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Currently, online justice has become an important issue for most countries and the problems of defining the limits of digitalization of criminal proceedings have arisen. First, in 2017, the People's Republic of China launched court hearings through video conference communication and managed to unite about 12,000 courts on a centralized electronic platform. Due to the pandemic, we can witness that 110,000 online procedures were conducted in February-March 2020 alone<sup>1</sup>.

Online services are provided through Skype and CloudVideoPlatform to participate in UK court proceedings, in particular, in the remote justice mode called "Remote justice", all urgent matters related to detention as a precautionary measure, extension of its term or bail are being considered. In particular, research has been launched to strengthen the video recording and online transmission of all witness statements in the procedural law<sup>2</sup>.

<sup>1</sup> The Star. URL: <https://www.thestar.com.my/news/regional/2020/03/30/china-steps-up-online-litigation-services-amid-coronavirus-epidemic>.

<sup>2</sup> Official site GOV.UK. URL: <https://www.gov.uk/guidance/hmcts-daily-operational->

## MODELS OF DIGITALIZATION OF THE CRIMINAL PROCESS

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## ABSTRACT

*The article analyzes and classifies the models of digitalization of the criminal process. In order to simplify and speed up the criminal process, proposals and recommendations for the digitalization of pre-trial and judicial proceedings are scientifically substantiated.*

In the Republic of Kazakhstan, according to the recommendation of the Supreme Court, the courts have been transferred to the full remote work mode and now more than 90% of criminal cases are conducted on the basis of IT technologies. For example, in the Russian Federation in March-April 2020, despite objective difficulties, about 2 million criminal cases were processed in this order. Most procedural scientists emphasize that modern digital technologies serve to quickly identify and prevent crimes and also the need to introduce online services<sup>3</sup>.

For example, according to Gavrilin Yu.V. and Pobedkin A.V., no matter how perfect the criminal process is, it cannot be imagined without modern digital technologies<sup>4</sup>.

summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak.

<sup>3</sup>Sukhodolov A.P., Bychkova A.M. Iskusstvennyy intellekt v protivodeystvii prestupnosti, ee prognozirovaniy, preduprezhdenii i evolyutsii // Vserossiyskiy kriminologicheskiy zurnal. 2018. -No. 6. -S. 753–766.

<sup>4</sup>Gavrilin Yu.V., Pobedkin A.V. Modernization of criminal-procedural form and conditions of information society // Trudy Akademii upravleniya MVD Rossii. 2019. No. 3 (51). -S. 27-38



Zorkin V.D. scientifically substantiates that "Digital Law" is formed on the basis of digital technologies and that it is an independent network of law<sup>5</sup>.

Therefore, along with the procedural rights of the participants in the criminal proceedings, it is necessary to digitize the obligations, and on this basis, establish digital procedural terms<sup>6</sup>.

According to Maslennikova L.N., digital technologies protect against red tape, unjustified refusal to open a criminal case, unjustified termination and termination of a criminal case.

Based on the foreign experience of digitalization and the scientific views of scientists, the models of digitalization of the criminal process can be classified as follows:

- 1) Departmental digitalization, starting digitalization from individual agencies (Ministry of Internal Affairs, Investigation Department, Prosecutor's Office, court, etc.). In this case, each state agency can develop its own independent digital programs for processing appeals, in particular, receiving, registering, keeping records, checking and resolving criminal applications, messages and information;
- 2) criminal digitalization, i.e. complete digitalization of judicial investigation activities for certain types of crimes, which can be called a prelude to full digitalization of the criminal process. Such a practice is used in the experience of Great Britain for crimes of low social risk. This model of

digitalization is designed to check the effective operation of digital programs (protection against illegal access to the system or forgery of documents and the ability to store documents), to identify and timely eliminate deficiencies in the exchange of digital documents and adherence to digital deadlines, and to develop measures to improve the digital communication of process participants. gives an exit;

- 3) partial (fragmentary) digitization, that is, the use of modern digital technologies in the performance of certain tasks of criminal proceedings. For example, it is possible to notify the participants of the process by digital phone calls, SMS, e-mail, or conduct investigations and court actions using video conference communication using the Internet, Skype, WhatsApp. Since the digitization of the criminal process is a complex procedural process that requires both a technological (security) and a legal (electronic evidence) basis, most of the countries of the world started digitizing the criminal process from this model. Additional possibilities of digitization are also being used - audio recording of court proceedings, electronic storage of criminal cases;

- 4) functional digitalization, i.e. complete and systematic digitalization of the criminal process by introducing "Electronic (digital) criminal case" into the judicial investigation. This model of digitization is used in order to eliminate procedural fragmentation, procedural repetitions and, most importantly, to save time and money. A single digital platform will be created, which will ensure the transition to a fully and systematically digitized "Digital Justice". Its distinctive feature is that it integrates all inter-departmental systems

<sup>5</sup> Zorkin V.D. Pravo v tsifrovom mire. -M. 2018. -S. 30.

<sup>6</sup> Polyakov M.P., Smolin A.Yu. Tsifrovye tehnologii na sluzhbe jursudiya: ideologicheskie predposylki i tekhnicheskie perspektivy // Juridicheskaya nauka i praktika: Vestnik Nizhegorodskoy akademii MVD Rossii. 2018. No. 2 (42).



and involves the complete digitization of the criminal process, not individual stages and tasks of the criminal process.<sup>7</sup>

If we look at our national experience in digitization, the Decision of the President of the Republic of Uzbekistan "On measures to further improve the introduction of modern information and communication technologies into the activities of the courts" dated August 30, 2017 No. In order to ensure the widespread introduction of modern information and communication technologies, the E-XSUD judicial information system was launched. As a result, it is possible to apply to the courts remotely, participate in court sessions using the video conference system, strengthen the testimony of the witness and the victim (civil plaintiff) in advance, automatically distribute criminal cases between judges, send executive documents for mandatory execution in electronic form and publish court decisions on the Internet. This is the first appearance of the "Departmental Digitization" model, which indicates that the legal basis of digitalization of criminal proceedings is being strengthened in our country. First, the introduction of electronic document exchange will allow fully functional digitization of forensic investigation activities in the future. Taking advantage of these opportunities, it is appropriate to introduce the "Criminal Content Digitization" model for crimes with a low social risk and not very serious. provides the opportunity to develop measures to improve the digital communication of the participants of the process, along with the exchange of departmental documents, as

<sup>7</sup>Zuev S.V. Elektronnoe ugovnoe delo: za i protiv // Pravoporyadok: history, theory, practice. 2018. - No. 4. -S. 6–12.

well as to simplify and speed up the criminal process<sup>8</sup>. Later, it will create a basis for wide use of electronic (digital) criminal case in judicial investigation of serious and extremely serious types of crimes.

Just as the initial stage of the criminal process cannot be imagined without the application and reports about the crime, it will not be possible to access the digital system without them. Therefore, it is desirable to digitize the work with appeals, more precisely, the investigation before the investigation, and to create a unified digital portal "Crime Report" centralized in the Republic for the purpose of digital reception, registration, accounting, verification and resolution of applications, messages and information about crimes. requires. This will serve to record all information about all crimes in a timely manner and prevent any violations in the future.

This experience was fully put into practice in Ukraine in 2014<sup>9</sup>, and it is also giving its effective result in Germany<sup>10</sup>. In particular,

<sup>8</sup>Khamitovna K. M. Criminal procedural terms in the republic of Uzbekistan //Asian Journal of Multidimensional Research (AJMR). – 2020. – T. 9. – №. 2. – C. 280-287.

<sup>9</sup>Filin D.V. Nachalo dosudebnogo proizvodstva v ugovnom protsesse Ukrainy // URL: <http://www.iaaj.net/node/1462>. Korj V.P. Protessualnoe obespechenie prav, svobod i zakonnyx interesov lichnosti v ugovnom sudoproizvodstve Ukrainy // materialy Mejdunarodnoy nauchno-prakticheskoy konferentsii. -M. : IPK SK Rossii, 2013. Ch. 1. -S. 218-220; Tsvetkov Yu.A. Vozbuzdenie ugovnogo dela v mehanie otkazoustoychivosti UPK RF // Zakonnost. 2017. -No. 6. -S. 48-52.

<sup>10</sup>Maslennikova L.N., Sushina T.E. Opyt tsifrovizatsii ugovnogo sudoproizvodstva Federativnoy Respubliki Germaniya i vozmozhnosti ego ispolzovaniya pri tsifrovizatsii ugovnogo sudoproizvodstva Rossii // Aktualnye problemy rossiyskogo prava. 2020. -No. 6. - S. 214-224; Vilkova T. Yu. Dosudebnoe proizvodstvo v usloviyax razvitiya tsifrovyyx tekhnologiy v Rossii i



the single digital portal "Crime Report" has the convenience of keeping uniform registration and statistics of crime reports not in each state office separately, but in the entire republic. and preliminary investigation" ensures automatic uploading to the unified information system<sup>11</sup>.

In conclusion, in the future, in order to digitize the investigation stage before the investigation, it is necessary to introduce a centralized inter-departmental "Crime Report" single digital portal and to strengthen and put into practice the legal basis of the "Criminal Content Digitization" model in the new version of the JPK for crimes with a low social risk and not very serious. This is a contribution to the step-by-step functional digitization of the criminal process, ultimately to the formation of a rapid mechanism of justice, the automatic analysis of crimes committed nationwide by time and territory, type and relevance to the investigation, as well as the quality and duration of the decisions made and the creation of a transparent digital control.

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za rubejom: razvinitelnyy analiz // Aktualnye problemy rossiyskogo prava. 2020. -No. 6. -S. 236.

<sup>11</sup> Khamitovna K. M. Forms of production research of hardware and software of a computer system//International journal of advanced research. - 2020. -T. 8 №. 2. – C. 312-317.