

DIGITAL TRANSFORMATION OF CRIMINAL JUSTICE: CASE OF RUSSIA

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ABSTRACT

This study aims to explore the digitalization of the criminal justice system in Russia, with a focus on the integration of artificial intelligence (AI) and the transition to electronic criminal case management. The research employs a systematic approach, utilizing methods such as formal logic, historical analysis, and comparative legal studies. Data were collected through analysis of domestic legislation and foreign digital justice systems. The study reveals that the transition towards a digital criminal justice system in Russia has been slow, primarily due to technical limitations, lack of centralized initiatives, and a conservative mindset among legal

practitioners. The findings suggest that while Russia has initiated steps towards digitalization, significant efforts are required to overcome existing barriers. A strategic plan that includes developing a unified digital platform, ensuring information security, and educating legal practitioners is essential. The study underscores the potential of AI and digital technologies to revolutionize the Russian criminal justice system, promoting transparency, accessibility, and efficiency.

Keywords: digital justice; preliminary investigation; artificial intelligence; criminal case; electronic; investigator; crimes; information and telecommunication technologies.

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RESUMO

Este estudo tem como objetivo explorar a digitalização do sistema de justiça criminal na Rússia, com foco na integração da inteligência artificial (IA) e na transição para o gerenciamento eletrônico de casos criminais. A pesquisa emprega uma abordagem sistemática, utilizando métodos como lógica formal, análise histórica e estudos jurídicos comparativos. Os dados foram coletados por meio da análise da legislação nacional e dos sistemas de justiça digital estrangeiros. O estudo revela que a transição para um sistema de justiça criminal digital na Rússia tem sido lenta, principalmente devido a limitações técnicas, falta de iniciativas centralizadas e uma mentalidade conservadora entre os profissionais do direito. As descobertas sugerem que, embora a Rússia tenha iniciado etapas em direção à digitalização, esforços significativos são necessários para superar as barreiras existentes. Um plano estratégico que inclua o desenvolvimento de uma plataforma digital unificada, garantindo a segurança das informações e educando os profissionais do direito é essencial. O estudo ressalta o potencial da IA e das tecnologias digitais para revolucionar o sistema de justiça criminal russo, promovendo transparência, acessibilidade e eficiência.

Palavras-chave: justiça digital; investigação preliminar; inteligência artificial; processo criminal; eletrônico; investigador; crimes; tecnologias de informação e telecomunicação.

1 INTRODUCTION

The advent of digital transformation has significantly impacted various sectors, including the legal and judicial systems. Around the globe, justice systems are increasingly integrating digital technologies to enhance efficiency, transparency, and accessibility. Countries like the United States, Singapore, and Canada have pioneered the use of electronic criminal case management systems, streamlining judicial processes through digital documentation and automated systems.

In the Russian Federation, the transition towards a digital judiciary has been slow, hampered by a conservative approach among law enforcement officers and legislators. Despite the implementation of certain automated systems, such as the State Automated

System "Justice" and the Unified Information and Analytical Support System (ISOD) by the Ministry of Internal Affairs, a comprehensive and unified digital platform for handling criminal cases remains largely unrealized.

The concept of an electronic criminal case in Russia is still evolving, with existing implementations reflecting only initial steps towards digitalization. This lag in adopting a fully digital criminal justice system is attributed to several factors, including technical limitations, lack of centralized initiatives, and an ingrained preference for traditional methods among legal practitioners.

This article delves into the theoretical and practical aspects of integrating artificial intelligence and digital technologies into Russia's criminal justice system. By examining foreign experiences and current domestic practices, the authors aim to identify existing challenges and propose viable solutions for effectively digitalizing pre-trial proceedings and criminal case management in Russia.

2 METHODS

The authors employed a systematic approach to investigate the digitalization of justice and the development of artificial intelligence (AI) in transitioning to electronic criminal case management. As the main method in the process of writing this scientific article, the authors used the general scientific systematic method of cognition, which enabled a comprehensive study of foreign experiences in the digitalization of justice and AI development within the context of electronic criminal cases.

A formal logical method consisting in analyzing the essence of the digitalization of justice and the development of artificial intelligence, as well as the transition to an electronic format of criminal cases.

The historical and legal method made it possible to study the genesis and legal nature of the introduction of digital justice and the development of artificial intelligence, as well as the possibility of switching to an electronic format of criminal cases.

The methods of analysis and synthesis made it possible to identify existing problems in the law enforcement practice of the introduction of digital justice and the development of artificial intelligence, as well as the transition to an electronic format of criminal cases.

The application of the comparative legal method made it possible to study domestic legislation and foreign experience in the introduction of digital justice and the development of artificial intelligence, as well as the transition to an electronic format of criminal cases. Using

this method, it was possible to identify existing problems, suggest ways to solve them, and formulate specific proposals.

The application of these methods provided the authors with new insights into the digitalization of justice and the development of AI, particularly in the context of transitioning to electronic formats for managing criminal cases.

3 RESULTS AND DISCUSSION

Digitalization in the legal sphere should also affect the activities of the preliminary investigation bodies. Personnel issues in the bodies of preliminary investigation are always put at the forefront. An increase in the staffing of the investigative apparatus will not solve all the problems. It is necessary to provide state funding and implement developments on the informatization of preliminary investigations and the introduction of digital justice, which will intensify the processes of disclosure, investigation of crimes, as well as consideration of criminal cases in courts on the merits. In this regard, it is necessary to consider the prospects of using the technology of electronic criminal cases in Russia.

Currently, within the framework of measures to modernize the judicial system of the Russian Federation on the basis of the federal target program "Development of the judicial system for 2013-2024", the issue of the formation of electronic criminal cases and an electronic archive is being considered, among others.

There are very different ideas about what is meant by an electronic criminal case. In a narrow sense, an electronic criminal case is documents on electronic media, a set of electronic documents located in structured folders. Thus, A.M. Dolgov (2018) believes that an electronic criminal case should be understood as documents contained on a tangible medium in electronic form reflecting the progress of the investigation in a criminal case.

Globally, this may be data on all criminal cases under investigation contained on a state unified platform specially developed for law enforcement agencies.

Thus, pre-trial proceedings in electronic format are provided for by the criminal procedure legislation of a number of foreign countries. The integration of electronic formats in pre-trial proceedings has become a significant aspect of modernizing criminal justice systems globally.

In the USA for example, there's a (PACER – Public Access to Court Electronic Records) "Electronic document management of criminal proceedings". PACER system is a comprehensive platform that facilitates electronic documentation and management of criminal

proceedings. PACER allows for real-time access to case files, ensuring transparency and efficiency in the judicial process. The system's integration with federal courts has streamlined case management and reduced the reliance on paper documentation. While the PACER system is widely adopted and integrated into the US judicial system, Russia's transition to a fully digital criminal justice system remains slow.

Singapore uses (ICMS – Integrated Case Management & Filing System) "National Electronic Criminal Justice System". Singapore's System (ICMS) has revolutionized pre-trial proceedings as it provides a unified platform for case management, enabling seamless communication between different judicial entities (Loo; Findlay, 2022). This system has significantly improved the efficiency and accuracy of case handling in Singapore.

Singapore's success with ICMS highlights the importance of a centralized and unified digital platform for case management. Russia's fragmented digital initiatives could benefit from a similar approach, focusing on creating a cohesive system that facilitates better coordination and data sharing among law enforcement and judicial bodies.

In Canada there are various electronic systems across its provinces to manage pre-trial proceedings. These systems include electronic filing, case management, and digital evidence presentation. The use of electronic tools has enhanced the speed and transparency of judicial processes (Myers; Leblond, 2024).

The analysis of electronic pre-trial proceedings in various countries reveals a range of best practices that Russia can adopt to overcome its current challenges. Key recommendations include investing in a unified digital platform, emphasizing security measures, promoting a cultural shift towards digital adoption, and leveraging automation to reduce human error.

It is important to note that the electronic document flow is adapted to the peculiarities of the judicial proceedings of these states, where the criminal case mainly consists of an electronic dossier of procedural decisions issued in the form of digital files and the same digitized evidence. The Russian criminal justice system has its own specifics and thoughtless copying of such an approach is impossible.

In addition, examining the foreign experience of using electronic criminal proceedings in various countries, experts express concerns about the possibility of unlawful modification of the information contained in the criminal case (Pushkarev *et al.*, 2019a, 2019b, 2020a; Zadorozhnaya, 2018).

For the digitalization of the Russian legal field, the experience of implementing the Electronic Criminal Case project of the Republic of Kazakhstan within the framework of the state program "Digital Kazakhstan" is interesting (Zuev, 2018).

The Criminal Procedure Code of the Republic of Kazakhstan (Parliament of the Republic of Kazakhstan, 2014) provides for a procedure similar to the Russian procedure for criminal proceedings. The electronic format of criminal cases was established by Order No. 2 of the Prosecutor General's Office of the Republic of Kazakhstan dated January 3, 2018 "On Approval of Instructions on conducting criminal proceedings in electronic format" (Prosecutor General's Office of the Republic of Kazakhstan, 2018) in accordance with part 6 of Article 58 of the CPC of the Republic of Kazakhstan. For the implementation of electronic legal proceedings in the Republic of Kazakhstan, there is an information system "Unified Register of pre-trial Investigations" (IS ERDR). This information system has an additional functionality – the Electronic Criminal Case module (e-UD module), designed to organize the preparation, management, dispatch, receipt and storage of an electronic criminal case.

According to the Code of Criminal Procedure of Kazakhstan, along with the electronic format, the paper format of criminal cases remains. It is positive that the investigator makes the decision on the format of the investigation, notifying the supervising prosecutor about it. In addition, the procedure of electronic criminal proceedings in the CPC of the Republic of Kazakhstan is not regulated in detail, only the possibility of conducting it and a certain list of procedural documents and types of evidence that may have an electronic format are indicated.

During the implementation of this project, full-fledged electronic criminal cases are successfully investigated according to the developed algorithm. At the beginning of the investigation, an official issues a resolution on the conduct of a pre-trial investigation in electronic format (Pushkarev *et al.*, 2022).

Criminal cases are formed by filling in special sections of the program in the form of electronic forms, starting with the entry of primary information about a criminal offense, which allows you to keep statistical records, form procedural documents with the possibility of printing them. The interrogation protocols are signed with their own hands using a special tablet, where the participants confirm with their signature the correctness of the text printed by the investigator. In addition, the immutability of the content of testimony and other evidence is ensured by the possibility of participants in the criminal process via the Internet, in compliance with information security requirements, to obtain remote access to the materials of an electronic criminal case.

Electronic communication of participants in criminal proceedings makes it possible to optimize the time spent by the investigator (inquirer) on performing formal procedures. For example, notification of a decision to initiate criminal proceedings or refusal to initiate criminal proceedings, familiarization with the decision on the appointment of an expert

examination, other materials of the criminal case, filing an application, petition, complaint. The accused will be able to get acquainted with the indictment, the indictment (resolution), and the defendant with the verdict or other court decision. It is positive that the supervising prosecutor has access to criminal cases in real time.

Naturally, the level of access to the materials of an electronic criminal case is determined depending on the procedural status of a participant in criminal proceedings.

We believe that in the Russian Federation it is necessary to go in a similar direction on the organization of electronic court proceedings as a single digital platform. Its implementation will ensure the fairness and competitiveness of criminal proceedings (Pushkarev *et al.*, 2020b), significantly reduce the time of preliminary investigation and reduce the bureaucracy of criminal proceedings. A large array of data generated from criminal cases can be processed by artificial intelligence algorithms, which is being successfully implemented at the present time, including by creating large language models to help implement the constitutional principle of the language of criminal proceedings (Nguyen *et al.*, 2020).

Separate steps have been taken related to the introduction of norms in the Code of Criminal Procedure on the procedure for the use of electronic documents in criminal proceedings, the production of investigative actions against electronic media. Article 474 of the Code of Criminal Procedure of the Russian Federation generally allows the execution of procedural documents electronically. However, by defining the procedure for the use of electronic documents in criminal proceedings, the legislator in Article 474.1. of the Criminal Procedure Code of the Russian Federation (State Duma of the Federal Assembly of the Russian Federation, 2001) narrows the possibilities of the electronic format of criminal cases to the minimum framework – the interaction of citizens with the court and the issuance of court decisions.

We believe that the transition to an electronic criminal case, without changing the existing system of criminal procedural evidence, will not fully solve the problem of optimizing investigative activities. This is due to the fact that the written form of securing evidence prevails in criminal procedural activities. The investigator (inquirer) works on the principle of "all that I observe and hear is what I write in the protocol."

Currently, the investigator (inquirer), even extracting digital information from various electronic media, fixes it on a sheet of paper that is traditional for perception, filed in a criminal case. The existing procedure for written logging takes up a huge amount of office time.

Simplification is necessary, abandoning, where possible, the written form of recording evidence with the transition to the so-called electronic evidence, which is formed by electronic technology with minimal human participation. If the investigator (inquirer) perceived the electronic evidence visually on a computer screen, then both the judge, the prosecutor and other participants are able to perceive them without transforming into a paper protocol form.

M.P. Polyakov's statement is absolutely true that electronic proof is not a form, but a special technology for forming evidence, allowing for the very scanty presence of a human factor. The digital fixation of a fragment of reality using a technical device can be recognized as objective information in itself (Polyakov, 2020, p. 116).

The positive aspects of introducing an electronic form of a criminal case are obvious: saving time on sending materials (from one department to another for investigation; from the investigator to the prosecutor or the head of the investigative body for verification; from the prosecutor to the court, etc.), coordinating decisions with other bodies; reducing paper costs.

The introduction of electronic criminal cases is also associated with a number of problems that need to be taken into account:

- difficulty in ensuring information security (electronic information is exposed to external influences, i.e. it is necessary to carefully work out the mechanism for protecting electronic documents used in a criminal case);

- the inadmissibility of disclosing the secrets of the preliminary investigation;

- inadmissibility of the loss of electronic criminal cases;

- large financial costs associated with the purchase of appropriate equipment for users (equipping the automated workplace of the investigator (inquirer), (software and hardware complexes, a graphic tablet for creating a digital analogue of the signature, a biometric smart card reader);

- the need for significant server capacity for registration and processing of information on a criminal case entering the system.

The preservation of the traditional paper format of the preliminary investigation with the existing need to replicate and copy materials from the criminal case, for example, in cases of election of a preventive measure by the court, indictment and other documents, extension of deadlines, approvals and other things inevitably causes a "technical" workload of investigators (interrogators) in criminal cases under their production. The transition to an electronic criminal case will reduce clerical expenses and free up time for the disclosure and investigation of crimes.

Experiments on the introduction of electronic criminal cases should be carried out only in certain categories of criminal cases that require the analysis of a significant amount of evidence, with participants who are able to use information technology. For example, various economic and tax crimes, crimes in the field of information technology.

Based on the above, and also taking into account the predominance of the conservative view of law enforcement officers and the legislator of the Russian Federation, it is worth noting that currently there are only minor steps towards digitalization of the preliminary investigation.

In the educational process, it is also advisable to study foreign experience in the use of digital justice, electronic criminal cases in the training of students, cadets and trainees. In the discipline "Preliminary investigation in the internal affairs bodies", within the framework of the topic devoted to the scientific organization of the investigator's work, the issue of studying foreign experience in the formation of an electronic criminal case in certain CIS countries and far abroad is envisaged. Unfortunately, the topic is devoted to what is not yet in the criminal process of Russia. And there is an unshakable "paper" criminal process, strictly regulated.

4 CONCLUSION

The very topic of digital justice and electronic criminal proceedings is not new to us. In particular, the practical staff of the investigation are trained at the Faculty of advanced training to work in the investigator's ARM system, the automated information system of investigative units (AIS JV), the automated information system "Investigation" (AIS "Investigation"), which allowed the investigator working under his account, password, to compile documents by filling in the generated electronic the forms of a document, systematize the materials of the criminal case in a format convenient for the investigator. These systems also contained: a regulatory framework; reference books that allow you to formulate a list of questions for an expert, depending on the types of traces found, objects provided for research; methodological recommendations for the investigation of certain types of crimes, for the production of individual investigative actions. The convenience of these programs was obvious. However, their implementation into practice, which involved the creation of a unified system, a wide-ranging network, did not happen, due to the lack of a single request from the system of investigative bodies and technical capabilities, as well as the absence of an urgent need to change the order of work on the part of investigators.

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