

ESTABLISHMENT AND DEVELOPMENT OF ELECTRONIC JUSTICE: THE EXPERIENCE OF FINLAND

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Abstract. The article examines the formation and development of the e-justice system in Finland. The author analyzes the prerequisites and the phased process of the Finnish judicial system digitalization since the 1990s. The paper examines the key legislative acts, information platforms and systems implemented for judicial proceedings automation (TUOMAS, SANTRA, SAKARI, VAHVA, AIPA). The article highlights the specific features of electronic filing, document management, and video conferencing in courts. Particular attention is paid to the role and functionality of Finlex information resources and the Legal Register Centre in ensuring access to justice. The article provides statistical data on the level of investment and use of ICT in the Finland's courts. The experience of this country is analyzed in the context of European practices of justice digitalization. It is determined that a systematic approach and adequate funding have become key factors in Finland's success in implementing e-justice. Its achievements can serve as a benchmark for Ukraine.

Key words: *court, justice, e-justice, Finland, SANTRA, TUOMAS, VAHVA, AIPA.*

1. Introduction. The development of electronic justice is an important new tool for protecting human and civil rights and freedoms in the digital age. Modern digital technologies make court proceedings more convenient and accessible. Finland is one of the pioneers of e-justice in the European Union. This Nordic country began systematic steps to digitalize the courts proceeding at the end of the twentieth century. After more than twenty years of active implementation of the latest information and communication technologies, the Finnish judicial system has managed to achieve impressive results and become a leader in the field of e-justice within the EU. Finland's experience demonstrates a systematic and phased approach to the transformation of judicial proceedings. The use of digital tools is one of the key success factors along the way.

The author believes that in the near future, the minimum set of e-justice tools will not be an additional instrument but a mandatory component of the judicial systems of developed countries, including the EU. In such a situation, it is important for countries that expect to become EU members in the future (including Ukraine) to study the experience of EU current members in order to eliminate gaps in the functioning of their own electronic justice system, which is still in a formation stage.

2. Research methodology. Scientific research uses a combination of general scientific and special scientific methods. The formal logical method made it possible to present information on the establishment of e-justice in Finland. The formal-dogmatic method was applied to the disclosure of the current legislation governing e-justice. The method of analysis and synthesis was used to determine the system of information platforms and their functionality within the framework of e-justice. The

method of legal norm interpretation contributed to the analysis of current national legislation. The method of comparative law in combination with the systemic-structural method was used to characterize the Finnish justice experience in the context of European practices and the Council of Europe recommendations on the digitalization of judicial systems.

3. Results. Finland is an illustrative example; it was one of the first countries in the EU to implement an e-court system. The Swedish Code of Statutes, which was adopted in 1734, is the main document that defines the specifics of court procedures. The Swedish Code of Statutes is one of the oldest collections of procedural rules in the world [1]. Despite its long history, the Code remains in effect in Finland.

The development of electronic proceedings has been a step-by-step project, starting in the 1990s. The main prerequisites for the digitization of court proceedings were the territorial distance of law enforcement and judicial bodies from each other and the extensiveness of the information services provision system. Therefore, when planning amendments to the Procedural Code, the Finnish Parliament recognized the need to introduce an automated case management system. An analysis of court statistics showed that most cases are simple, uncontested debt collection cases. Even in disputed cases, often the defendants did not object to the claim, provided that there was proper justification and evidence [2]. This made it possible to automate many processes in electronic proceedings.

The Act on Electronic Data Interchange and Automatic Data Processing in the General Courts was adopted in 1993 [3]. During the same period, two key court information support systems were developed: TUOMAS (case management system) and SANTRA

(electronic document exchange system). Even at the beginning of its operation, TUOMAS allowed courts to receive about 40,000 lawsuits per year electronically through the SANTRA system. In the late 1990s, the Law on Criminal Procedure came into force, necessitating the development of a criminal case management system, and in 2000, the SAKARI criminal case management system was introduced and integrated with police systems. Until 2004, TUOMAS was gradually expanded to cover all types of civil cases, not just simple claims. At that time, the system supported about 200 different court document templates. The courts have implemented video recording of court hearings since the mid-2000s [4].

The judicial reform of the late 2000s aimed to optimize the judicial process, while ensuring human and civil rights. Access to justice was the main key to implementing the judicial system reform. This access is considered simultaneously through physical and remote components. Physical access to a court building is considered to be very expensive for both the state and its citizens. This further actualized the necessity of a remote form of justice. In some cases, court services as a key product of the court's activity can be obtained faster, cheaper, and without loss of quality remotely. The reform took into account that modern technologies are used more intensively in more urbanized communities than in less urbanized ones. Therefore, court digitalization should be considered in the context of the technical capacity and location of each court. At the same time, the new network of courts should be provided with quality access to key justice system subjects, such as the police, prosecutors, the executive service, and free legal aid. Secondary, but no less important, factors for the unification of courts were the material and technical support of courts, in particular, the means for organizing video conferences, as well as the optimization of the structure and functionality of court employees [5].

As for the administrative and territorial structure, local courts in Finland are organized at the regional level, and their territorial jurisdiction is determined by municipalities. In Finland, the court as a legal entity is currently located in one building. The creation of "satellite courtrooms" (branches, branches) is allowed only in exceptional cases and with proper justification. Prior to the optimization, the Finnish authorities conducted an audit of the existing court premises and assessed the need for new buildings or renovations, taking into account the prospects for the development of remote justice and video conferencing.

It is important to note that the location of the parties to a lawsuit does not affect the system of automated distribution of cases among judges. This system operates regardless of the geographical location of the parties.

Since 2010, the official website of the Finnish Judicial Administration has been updated and now contains important information about the country's judicial system, including information on digitalization and electronic court services. The user can also find a separate integrated information platform, each module of

which is managed by a relevant government agency. The platform can be used to obtain legal assistance, clarify procedures, and initiate litigation in digital form around the clock [6].

As of 2023, the use of electronic services is mandatory for submitting a summons application in an undisputed civil case, especially in cases where simplified proceedings are applied. The summons application must be submitted to the district court through the court's electronic cabinet or through the SANTRA data transfer interface. In the SANTRA system, the client sends their files to the shared "mailbox" for clients, from where the Ministry of Justice distributes these files to the district court systems. Using the system, information from the application can be entered directly into the court's information system, than the case registration is performed automatically, and the information about the application becomes available in the court documents [7].

In some cases, the summons application or notification is sent electronically to the postal service system, where it is printed and physically delivered to the mail recipient. Through the SANTRA system, clients receive information about court decisions in approximately 46,000 cases annually. The client receives the decision data electronically for direct use in an electronic application for enforcement proceedings. In bankruptcy and debt settlement cases, the information is transmitted directly to the credit registers. Annually, the SANTRA system sends around 30,000 notifications to the registers.

Since the beginning of 2022, the TUOMAS system has been replaced by the unified case management system VAHVA and the new AIPA case management system. The new case management system has introduced common document management practices in the EU. The enhanced electronic signature in accordance with the eIDAS directive has also been introduced with the VAHVA system [8]. The general courts are in the process of transitioning from the old systems to AIPA. Some cases are still being handled in the old systems, but some have already transitioned to the new system (e.g., cases involving the use of secret investigation or search measures). As the development of the new system is still ongoing, some AIPA tools are not yet fully functional/automated [9].

Electronic filing is available for uncontested claims, for applications for legal aid (applications for a defense counsel or public defender, for legal aid, and for lawyers seeking reimbursement of fees and expenses from the state), and for applications for debt enforcement (in the case of private law applications for enforcement of debts based on a district court order). Electronic filing is suitable for use not only by individuals, but also by companies and communities. Typical examples of such undisputed debts and other monetary disputes include consumer loans, rent arrears, communication and electricity bills, etc.

The list of electronic services of the District Court can be found on the website of the court administration for e-services (in Finnish).

A lawsuit filed via e-services will be initiated upon receipt by the district court. The progress of the proceedings can be tracked in the electronic cabinet. Information about

the decision is sent by e-mail and the decision is available in electronic form. A certified copy on paper will be delivered to the plaintiff only if he or she separately requests it.

In an electronic application for a summons, the court code and information about the defendant's municipality must be filled in. The statement of claim will be transferred to the relevant district court in the information system based on the municipality information. The applicant is obliged to verify the defendant's current contact information. If this is not possible, the municipality information can be entered on the basis of, for example, the last registered place of residence in the system of the Population Registration Center. If the defendant's municipality code is missing, the application will be considered in the court specified by the applicant in the court code in the application for a summons [10].

An XML template is available for corporations and organizations that frequently file lawsuits. The maximum number of characters is 32,700 in SANTRA and 20,000 in the e-cabinet. A separate online form is available for citizens.

The parties' portal for administrative courts is technically a secure website. The data provided by the courts is stored on a secure server. When retrieving documents from a secure server, the user must be authenticated. The electronic procedure is governed by the same principles as lawsuits initiated by the traditional method.

For general courts, an email inviting to a preparatory hearing in a civil case can be sent directly from the AIPA case management system. This message contains a separate field for acknowledgment of service. If this feature is allowed by the user, the AIPA court case management system sends SMS to notify about new messages in the system. These messages do not contain the actual content of the court notice.

Electronic procedures are charged the same fee as non-electronic procedures. District courts collect fees from applicants and plaintiffs at the end of each procedure. The amount of the fee depends on the nature of the case and the complexity of the claim.

If the plaintiff files a lawsuit online, the defendant may continue the proceedings both online and offline. The following may be sent electronically (using secure e-mail): applications for summons to court; requests for additional documents; defendant's responses; summonses to preliminary hearings; minutes of preliminary hearings; judgments and court decisions in absentia; approved settlement agreements; notice of intention to appeal the decision; initiation of the bankruptcy procedure; applications to stop proceedings; appeal documents; conclusions of experts; testimony of witnesses.

The Supreme Administrative Court ruled that the provision of a personal email address to the court is interpreted as consent to its use [9]. All documents, except those that serve as evidence in the proceedings, can be sent directly to the e-mail address of the parties.

Plaintiffs can follow the progress of their cases by

logging into the online system if the proceedings were initiated via the Internet. Court decisions can be sent to interested parties in electronic form upon request. Parties or their representatives must log in to download court decisions online. It is currently not possible to file an appeal electronically [11].

Video conferencing systems are used as necessary in all courts in Finland. Video conferencing is mainly used in civil and criminal cases for preliminary hearings, cross-examination of witnesses/parties, etc. Audio of testimonies is recorded in all proceedings [9].

Among the important information resources used by citizens, in addition to court websites and the Oikeus platform, the Finlex service deserves special attention. Finlex is a legislation repository of over thirty databases owned by the Ministry of Justice. The technical implementation of the service and the processing of the recognized text of the material were jointly carried out by the EU READ-COOP and the National Archives of Finland.

Finlex includes, among other:

- a database of translations of Finnish acts and decrees, including translations of Finnish acts of parliament (mainly in English)
- consolidated texts of acts and decrees (in Finnish and Swedish);
- a reference database containing a list of amendments made to any act or decree;
- laws and decrees in Sámi language.

The original texts of acts and resolutions are in separate databases. The most recent acts are contained in the e-statutes of Finland. A separate section in Finlex contains typical judgments and explanations created by the Supreme Court, and cases of the High Administrative Court, Courts of Appeal, Administrative Courts and Special Courts. Separate Finlex databases contain international treaties, by-laws and government bills [12]. Access to the database is free. Currently, users can search not only by keyword, but also by full-text, text-recognized files of more than 1.5 million images taken from recorded court proceedings from the 1800s to the present day.

The Legal Register Centre is an administrative bureau and expert body of the Ministry of Justice that develops solutions and provides services to ensure effective digital justice. The Center is responsible for development and maintenance of judicial administration's information systems (Ministry of Justice), as well as enforcement of pecuniary penalties. The Center is responsible for the development and maintenance of information systems of the court administration, functions as an IT procurement department and is an independent auditor of the court administration. In total, the Legal Register Centre employs about 160 people, about 80 of whom are engaged in the development and maintenance of the information system [13].

Finland is investing heavily in the development of electronic justice and the digitalization of the judicial system. The index of the use of information and communication technologies in the courts is significantly higher than the Europe median. Finland has an index of

8.1 and with an annual increase of 0.6 points, it is steadily improving. Investments in the budget for ICT implementation are already paying off. Since 2020, two major IT projects for administrative and general courts have been underway [14].

Among the planned activities is a new system for conducting remote hearings. The development of the new case management systems is managed by judges assigned to the project, as the State Judicial Administration does not have a separate ICT department, but uses the services of the government's Legal Register Center and the Government ICT Center. The Finnish Judicial Administration is working on developing e-services such as the ability to communicate via text message with the courts online, particularly in criminal and civil cases. The State Judicial Administration is working on a holistic ICT management strategy for the courts, which will include improving digitalization capabilities. The development of a new case management system (AIPA) is ongoing, and a new electronic tool (based on AI) is being developed to verify the contact information of the parties.

4. Conclusion. The implementation and development of the e-justice system in Finland took place over a long period of time, which gradually allowed

solving all important issues with its support. Comparison of the Finnish experience and the system currently operating in Ukraine demonstrates a number of common trends in the organization of the communication system. At the same time, the low efficiency of Ukraine's e-justice system further emphasizes the need for further study of foreign experience, in particular Finland's.

Finland's experience clearly demonstrates that successful digitalization of the judicial system requires a systematic and phased approach. The introduction of e-justice in this country began in the 1990s and was gradual, taking into account the real needs of society and the judicial system. The key success factors were thorough legislative regulation, development of the necessary information infrastructure, and significant investments in the development of specialized platforms and information systems. Finland currently has one of the most digitized judicial systems in Europe. Citizens can now initiate proceedings, exchange documents, track the progress of a case, and receive court decisions electronically. Powerful information platforms and databases of legislation have been created to ensure access to justice. At the same time, there are challenges, including the need to complete the transition to the new VAHVA and AIPA systems and their technological support. Finland's achievements in this area can serve as a benchmark for Ukraine on the path to justice digitalization.

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