

**TRANSFORMATION OF ELECTRONIC JUSTICE  
DURING RUSSIAN AGGRESSION: EXPERIENCE  
OF THE UKRAINIAN JUDICIAL SYSTEM**

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**INTRODUCTION**

The full-scale invasion of Ukraine by the Russian Federation has become an unprecedented challenge for all state institutions, particularly for the judicial system. The state of martial law introduced in Ukraine has radically changed the conditions under which justice operates. It has placed before the judiciary the task of ensuring the continuity of judicial proceedings under conditions of active hostilities, destruction of judicial infrastructure, and threats to the safety of participants in the proceedings.

Electronic justice, which had been at the stage of gradual implementation before the beginning of the full-scale war, has acquired critical importance for preserving citizens' access to justice. Digital technologies have become not merely an instrument for modernizing the judicial system, but a vitally necessary means for its survival and functioning under extreme conditions. The war has accelerated the processes of digitalization of justice that under ordinary circumstances could have lasted for years.

The massive destruction of judicial infrastructure, the occupation of significant territories, the evacuation of the population, and the constant threat to safety have created a situation in which traditional forms of judicial proceedings have proven incapable of ensuring the constitutional right of citizens to judicial protection. Under such circumstances, electronic means of judicial proceedings have transformed from an option into a necessity. This ensures the possibility of administering justice even under conditions of physical inaccessibility of court premises.

The Ukrainian judicial system has been forced to adapt to the new realities within a short timeframe. This adaptation involved developing legal mechanisms for the functioning of electronic justice, resolving technical problems, and forming new judicial practice. The Council of Judges of Ukraine, the Supreme Court, and other judicial authorities have adopted a series of decisions aimed at ensuring the uninterrupted operation of courts under the conditions of martial law.

Issues related to conducting court hearings via videoconferencing, electronic document management, the use of digital signatures, and ensuring the cybersecurity of court systems have acquired particular significance. At the same time, new challenges have arisen related to the need to balance accessibility of justice with compliance with procedural guarantees, and ensuring fairness of judicial proceedings under conditions of technical limitations.

This process has been accompanied by both successes and significant challenges that require detailed analysis and comprehension for the further development of electronic justice in Ukraine.

This study is a continuation of the authors' previous research<sup>1, 2, 3, 4</sup>.

### **1. Legal foundations for the functioning of the judicial system under conditions of martial law**

In 2014, the Russian Federation occupied the Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea, causing new challenges for judicial authorities. The consideration of cases concerning war crimes, the establishment of legally significant facts in occupied territories, as well as issues of compensation for damage to health, destroyed property, and housing were carried out with extraordinary difficulties both for citizens and for the judicial system.

Even before the beginning of the full-scale war, the national judicial system was in a complex transitional period. Courts suffered from staff shortages, the reform remained incomplete, and key institutions designed to ensure the proper functioning of the judicial proceedings had not yet acquired full functionality. In particular, the High Council of Justice had lost its powers, while the High Qualifications Commission of Judges of Ukraine was only at the stage of formation. Moreover, despite declared intentions,

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<sup>1</sup> Teremetskyi V., Kovalchuk O., Kolesnikov A., Bogdanov R., Korniienko M., Dir I. Improving the Information and Legal Support of the Judicial System of Ukraine: Experience of the European Court of Human Rights. *Journal of Ecohumanism*. 2024. Vol. 3, No. 3. Pp. 61–74. DOI: <https://doi.org/10.62754/joe.v3i3.3349>

<sup>2</sup> Колесніков А. П. Legal tech в Україні в умовах глобальної диджиталізації. *Наукові записки. Серія: Право*. 2024. № 16. С. 98–102. URL: <https://pravo.cusu.edu.ua/index.php/pravo/article/view/406>

<sup>3</sup> Kovalchuk O., Kolesnikov A., Proskurniak I., Halunko V., Kovach Y. Implementation of innovative information technologies in judicial proceedings: organizational and legal aspect. *Amazonia Investiga*. 2024. Vol. 13, No. 76. Pp. 53–62. DOI: <https://doi.org/10.34069/AI/2024.76.04.4>

<sup>4</sup> Колесніков А. П. Особливості запровадження та взаємодії модулів єдиної судової інформаційно-телекомунікаційної системи. *Вісник Луганського навчально-наукового інституту імені Е.О. Дідоренка*. 2024. Вип. 2 (106), ч. 1. С. 71–81. DOI: <https://doi.org/10.33766/2786-9156.106.1.71-81>.

electronic justice had not reached full operational capacity. The situation regarding access to justice and the organization of court operations became significantly more complicated with the beginning of the full-scale invasion. Martial law was introduced by the Decree of the President of Ukraine dated February 24, 2022, No. N 2102-IX<sup>5</sup>.

The occupation of significant territory of Ukraine, the destruction of state institutions, the destruction of court cases, threats to the safety of judges and citizens, loss of access to court premises and their material support have caused the actual impossibility of exercising the constitutionally guaranteed right to protection of human and civil rights and freedoms. As of January 2024, 131 court buildings have been destroyed or damaged (15 of them completely destroyed, 116 damaged; 33 courts are not operating in Luhansk oblast, 45 in Donetsk oblast, 27 in the Autonomous Republic of Crimea, 11 in Kharkiv oblast, 23 in Zaporizhzhia oblast, two in Kherson oblast, and also one court in Sumy oblast). Furthermore, problems of physical security and energy supply create serious obstacles to compliance with procedural norms of both traditional and electronic judicial proceedings.

Ukrainian legislation formally prohibits the restriction of access to court. However, the realities of war have placed serious challenges before the courts regarding ensuring its uninterrupted operation. The legislation and judicial system were not prepared to ensure the right of access to justice under conditions of martial law. At the same time, the judicial system does not have the right to suspend the administration of justice. Therefore, the court as an institution must find flexibility and be able to apply current procedural norms taking into account current realities. Access to justice encompasses a complex of human rights, an integral part of which is the exercise of judicial protection through various means and forms of justice, including electronic ones. This is especially important for citizens with disabilities, physical limitations, persons who are in special conditions, or who reside in territories with a special legal regime<sup>6</sup>.

The importance of the uninterrupted operation of the judicial system is critical. Therefore, state bodies must take all possible measures to adapt judicial proceedings to the conditions of war and ensure equal access of citizens to justice throughout the entire territory of Ukraine where this is possible from security considerations. These actions are aimed at establishing the rule of law and preventing the narrowing of constitutional

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<sup>5</sup> Про введення воєнного стану в Україні. Указ Президента України від 24.02.2022 р. № 64/2022. URL: <https://zakon.rada.gov.ua/laws/show/64/2022#n2>

<sup>6</sup> Teremetskyi, V., Boiko, V., Malyshev, O., Seleznova, O., & Kelbia, S.. Electronic judiciary in Ukraine: Problems of implementation and possible solutions. *Amazonia Investiga*. 2023. № 12(68). P. 33-42. <https://doi.org/10.34069/AI/2023.68.08.3>

guarantees for the protection of human rights and freedoms during martial law. Based on the constitutional right to judicial protection, as well as provisions of international legal acts, courts are obligated to operate continuously, even under conditions of martial law or state of emergency, ensuring the mechanism for the administration of justice provided by law.

According to parts 1 and 2 Article 124 of the Constitution of Ukraine, justice in Ukraine is administered exclusively by courts, with no possibility of transferring the functions of courts to other state bodies. Article 26 of the Law of Ukraine "On the Legal Regime of Martial Law" provides that the reduction or acceleration of any forms of judicial proceedings under conditions of martial law is prohibited. However, taking into account the hostilities, the stable activity of courts is not ensured.<sup>7</sup>

The military aggression of the Russian Federation has forced Ukraine to limit the application of a significant number of provisions of the European Convention on Human Rights. On February 28, 2022, Ukraine officially informed the Council of Europe about derogation from obligations under a number of articles of the Convention and additional protocols, namely: Article 4 (paragraph 3), Articles 8, 9, 10, 11, 13, 14, 16, Articles 1 and 2 of the First Protocol, Article 2 of Protocol 4<sup>8</sup>. Although Article 6, which guarantees the right to a fair trial, formally was not subject to restrictions, the actual suspension of other "substantive" articles significantly affects the judicial consideration of cases<sup>9</sup>.

With the aim of regulating the activities of courts, on February 24, 2022, the Council of Judges of Ukraine adopted a number of important decisions. The Council adopted the decision "Regarding the Taking of Urgent Measures to Ensure the Sustainable Functioning of the Judiciary in Ukraine Under Conditions of Termination of Powers of the High Council of Justice and Martial Law in Connection with Armed Aggression by the Russian Federation" <sup>10</sup>. According to this decision, the Council of Judges of Ukraine resolved the following:

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<sup>7</sup> Про правовий режим воєнного стану. Закон України від 12.05.2015 р. № 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>

<sup>8</sup> Конвенція про захист прав людини і основоположних свобод. Рада Європи; Конвенція, Міжнародний документ від 04.11.1950. URL: [https://zakon.rada.gov.ua/laws/how/995\\_004#Text](https://zakon.rada.gov.ua/laws/how/995_004#Text)

<sup>9</sup> Council of Europe, Treaty Office. Note Verbale: Ukraine's Derogation under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Strasbourg, 1 March 2022. URL: <https://rm.coe.int/1680a5b0b0>

<sup>10</sup> Рішення Ради суддів України «Щодо вжиття невідкладних заходів для забезпечення сталого функціонування судової влади в Україні в умовах припинення повноважень Вищої ради правосуддя та воєнного стану у зв'язку із широкомасштабним вторгненням Російської Федерації в Україну» № 9 від 24.02.2022. URL: <https://rsu.gov.ua/uploads/news/risenna-rsu-no9-vid-240222-2de02988e4.pdf>

– a reminder to all courts of Ukraine that even under conditions of martial law or state of emergency, the operation of courts cannot be completely stopped;

– the implementation of judicial proceedings by a certain court may be temporarily suspended until the elimination of circumstances that caused danger only in case of a threat to the health, life, and safety of visitors and court employees;

– the necessity of developing recommendations for courts regarding the procedure for evacuation measures and transfer of court cases;

– for the purpose of resolving urgent issues, the creation of an operational headquarters is ensured, consisting of members of the Council of Judges, the Head of the Supreme Court, the head of the State Judicial Administration, and the head of the Court Protection Service.

In early March of the same year, the Council of Judges of Ukraine published recommendations regarding the operation of courts under conditions of martial law<sup>11</sup>. Among them, the following are provided:

– the working regime of the court is determined taking into account the current situation in the region;

– a responsible person is designated in the courts who ensures up-to-date accounting of staff and judges, taking into account the conditions and form of court operation;

– employees are transferred to remote work when possible;

– the minimum number of personnel in the court premises is agreed upon and a duty rotation system is organized;

– citizens are informed about the possibility of postponing cases and conducting hearings online;

– access of persons who are not participants to court hearings is restricted;

– non-urgent cases are postponed or considered with the consent of all participants;

– procedural time limits are extended whenever possible at least until the end of martial law;

– priority is focused on urgent cases (arrests, detention in custody);

– participation in hearings via video communication is permitted, including using personal technical means;

– if a case is considered by a panel of judges, but they do not have the opportunity to gather physically in one place, conducting hearings remotely is permitted.

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<sup>11</sup> РСУ опублікувала рекомендації щодо роботи судів в умовах воєнного стану. Рада суддів України. URL: <https://rsu.gov.ua/ua/news/usim-sudam-ukraini-rsu-opublikovala-rekomendacii-sodo-rooti-sudiv-v-umovah-voennogo-stanu>

On March 3, 2022, the Supreme Court sent to the heads of appellate courts an information letter No. 1/0/2-22 "Regarding Certain Issues of Criminal Proceedings Under Conditions of Martial Law"<sup>12</sup>. According to paragraph 7 of this letter, in cases where a participant in the proceedings, for objective reasons, cannot use standard technical means for videoconferencing provided by the Criminal Procedure Code of Ukraine, as an exception, their participation in the hearing is allowed through alternative technical means. At the same time, the Supreme Court emphasized the importance of proper explanation to such a participant of their procedural rights and obligations.

In March 2022, the law "On Amendments to Part Seven of Article 147 of the Law of Ukraine 'On the Judiciary and the Status of Judges'" came into force, concerning issues of changing jurisdiction of cases<sup>13</sup>. According to the document, in case of emergency circumstances such as natural disasters, military actions, counter-terrorism measures, or other extreme situations, the activity of a court may be temporarily suspended. In such a case, the law provides a mechanism for determining another court that will assume the administration of justice in the territory of the court that has ceased its operation. It is specified that such a court should be territorially closest to the one whose activity has been suspended.

In fulfillment of the law mentioned above, on March 8, 2022, the Head of the Supreme Court issued an order on changing the territorial jurisdiction of cases in certain regions of Ukraine. Cases that were previously considered by courts of Kharkiv oblast were transferred for consideration to courts of Poltava oblast, and those of Chernihiv oblast were distributed between courts of Cherkasy and Kyiv oblasts. In addition, on March 4, 2022, the Head of the Supreme Court issued a separate order, which established a special operating regime for courts and implemented appropriate organizational measures. Thus, based on the regulatory acts that were adopted at the beginning of the full-scale invasion, the operating regime of each specific court is determined separately. The operation of the court depends on the situation that has developed in the region where such a court is located.

The inability of the High Council of Justice to fully perform its functions under conditions of martial law led to the adoption of an additional regulatory act regarding its powers. The Law of Ukraine No. 2128-IX dated March 15,

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<sup>12</sup> Інформаційний лист Верховного Суду від 03.03.2022 щодо окремих питань здійснення правосуддя в умовах воєнного стану. Верховний Суд. URL: [https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/war/Inform\\_yst\\_2022\\_03\\_03.pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/war/Inform_yst_2022_03_03.pdf)

<sup>13</sup> Про внесення зміни до частини сьомої статті 147 Закону України «Про судоустрій і статус суддів» щодо визначення територіальної підсудності судових справ. Закон України від 03.03.2022 № 2112-IX. URL: <https://zakon.rada.gov.ua/laws/show/2112-20#Text>

2022, which amended Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and the Status of Judges," is aimed at ensuring the stable functioning of the judicial system in the absence of a fully empowered composition of the High Council of Justice<sup>14</sup>. The main purpose of this law was to rebalance powers between key judicial authorities. As a result, there was a redistribution of state-governmental functions between the State Judicial Administration of Ukraine, the Supreme Court, and the High Council of Justice in favor of the latter.

On July 17, 2022, due the adoption of the Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine Regarding Improvement of the Procedure for Criminal Proceedings Under Conditions of Martial Law" dated April 14, 2022, No. 2201-IX, derogations from Articles 5, 6, 8, and 13 of the Convention on Human Rights were announced<sup>15</sup>. It is important to understand that these notifications of derogation do not mean that Ukraine completely renounces the protection of the specified rights. This concerns limited and controlled derogation from certain obligations under the Convention under conditions of emergency.

## **2. Development of electronic justice: European standards and Ukrainian practice**

Under conditions of martial law, it is important to examine the general principles of formation of electronic justice, particularly the position of the European Court of Human Rights regarding e-justice and its influence on Ukrainian judicial proceedings. Analysis of the position of the European Court of Human Rights (ECHR) regarding ensuring the right of access when applying to court using information technologies demonstrates a consistent approach to protecting the rights of applicants under conditions of digitalization of judicial proceedings. The ECHR in its decisions emphasizes the importance of balance between the implementation of modern technologies and ensuring the fundamental right of access to justice. This is clearly illustrated by the decision in the case<sup>16</sup>, where the Court recognized as a violation of the right of access to court the refusal to accept electronic

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<sup>14</sup> Про внесення змін до розділу XII «Прикінцеві та перехідні положення» Закону України «Про судоустрій і статус суддів» щодо забезпечення сталого функціонування судової влади в період відсутності повноважного складу Вищої ради правосуддя. Закон України від 15.03.2022 № 2128-IX. URL: <https://zakon.rada.gov.ua/laws/show/2128-20#Text>

<sup>15</sup> Про внесення змін до Кримінального процесуального кодексу України щодо удосконалення порядку здійснення кримінального провадження в умовах воєнного стану. Закон України від 14.04.2022 № 2201-IX. URL: <https://zakon.rada.gov.ua/laws/show/2201-20#Text>

<sup>16</sup> Lawyer Partners A. S. v. Slovakia, no. 54252/07 та інші, 16 June 2009. European Court of Human Rights. URL: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-92959%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-92959%22]})

statements of claim due to the absence of necessary equipment. Such a decision underscores the obligation of Ukraine as a state to ensure the technical readiness of court systems to work with electronic documents.

At the same time, the ECHR recognizes that excessive formalism in matters of electronic justice can undermine the fairness of judicial proceedings. This follows from the decision in the case<sup>17</sup>, where the Court criticizes the refusal to accept a paper version of an appeal when the electronic form could not be properly completed due to technical problems. Such an approach of the ECHR testifies to the necessity of flexibility of the judicial system of Ukraine and the priority of substance over form in ensuring access to justice. The ECHR pays particular attention to issues of technical failures in electronic systems of judicial proceedings. In the case<sup>18</sup>, the Court established a principle according to which any interruptions in the operation of the electronic system must be interpreted in favor of the applicant who has conscientiously performed all necessary actions. This decision establishes an important standard of presumption of good faith of the applicant in cases of technical problems and shifts responsibility for the proper functioning of electronic systems to the state. Thus, analysis of the ECHR practice shows that the Court consistently protects the right of access to justice in the context of digitalization of judicial proceedings. The ECHR requires from states not only technical readiness to accept electronic documents, but also flexibility in resolving problems related to electronic justice. The Court emphasizes the necessity of priority of substance over form and protection of interests of conscientious applicants in cases of technical failures. This position of the ECHR forms important standards for the Ukrainian judicial system in the process of its digital transformation, ensuring balance between scientific progress and ensuring fundamental human and civil rights.

Among the practical problems of electronic justice in Ukraine in the period of martial law, regulatory uncertainty should be noted. Thus, two opposite approaches have formed in the practice of the Supreme Court regarding the admissibility of applying to court with an electronic procedural document. The first approach allowed applying to court by sending an electronic procedural document to the official electronic address of the court. The second approach considered the only proper way of application to be through the Electronic Court subsystem, since sending documents to the email addresses of courts is not provided for by civil procedural legislation.

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<sup>17</sup> Xavier Lucas v. France, no. 15567/2, 09 June 2022. European Court of Human Rights. URL: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-13680%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-13680%22]})

<sup>18</sup> Tence v. Slovenia, no. 37242/14, 31 May 2016. European Court of Human Rights. URL: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-163352%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-163352%22]})



This discrepancy in judicial practice created legal uncertainty for participants in judicial proceedings and requires unification of approaches at the level of the Supreme Court<sup>19</sup>.

The Grand Chamber of the Supreme Court in its ruling dated April 10, 2024, in case No. 454/1883/22, made a final decision that deviates from the previous position of the Commercial Cassation Court<sup>20</sup>. Previously, it was considered that sending court decisions to the personal email address of a participant in the case, indicated in the application, was sufficient for the "presumption of awareness" and was considered proper notification. However, the Supreme Court emphasized that the indication by an individual of their email address in a complaint or application testifies only to their desire to receive court correspondence by an additional method. This does not exempt the court from the obligation to comply with the legislatively established procedure for sending court decisions, particularly in accordance with Article 272 of the Civil Procedure Code of Ukraine. The Grand Chamber of the Supreme Court clarified that sending procedural documents to the email address of a participant in the case that was indicated in materials submitted to the court is an acceptable practice. However, such a method of communication should be considered only as supplementary. The official procedure for sending court decisions is clearly regulated by Article 272 of the Civil Procedure Code of Ukraine. Courts are obligated to comply with the procedure for notification established by law, regardless of the use of additional electronic means of communication.

The Supreme Court provided important clarifications regarding electronic application to court. The Court emphasized the necessity of distinguishing between the method of application to court and the requirements for the execution of a procedural document<sup>21</sup>. According to the decision, an electronic document signed with an electronic signature that ensures identification of an individual is considered valid even if it is sent to the official email address of the court without using subsystems of the Unified Judicial Information and Telecommunication System. This provision does not apply to attorneys and other persons specified in paragraph 10 of the Regulation on the Unified Judicial Information and Telecommunication System. The Court emphasized that contesting the validity of such a

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<sup>19</sup> Ухвала Верховного Суду у складі колегії суддів Першої судової палати Касаційного цивільного суду від 22 червня 2022 року у справі № 204/2321/22, провадження № 14-48цс22. URL: [https://verdictum.ligazakon.net/document/113701392?utm\\_source=jurliga.ligazakon.net&utm\\_medium=news&utm\\_content=jl01](https://verdictum.ligazakon.net/document/113701392?utm_source=jurliga.ligazakon.net&utm_medium=news&utm_content=jl01)

<sup>20</sup> Постанова Великої Палати Верховного Суду від 10 квітня 2024 року у справі № 454/1883/22 (провадження № 14-117цс23). URL: [https://verdictum.ligazakon.net/document/118486335?utm\\_source=jurliga.ligazakon.net&utm\\_medium=news&utm\\_content=jl01](https://verdictum.ligazakon.net/document/118486335?utm_source=jurliga.ligazakon.net&utm_medium=news&utm_content=jl01)

<sup>21</sup> Там само.

document contradicts the Laws of Ukraine "On Electronic Documents and Electronic Document Management" and "On Electronic Trust Services." These laws establish the legal force of an electronic document and equate electronic digital signature to handwritten signature.

The mandatory signing of electronic applications with electronic digital signature in the Electronic Court is a fundamental requirement that ensures a number of critical advantages for the judicial system during the period of martial law. The use of electronic digital signature in the Electronic Court subsystem significantly expands citizens' access to justice, allowing participants in judicial proceedings to submit documents and interact with the court remotely, without the necessity of physical presence in the institution. Electronic digital signature ensures round-the-clock access to court services, simplifying the procedure for applying to court. Electronic digital signature guarantees the authenticity of documents, allowing precise identification of their authors and preventing forgeries. Electronic digital signature ensures the integrity of submitted materials, confirming that they have not been changed after signing. Such practice gives electronic documents legal force equivalent to paper analogues with handwritten signature, which is key for their lawful use in judicial proceedings. The requirement for signing with electronic digital signature is key for ensuring the authenticity and integrity of electronic documents in judicial proceedings<sup>22</sup>.

When an electronic power of attorney is created through the Electronic Court subsystem, there is no need to additionally provide a paper copy of such authorization or any other document confirming the representative's authority. A power of attorney created using the Electronic Court subsystem, as an electronic document, does not require any certification and is a proper document confirming the representative's authority in court<sup>23</sup>.

### **3. Practical aspects of electronic justice during martial law**

One of the additional problems faced by the judicial system has been the difficulty in summoning persons to participate in court hearings. This obstacle is particularly acute in cases where potential participants in proceedings are located in temporarily occupied territories of Ukraine. Under such circumstances, courts face the impossibility of notifying persons about the consideration of cases and ensuring their presence in the courtroom.

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<sup>22</sup> Постанови ВС від 26.04.2022 у справі № 757/6877/21-ц [https://protocol.ua/ua/postanova\\_ktss\\_vp\\_vid\\_26\\_04\\_2022\\_roku\\_u\\_spravi\\_757\\_6877\\_21\\_ts\\_1/](https://protocol.ua/ua/postanova_ktss_vp_vid_26_04_2022_roku_u_spravi_757_6877_21_ts_1/)

<sup>23</sup> Постанова Верховного Суду 30 березня 2023 року у справі № 580/140/23 (провадження № К/990/4464/23). URL: [https://protocol.ua/ua/postanova\\_kas\\_vp\\_vid\\_30\\_03\\_2023\\_roku\\_u\\_spravi\\_580\\_140\\_23/](https://protocol.ua/ua/postanova_kas_vp_vid_30_03_2023_roku_u_spravi_580_140_23/)

When standard summoning is impossible, summoning is carried out through announcements on the official website of the judicial power of Ukraine for:

- a participant in the case if their last known address of place of residence, stay, location, or place of work is located in temporarily occupied territory and in the absence of an electronic cabinet<sup>24</sup>;
- the defendant, third party, witness, if their registered place of residence, stay, location, or place of work are unknown;
- interested parties in cases concerning the issuance of a restraining order<sup>25, 26, 27, 28, 29</sup>.

A significant step in the development of the judicial system was the adoption of the Law of Ukraine No. 2461-IX dated July 27, 2022, "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' Regarding Additional Methods of Informing About Court Cases and Conducting Meetings of Judges Under Conditions of Martial Law or State of Emergency." In addition to traditional methods, information about court cases can be provided through the Unified State Web Portal of Electronic Services. In particular, participants in proceedings can receive data about the court considering the case, parties to the dispute, the subject matter of the claim, as well as the place, date, and time of the court hearing through the Diia Portal, including through its mobile application<sup>30</sup>.

Thus, it can be noted that the Supreme Court generally adheres to a conservative approach regarding notification of participants in judicial proceedings, giving preference to traditional methods. The Court recognizes

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<sup>24</sup> Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України : Закон України. Стаття 12-1. URL: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

<sup>25</sup> Постанова Верховного Суду від 05 жовтня 2022 року у справі № 757/72370/17 (провадження № 61-17265св20). URL: <http://iplex.com.ua/doc.php?regnum=106940185&red=1000032f4168efc2134a0ef473485d89e13a94&d=5>

<sup>26</sup> Постанова Верховного Суду від 09 серпня 2023 року у справі № 158/3041/21 (провадження № 61-3363св23). URL: [https://protocol.ua/ua/postanova\\_ktss\\_vp\\_vid\\_09\\_08\\_2023\\_roku\\_u\\_spravi\\_158\\_3041\\_21/](https://protocol.ua/ua/postanova_ktss_vp_vid_09_08_2023_roku_u_spravi_158_3041_21/)

<sup>27</sup> Постанова Верховного Суду від 10 серпня 2022 року у справі № 757/28189/20-ц (провадження № 61-6264св22). URL: [https://protocol.ua/ua/postanova\\_ktss\\_vp\\_vid\\_10\\_08\\_2022\\_roku\\_u\\_spravi\\_757\\_28189\\_20\\_ts\\_1/](https://protocol.ua/ua/postanova_ktss_vp_vid_10_08_2022_roku_u_spravi_757_28189_20_ts_1/)

<sup>28</sup> Постанова Верховного Суду від 11 листопада 2022 року у справі № 0417/2-4308/2011 (провадження № 61-12162св21).

<sup>29</sup> Постанова Верховного Суду від 22 червня 2022 року у справі № 555/1772/11 (провадження № 61-4319св22). URL: [https://protocol.ua/ru/postanova\\_ktss\\_vp\\_vid\\_22\\_06\\_2022\\_roku\\_u\\_spravi\\_555\\_1772\\_21\\_1/](https://protocol.ua/ru/postanova_ktss_vp_vid_22_06_2022_roku_u_spravi_555_1772_21_1/)

<sup>30</sup> Про внесення змін до Закону України Про судоустрій і статус суддів щодо додаткових способів інформування про судові справи та проведення зборів суддів в умовах воєнного чи надзвичайного стану: Закон України від 27.07.2022 № 2461-IX. URL: <https://zakon.rada.gov.ua/laws/show/2461-20#Text>

telephone messages, SMS messages, mobile applications, and publications in the Unified State Register of Court Decisions as proper methods of notification, with the exception of individual cases. However, the adoption of the Law of Ukraine No. 2461-IX dated July 27, 2022, testifies to the gradual modernization of the system. The implementation of informing through the Unified State Web Portal of Electronic Services, particularly the Diia Portal, is an important step toward digitalization of judicial proceedings and a transition to modern electronic methods of communication in the judicial system of Ukraine.

Conducting court hearings via videoconferencing is a critically important element in ensuring electronic justice. Such practice significantly increases the accessibility of justice, promotes saving of time and resources for all parties, accelerates the consideration of cases, and increases the overall efficiency of the judicial system, making it more flexible and adapted to modern technological capabilities.

During the period of martial law, the Supreme Court in its practice has formed a number of important positions regarding conducting court hearings via videoconferencing. According to the Rulings dated January 31, 2023, in case No. 906/943/18, conducting a court hearing via videoconferencing is a right, not an obligation of the court<sup>31</sup>. This provision gives courts certain discretion in deciding the question of expediency of using videoconferencing.

Regarding the procedure for submitting an application for participation in a court hearing via videoconferencing, the Supreme Court determined that a participant in the case has the right to submit such an application no later than five days before the day of the court hearing, sending its copy to other participants in the case<sup>32</sup>. Violation of this deadline may be grounds for refusal to satisfy the application and leaving it without consideration. The Supreme Court also noted that consideration of an application for participation in videoconferencing must be carried out before the court hearing, even if it arrived with violation of established deadlines, except for cases of submission of such an application on the day of the court hearing<sup>33</sup>. The Supreme Court emphasized the mandatory nature of the court's consideration of an application for participation in videoconferencing and

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<sup>31</sup> Постанова ВС від 31 січня 2023 року у справі № 906/943/18. URL: <http://iplex.com.ua/doc.php?regnum=108848495&red=100003a809d5101228517eab55a81fd86bb30c&d=5>

<sup>32</sup> Ухвала Великої Палати Верховного Суду від 13 липня 2022 року у справі № 910/5201/19. URL: <https://verdictum.ligazakon.net/document/104987657>

<sup>33</sup> Постанова Касаційного цивільного суду у складі Верховного Суду від 22 березня 2023 року у справі № 466/4418/21. URL: [https://protocol.ua/ua/postanova\\_ktss\\_vp\\_vid\\_22\\_03\\_2023\\_roku\\_u\\_spravi\\_466\\_4418\\_21\\_ts\\_1/](https://protocol.ua/ua/postanova_ktss_vp_vid_22_03_2023_roku_u_spravi_466_4418_21_ts_1/)

the adoption of an appropriate court decision. Failure to consider such an application or untimely notification of a participant about consideration of the case without using videoconferencing may lead to violation of the procedure for proper notification about the time and place of consideration of the case. An important aspect is the mandatory sending of a copy of the ruling on satisfaction of the application regarding participation in videoconferencing to participants in the case. Failure to serve such a ruling may be grounds for postponement of consideration of the case. The Supreme Court noted that procedural legislation does not prohibit submission of a single motion regarding participation in all court hearings in the case via videoconferencing<sup>34</sup>. This provision simplifies the procedure for participants who plan to participate in all hearings remotely. Thus, the practice of the Supreme Court regarding conducting court hearings via videoconferencing demonstrates the desire to ensure balance between the rights of participants in proceedings to remote participation and the necessity of compliance with procedural norms.

The Supreme Court in its practice has defined a number of important aspects related to risks of conducting court hearings via videoconferencing. First of all, emphasis was placed on the responsibility of participants in proceedings when submitting an application for participation in a court hearing via videoconferencing. The Court emphasized that a participant or their representative must be aware of possible consequences and risks that may arise in case of impossibility of participation in a court hearing via videoconferencing, with the aim of increasing responsibility of participants in proceedings and preventing abuse of procedural rights.

The Supreme Court also drew attention to the issue of good faith of participants in proceedings. In particular, the court examined a situation when a plaintiff initially determines the method of their participation in the case via videoconferencing in a specific court, but then submits a motion for postponement of court hearings, referring to circumstances that already existed at the time of filing the claim (for example, difficult financial condition). Such actions are defined as acting in bad faith and cannot be considered a valid reason for non-appearance at a court hearing<sup>35</sup>.

An important aspect is the distribution of responsibility between courts when conducting videoconferencing. The Supreme Court noted that in case of satisfaction of a participant's application for participation in a court

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<sup>34</sup> Постанова Верховного Суду від 23 березня 2023 року у справі № 905/2371/21. URL: [https://verdictum.ligazakon.net/document/109773266?utm\\_source=jurliga.ligazakon.ua&utm\\_medium=news&utm\\_content=j103](https://verdictum.ligazakon.net/document/109773266?utm_source=jurliga.ligazakon.ua&utm_medium=news&utm_content=j103)

<sup>35</sup> Постанова Верховного Суду від 28 березня 2023 року у справі № 711/7486/19. URL: <http://iplex.com.ua/doc.php?regnum=109871528&red=100003e6bcc8f4e2bf97f10b9a6620aa450085&d=5>

hearing via videoconferencing in the premises of another court, the obligation to ensure the possibility of real participation of the participant in the court hearing is imposed on the court that is instructed to conduct the videoconferencing<sup>36</sup>. This provision clearly defines responsibility for technical support of videoconferencing and guarantees the right of the participant to participate in the court hearing.

Thus, the practice of the Supreme Court regarding risks of conducting court hearings via videoconferencing is aimed at ensuring balance between the right of participants to remote participation in proceedings and the necessity of compliance with principles of good faith and efficiency of judicial proceedings. The Supreme Court emphasizes the importance of participants in proceedings being aware of possible risks related to technical problems or other obstacles to participation in videoconferencing, and also emphasizes the inadmissibility of abuse of procedural rights through unjustified motions for postponement of hearings. At the same time, the court clearly defines the responsibility of courts for ensuring technical capability for participation in videoconferencing, which promotes realization of the right to a fair trial under conditions of martial law.

The introduction of martial law due to military aggression has significantly affected compliance with procedural deadlines in judicial proceedings. Courts have found themselves facing a complex task of finding optimal balance in their work. On one hand, it is necessary to ensure procedural rights of participants to timely consideration of the case and fulfillment of main tasks of judicial proceedings. On the other hand, it is necessary to take into account extra-procedural factors, particularly the safety of all participants in judicial proceedings, protection of judges and court staff. Despite the admissibility of extension of procedural deadlines, according to the position of the Supreme Court contained in rulings dated September 26, 2022, in case No. 560/403/22, and dated February 16, 2023, in case No. 640/7964/21, "the mere fact of introduction of martial law in Ukraine cannot serve as an unconditional and sufficient basis for recognition as valid of reasons for missing a procedural deadline by a state authority, in the absence of corresponding substantiations and evidence of how exactly the introduction of martial law affected the work of this state body"<sup>37</sup>.

Clarifications regarding the course of procedural deadlines in electronic justice were formed by the National Academy of Advocates of Ukraine. The

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<sup>36</sup> Постанова ВС від 26 січня 2022 року у справі № 537/5256/19 <http://iplex.com.ua/doc.php?regnum=107747855&red=100003f4f9579b2384df0334cb43534b1fb815&d=5>

<sup>37</sup> Постанова Касаційного адміністративного суду у складі Верховного Суду від 24 травня 2023 року, справа № 200/19065/21. URL: <https://reyestr.court.gov.ua/Review/111078004>

digest of judicial practice regarding the course of procedural deadlines through the prism of electronic justice systematized conclusions of the Supreme Court regarding sending through the Electronic Cabinet of court decisions to the email of a participant in proceedings or to their cabinet in the Electronic Court system<sup>38</sup>.

In March 2024, amendments to the Criminal Procedure Code No. 3604-IX came into force according to the law "On Amendments to the Criminal Procedure Code of Ukraine Regarding Ensuring Phased Implementation of the Unified Judicial Information and Telecommunication System"<sup>39</sup>, according to which participants in criminal proceedings can participate in a court hearing via videoconferencing outside the court premises using their own technical means and qualified electronic signature. The amendments made to the Criminal Procedure Code expanded possibilities for conducting remote interrogations. In particular, under conditions of martial law or state of emergency, the court is given the right in exceptional cases to conduct interrogation of witnesses and victims via videoconferencing outside the court premises. In this case, the use of personal technical means of participants in proceedings is allowed. The procedure for such interrogations is regulated by provisions of parts 4-6 of Article 336 of the Criminal Procedure Code, which determine the procedure for conducting remote judicial proceedings.

Current realities have prompted amendments to the procedural legislation of Ukraine to ensure effective judicial proceedings under conditions of martial law. In May 2024, the Verkhovna Rada of Ukraine adopted as a law draft law No. 11133 on amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, and the Code of Administrative Procedure of Ukraine regarding simplification of participation in court hearings via videoconferencing<sup>40</sup>. The regulatory act was adopted with the aim of eliminating an unnecessary procedural obstacle – the requirement for the entire panel of judges to issue a ruling on participation in a videoconference during the collegial consideration of a case.

The proposed amendments to procedural codes provide for simplification and expansion of possibilities for conducting court hearings via

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<sup>38</sup> Національна асоціація адвокатів України. Дайджест судової практики щодо перебігу процесуальних строків через призму електронного судочинства. Київ, 2024. URL: <http://surl.li/wkshjx>

<sup>39</sup> Про внесення змін до Кримінального процесуального кодексу України щодо забезпечення поетапного впровадження Єдиної судової інформаційно-комунікаційної системи. Закон України від 23.02.2024 р. № 3604-IX. URL: <https://zakon.rada.gov.ua/laws/show/3604-20#Text>

<sup>40</sup> Проект Закону про внесення змін до деяких законодавчих актів щодо спрощення участі у судовому засіданні в режимі відеоконференції : проект Закону України від 28.03.2024 № 11133. URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/43911>

videoconferencing. In particular, a judge will be able to consider applications for participation in videoconferencing individually without additional notification of other participants in the case. This right extends to representatives of participants in the case. An important innovation is the possibility for witnesses, translators, specialists, and experts to participate in hearings remotely, using their own technical means, especially under conditions of martial law or when there is a threat to the safety of participants in proceedings. These changes are aimed at adapting the judicial system to the challenges of wartime and ensuring its uninterrupted functioning<sup>41</sup>.

Article 197 of the Commercial Procedure Code of Ukraine, Article 212 of the Civil Procedure Code of Ukraine, and Article 195 of the Code of Administrative Procedure of Ukraine will be presented in a new edition that provides that:

- participants in the case and their representatives have the right to participate in a court hearing via videoconferencing outside the court premises, using their own technical means, subject to the court having the appropriate technical capability;
- an application for participation in videoconferencing is submitted no later than five days before the court hearing;
- the judge considers the application without notifying participants in the case;
- participants use their own technical means and means of electronic identification of high level of trust (Law of Ukraine "On Electronic Documents and Electronic Document Management," Law of Ukraine "On Electronic Identification and Electronic Trust Services," Law of Ukraine "On the Unified State Demographic Register and Documents Certifying Citizenship of Ukraine, a Person's Identity or Special Status");
- the risks of technical impossibility of participation in videoconferencing are borne by the participant who submitted the application;
- a witness, translator, specialist, expert participate in videoconferencing exclusively in the court premises (with exceptions for the period of martial law);
- videoconferencing is recorded by the court using technical means of video and audio recording;
- technical means and technologies must ensure high quality of image and sound, as well as guarantee information security;

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<sup>41</sup> Смокович М. І. Здійснення правосуддя в умовах воєнного стану: до питання законодавчих змін. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2022. № 70. С. 450-455. DOI: <https://doi.org/10.24144/2307-3322.2022.70.72>



– all participants in judicial proceedings must have the opportunity to clearly see and hear everything that happens during the hearing, ask questions and respond;

– the video and audio recordings of the videoconferencing are attached to the case materials in the procedure determined by the Regulation on the Unified Judicial Information and Telecommunication System and/or provisions that determine the procedure for functioning of its individual subsystems (modules)<sup>42</sup>.

On May 2, 2024, the State Judicial Administration of Ukraine and the Office of the Prosecutor General approved a joint order on electronic information interaction. This document provides for the development of a protocol for technical interaction between the Electronic Court subsystem of the Unified Judicial Information and Telecommunication System and the electronic document management system of the prosecutor's office. Ensuring electronic information interaction between information systems of the State Judicial Administration and the Office of the Prosecutor General is assigned to the State Enterprise "Information Judicial Systems" and the Information Technology Department of the Office of the Prosecutor General<sup>43</sup>.

The implementation of e-cabinets for prosecutor's offices and automated exchange of procedural documents will promote digitalization and increase the efficiency of interaction between these institutions. Standardization of processes for information exchange and establishment of unified interaction protocols will promote unification and transparency of judicial procedures. In addition, the transition to electronic document management will allow significant savings of resources, reducing costs for paper document management and physical delivery of documents.

As of mid-2024, the Ministry of Digital Transformation of Ukraine is actively working on modernization of the electronic court system. After conducting an IT audit and current functional audit, the launch of updated services is planned, which will significantly expand the capabilities of citizens in interaction with the judicial system<sup>44</sup>.

The updated e-court will allow users to apply to court online around the clock, receive court decisions in electronic format, submit evidence and

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<sup>42</sup> Проект Закону про внесення змін до деяких законодавчих актів щодо спрощення участі у судовому засіданні в режимі відеоконференції : проект Закону України від 28.03.2024 № 11133. URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/43911>

<sup>43</sup> Чи можна подати позов до суду в умовах воєнного стану. Володимир-Волинський міський суд Волинської області. URL: <https://kv.vl.court.gov.ua/sud0306/pres-centr/novyny/1600851/>

<sup>44</sup> Цифровізація судової сфери: працюємо над оновленою концепцією е-суду. Урядовий портал. URL: <https://www.kmu.gov.ua/news/tsyfrovizatsiia-sudovoi-sfery-pratsiuemo-nad-onovlenoiu-kontseptsiu-e-sudu>

procedural documents, make electronic payments, familiarize themselves with case materials, analyze judicial practice and efficiency of court operations. Integration of part of the services with the Diia portal is planned, including automated submission of executive documents to the enforcement proceedings system with already functioning systems of E-cabinet, videoconferencing, and online document management. This will significantly simplify procedures for citizens, for example, in the collection of alimony.

The implementation of e-court is an important factor for increasing transparency and efficiency of the judicial system. Subsystems of the Unified Judicial Information and Telecommunication System already serve 50 thousand employees of the judicial system and over 6.7 million users, including citizens, attorneys, notaries, and business representatives. During 2021-2023, almost 17 million court decisions passed through the system. The update of subsystems is being implemented with the support of international partners, including USAID, the EU Project Right-Justice, and the consulting company CIVITTA.

The Ukrainian Helsinki Human Rights Union in March 2023 prepared a report "Consequences of Military Actions in the Sphere of Protection of Human Rights, Access to the Judicial System and Justice"<sup>45</sup>. Researchers conducted monitoring of access to justice in Ukraine during martial law, with particular focus on the use of electronic systems of judicial proceedings. The research was conducted through surveying citizens (including internally displaced persons) and requests for access to public information. Although the research was conducted in the territory of one oblast, the survey process involved respondents with diverse socio-demographic characteristics, which allows ensuring the representativeness of the sample.

The survey showed that the overwhelming majority of respondents (92%) had experience of applying to court to protect their rights. However, when it concerned the period after February 24, 2022, the picture turned out to be less unambiguous. Slightly less than half of those surveyed (48%) confirmed that they were able to submit an application to court from the beginning of the full-scale invasion. In contrast, a somewhat larger share (52%) encountered obstacles that prevented them from applying to judicial institutions. These data indicate significant difficulties in access to justice that citizens faced under conditions of martial law.

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<sup>45</sup> Наслідки воєнних дій у сфері захисту прав людини, доступу до судової системи та правосуддя. Українська Гельсінська спілка з прав людини. URL: <https://www.helsinki.org.ua/wp-content/uploads/2023/03/Naslidky-voiennykh-diy-u-sferi-zakhystu-prav-liudyny-dostupu-do-sudovoi-systemy-ta-pravosuddia-1.pdf>

The results of the survey revealed a number of obstacles that citizens encountered when trying to apply to court. The most common problem turned out to be interruptions in electricity supply to judicial institutions, which was noted by 30% of respondents. A quarter of those surveyed (25%) indicated difficulties related to air raid alerts, including the impossibility of entering the court building and disruptions of hearings that had already begun. Another 20% encountered a double problem: systemic electricity interruptions combined with air raid alerts. A significant share (15%) could not contact by telephone employees of the court staff and the court chancellery. A smaller but still noticeable share consisted of problems with receiving notifications about court hearings due to failures in the operation of Ukrposhta (Ukrainian Postal Service) and mobile communication (5%), as well as inaccessibility of the official website "Judicial Power of Ukraine" (5%).

Within the monitoring, research was conducted regarding citizens' use of digital methods of applying to court, particularly through the Unified Judicial Information and Telecommunication System Electronic Court.

The results of the survey showed that a significant portion of citizens – 67% of respondents – tried to use the Electronic Court system. This testifies to a fairly high level of awareness and readiness of citizens to use digital tools in judicial proceedings.

Among those who tried to register and use the Unified Judicial Information and Telecommunication System Electronic Court, the overwhelming majority (82%) reported a successful experience. Only 8% of users were unable to perform necessary procedural actions through this system. Such indicators point to the general effectiveness of the electronic system of judicial proceedings.

However, users also encountered certain difficulties when working with the UJITS Electronic Court. The most common problem turned out to be difficulties with signing documents, which was reported by 33% of those surveyed. Other identified problems included:

- complexity and incomprehensibility of the system interface;
- instability of operation of the Electronic Court;
- complete inaccessibility of the system (the site did not work or did not open).

These data indicate the necessity of further improvement of the Electronic Court system, particularly in aspects of stability of operation, convenience of use, and support of electronic digital signature. Despite the identified problems, the high percentage of successful use testifies to the significant potential of the electronic justice system in ensuring access to justice, especially under conditions of restrictions related to martial law.

E-justice under conditions of martial law has encountered a number of challenges. However, it can be stated that the Ukrainian judicial authority is adapting to the challenges of electronic justice. A number of laws and resolutions have been adopted aimed at ensuring the functioning of the judicial system under new conditions, particularly regarding mandatory registration and use of electronic cabinets in the Unified Judicial Information and Telecommunication System. Not all modules of the UJITS are fully functional, and those that are operating often encounter technical difficulties, including instability of operation, slow speed, and problems with data synchronization. The Supreme Court is actively forming practice regarding electronic justice and peculiarities of its application. Courts and participants in proceedings are forced to adapt to new realities, including expanded use of videoconferencing and electronic document management. Another challenge has been new peculiarities of access to information of justice administration bodies under conditions of martial law, which we have shown in our research<sup>46</sup>. In general, electronic justice in Ukraine during martial law demonstrates a tendency toward development and adaptation, but encounters substantial challenges that require further resolution to ensure effective access to justice.

## CONCLUSIONS

The study of the functioning of electronic justice under conditions of martial law showcases the ability of the Ukrainian judicial system to rapidly adapt under extreme conditions. The full-scale war has become a catalyst for accelerated digitalization of justice, transforming electronic technologies from an auxiliary tool into a critically important mechanism for ensuring access to justice.

The legal foundations for the functioning of the judicial system under conditions of martial law were formed through the operational adoption of decisions by the Council of Judges of Ukraine, clarifications of the Supreme Court, and amendments to procedural legislation. A key achievement has been ensuring the continuity of judicial proceedings even under conditions of physical inaccessibility of court premises and threats to the safety of participants in proceedings.

Analysis of European standards and the practice of the European Court of Human Rights has shown the importance of balance between the implementation of digital technologies and ensuring fundamental procedural guarantees. Ukrainian judicial practice is gradually forming its own

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<sup>46</sup> Колесніков А.П. Особливості доступу до інформації органів здійснення правосуддя в умовах воєнного стану. *Сучасні проблеми законодавства, практики його застосування та юридичної науки: матеріали всеукраїнської науково-практичної конференції* (м. Вінниця, 25–26 квітня 2024 р.). Вінниця, 2024. С. 209–211.

approaches to resolving problems of electronic justice, taking into account both international standards and the specifics of martial law.

The practical implementation of electronic justice has revealed both significant advantages and substantial challenges. The expansion of possibilities for participation in court hearings via videoconferencing, simplification of procedures for electronic document management, and increased accessibility of court services have become important achievements. At the same time, technical problems, cybersecurity issues, and the necessity of ensuring digital literacy of participants in proceedings remain current challenges.

Electronic justice in Ukraine during martial law demonstrates a tendency toward development and improvement. However, it requires further systematic work on eliminating technical shortcomings, improving the regulatory framework, and increasing the efficiency of digital court services to ensure full access of citizens to fair justice.

## **SUMMARY**

The research is devoted to analyzing the functioning of electronic justice in Ukraine under conditions of martial law as a result of the full-scale invasion by the Russian Federation. The research addresses the challenges faced by the judicial system during the war, particularly the destruction of judicial infrastructure, threats to the safety of participants in proceedings, and the necessity of ensuring continuity of justice under extreme conditions. The legal foundations for the adapting the judicial system to the conditions of martial law are examined, including decisions of the Council of Judges of Ukraine, clarifications of the Supreme Court, and amendments to procedural legislation. European standards of electronic justice and the practice of the European Court of Human Rights in the context of ensuring the right to a fair trial when using digital technologies are analyzed. Practical aspects of the implementation of electronic justice are investigated, including conducting court hearings via videoconferencing, electronic document management, and the use of digital signatures. The results of the research show that electronic justice has become a critically important mechanism for ensuring access to justice under conditions of war. However, its functioning is accompanied by technical problems and requires further improvement. It has been established that the Ukrainian judicial system demonstrates the ability to rapidly adapt under extreme conditions, forming new approaches to the digitalization of justice. Directions for the further development of e-justice have been identified to ensure effective access of citizens to fair justice.

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