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**National Report of Russia**

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## LEGAL INFORMATIZATION IN RUSSIAN FEDERATION

### 1. Legal Information System

In the light of democratic reforms and the rule of law the activity aimed to the creation of the unified legal sphere of Russian Federation is especially actual. It was marked in the Message of the President of Russian Federation to Federal Assembly. One direction of this activity is an implementation of the information technologies into the court and legal services (legal informatization). Such importance of the problem relates to the certain preconditions, among which acceptance the Recommendations on use of information technologies in legal sphere by the Committee of Ministers of the Council of Europe in 2001 is.

The Ministry of Justice of Russian Federation realizes most of tasks directed on solving of the mentioned above problem, such as:

Systematization and keeping the Federal Legislation Fund and formation of the Code of Law of Russian Federation (according to the Decree of the President ? 170 dated 14.02.98);

Creation and keeping the Federal database of legal acts adopted by the subjects of Russian Federation - Federal Register of Legal Acts adopted by the subjects of Russian Federation (according to the Decree of the President of Russian Federation ? 1486 dated 10.08.2000);

State registration of legal acts adopted by federal executive authorities (according to the Regulation of the Government of Russian Federation ? 1009 dated 13.08.97), creation and keeping the appropriate database in accordance with the Regulations of the Government of Russian Federation ? 1181 dated 21.10.94 and the Order of the Government of Russian Federation ? 59-? dated 15.01.93;

Keeping the State Registry of the Agreements in the field of international and foreign economic relations signed by authorities of the subjects of Russian Federation (according to the Regulation of the Government of Russian Federation ? 1390 dated 14.12.99);

Activity relating to exchange of the legal information with the foreign states (according to the Decree of the President of Russian Federation ? 2147 dated 03.12.94 and the Regulation of the Government of Russian Federation ? 550 dated 03.06.95);

Keeping the Unified State Registries of the Legal entities, Rights on the real estate property and bargains with it, Bars and notaries, database of the Bailiffs service (court decision executors), of penitentiary system (according to the Decree of the President of Russian Federation ? 954 dated 02.08.99).

The important direction of legal informatization development is a creation of Unified State System of the Legal Information (further - USSLI). The System accumulates legal information resources and provides their juridical processing with information technologies for confirming authenticity of the electronic documents.

The System is constructed under the following principles:

Use of system decision;

Official information resource;

Reliability and completeness of information contents;

Accessible both for bodies of state authority and for companies and citizens;

Further development is available.

There is a Conception of USSLI, the document includes: an analysis of a legal informatization processes in Russia; basic principles of functioning and directions of development of the System; structure of the System; the list of state legal information resources, subsystems and subjects, who participate in keeping of the appropriate databases, registers; management of state legal information resources; interaction with other legal systems; telecommunication aspects of creation and development of the System; information security of the System and access to its resources; distribution of the official texts of the legal acts with the unified standards; publication of the updated texts of the legal acts in electronic form; realization of the constitutional rights of the citizens of Russian Federation on access to the information.

The Constitution of Russian Federation contains the article 29, which guarantees to everyone the right to search, to receive, to transfer, to make and to distribute the information with any lawful way freely. The article 24 of the Constitution obliges bodies of the state authority to supply to everyone access to the documents and materials directly relating to its rights and freedom.

There are some federal laws aimed to the development of the unified legal sphere of Russia and to maintenance and effective use of the information technologies for realization of the mentioned above rights. Among these laws there are following federal laws and drafts: "On the information,

informatization and information security”, “On electronic signature”, “On the right on access to the information”, “On the electronic document”, “On the electronic trade” and others.

## **2. State register of the real estate property rights and bargains with it**

The Government has adopted the Federal program of development of the System of state registration of the real estate property rights and bargains with it (Regulation ? 273 dated 09.04.2001). According to the Program the Ministry of Justice develops the Unified information system of the real estate property rights, and the State register of the real estate property rights and bargains with it as a part of the system.

The system consists of some basic subsystems: keeping the Book of the account of entering documents; maintenance of the Register of the real estate property rights; keeping the Book of the account of given certificates and documents; keeping the Book of the account of searches and information given from the Register; the account of the users both privileges on a data access and administration of the system; an exchange between structural divisions of the system.

The system is intended for use in different levels of the system organizations: in central office, regional divisions and in each municipal division, in which the information on the real estate objects located within the covered territory collects.

The information from municipal divisions is transferred to the regional level, where it is processed and input into the regional branch of the State register. This database can be used for search and analysis of the data, distribution of information on all registered in the subject of Russian Federation real estate property.

The information also is transmitted from regional divisions to the central office. These information flows include: the updated register data and changes in data registered earlier; the descriptions of the real estate objects, subjects, legal relations (rights, restrictions, bargains), documents; information on arrests on concrete objects of the real estate property.

In the direction from the central office to the regional division the administrative instructions are transferred. These flows include: changes in the technology; information on arrests of all property of the subjects.

## **3. State Automated System “Justice”**

The Federal program “Development of Justice System of Russia” adopted by the Government (Regulation ? 805 dated 20.11.2001) determines the basic directions of development of information and technological supplement of judicial system, creation of unified information space on the basis of the State Automated System “Justice” (SAS “Justice”) and development of the appropriate information and technological infrastructure.

The SAS “Justice” is a set of the components connected to each others and distributed in accordance with territorial objects of judicial system.

The SAS “Justice” decides the following tasks:

Increase of legality and validity of the court decisions and of the quality of the made out judicial documents;

Reduction of terms of legal proceedings connected to cases and complaints on the basis of new information technologies use, including videoconferences;

Increase of efficiency of judicial docflow and processing of judicial statistics data in courts by reduction of time on processing and transfer of the information;

Increase of authenticity and completeness of the primary information received during judicial sessions;

Increase of efficiency of the collection and registration of judicial materials within preparation and hearing of cases;

Providing of network access to electronic the library information for the judges and other employees of courts and system of the Judicial Department (administrative body for judicial system);

Providing of operative access of the judges and other employees of courts to the actual and accuracy information on the current legislation and law enforcement practice;

Providing of the analysis of law enforcement practice, structure of offences and crime directions on the basis of the grate volumes of judicial statistics and historical background;

Increase of efficiency of information interaction between courts and the Supreme Court of Russian Federation, Judicial Department, investigation bodies, Prosecutor Office, Ministry of Justice and bodies of state authority of the subjects of Russian Federation;

Increase of efficiency of information processes of personnel, organizational, material and resource maintenance of activity of courts with creation of the information analytical support means for making decisions in all spheres of maintenance of judicial activity;

Reduction of terms needed for answering to the requests of judges, citizens and organizations by the Judicial Department;

Increase of completeness and authenticity of the information necessary for administration management and control, reduction of terms of its receiving by the Judicial Department from courts;

Creation of sufficient functional information technologies means including software for both courts and the Judicial Department;

Increase of information security at all stages of functioning the SAS "Justice";

Increase of public knowledge about courts activity, maintenance of a transparency and openness of justice system in Russia;

Creation of an effective and economic management system of operation and maintenance of a property complex of the SAS "Justice";

Maintenance of entry in information space of the state authority bodies, law-enforcement bodies; interaction between the head office of the justice system with international legal and judicial organizations - International Court, Council of Europe and other organizations.

In view of territorial extent of Russia an administrative part of the top level of the justice system (the Judicial Department at the Supreme Court of Russian Federation and its regional divisions) functions round the clock for guarantee of constant information maintenance of courts and bodies of state power.

The functional requirements of the SAS "Justice":

The system provides accumulation, storage, statistical and analytical processing of information and users access to it;

The applied software and functional tasks of automation of activity of the courts and Judicial Department system use the client - server architecture and the Internet technologies.

The access to information resources provides a principle of an openness in two aspects. The first aspect provides an openness of process of creation and operation of complexes of means of information and automated systems at all stages of their life cycle. The second aspect provides an access of the citizens to justice, informing them about means of protection of their rights in court with publication of information in electronic form (with use Internet and other means) or on the paper. Thus the openness of proceeding and multilevel access to the judicial decisions is supplied according to the appropriate legal rules.

The structure of the system provides realization of the general, functional and technical requirements to the SAS "Justice" subsystems on the basis of the typical design decisions, which provides an opportunity of the stepped introduction of the system. The round-the-clock accesses to information systems and web site of the SAS "Justice" in real time are provided.

With the purpose of a continuity functioning of the SAS "Justice" the measure of development are planned and carried out without infringement of functionality of the system.

In the SAS "Justice" there is the staff training system. Training tasks of the system managers as much as possible reflect the basic mode of the system operations. For increase of skills of the experts who support the SAS "Justice", and users of the system the center of the staff training is created.