systems for judicial administration, different services or IT solutions that respond to certain specific needs, which, although they can be fully realized on the road to digital transformation, require development towards coherence and uniformity of approaches based on common standards and recommendations. These include:

- Defining clear lines of regulation and standards for digital transformation to guide strategic planning;
- The sustainable institutional strengthening of the digital transformation scenario, based on technological and innovation capacity, applied change management, project management, strategic communication;
- The creation of a sustainable judicial investment system scheme.

Despite the significant progress made by the Colombian judiciary, there are clear needs to improve current information systems and the digital judiciary, as technology does not stand still. This includes the existence of a high dispersion of information and an underdeveloped digital culture. Despite the existence of support systems and platforms, manual procedure and paper support remain predominant in management".

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