Adaptive Case Management in the International Practice of Civil Proceedings

Tetyana Kaganovska[1], Olexandr Nazarenko[2], Olena Cherniak[3], Viktoriya Onegina[4], Yuriy Ulyanchenko[5] and Svitlana Bondarenko[6,*]

[1]*V.N. Karazin Kharkiv National University, Kharkiv, Ukraine.*

[2]*Department of Applied Physics and Nanomaterials, State University of Intelligent Technologies and Telecommunications, Kyiv, Ukraine.*

[3]*Department of International and European law Leonid Yuzkov Khmelnytskyi University of Management and Law, Khmelnytsky, Ukraine.*

[4]*Department of Global Economy, State Biotechnological University, Kharkiv, Ukraine.*

[5]*Chair of Economic Policy and Management, V.N. Karazin Kharkiv National University, Kharkiv, Ukraine.*

[6]*Department of Journalism, National Aviation University, Kyiv, Ukraine.*

Abstract: The main problems of civil proceedings that need effective tools to address them in Ukraine are: (1) deadlines for civil cases, (2) ineffective regulation of various procedural stages and court proceedings, (3) insufficiently developed institutions and tools for judges to expedite consideration of a case in a separate case or effectively consider repeated cases. The purpose of the study is to develop scientifically sound proposals and recommendations for the implementation of the principles of Adaptive Case Management in civil litigation. The ACM (Adaptive Case Management) system has proposed as the newest tools that can ensure the adaptation of the civil justice system to the new operating conditions. The main element in the ACM approach is a case, which can include a large number of elements - people, events, documents, processes, discussions and more. Adaptability means that each case can be unique and adapted to the current situation. Using of digital tools in civil proceedings ensure the optimal ratio of activity of the parties and the court in the conduct of proceedings in civil cases, speed up processes, increase efficiency. Adaptive Case Management in civil litigation will ensure the optimal balance of activity between the parties and the court in litigation in civil cases. This innovation will improve the organization of proceedings in civil proceedings, which will increase the efficiency of justice and the effectiveness of civil proceedings and will be the basis for a conceptual rethinking of the role and function of judges and parties in the proceedings.

Keywords: Civil proceedings; Bodies of justice and constitutional justice; Code of Civil Procedure; Adaptive Case Management.
JEL classification: K 10; K 23; L 15; O 38.

1. INTRODUCTION

Ukraine is implementing the Strategy for the Development of the Judiciary and Constitutional Judiciary (Decree of the President of Ukraine, 31231/2021). Priorities for improving the judicial system have been identified as promising areas: the judiciary and the institutions of justice. Qualitative changes are being introduced both at the level of legislative and at the level of implementation of urgent measures.

The main goal of the implementation of this part of the Strategy will be:

- a properly functioning judicial system of Ukraine;
- judicial governance and self-government;
- implementation of the rule of law;
- efficiency and coordination of justice institutions;
- implementation of international standards and best practices of the Council of Europe and the European Union.

In order to improve access to justice, the implementation of this Strategy is envisaged increase the efficiency of civil justice and bring it in line with international standards of fair justice. At the same time, the classical procedures of civil proceedings are gaining significant changes, new institutes of civil procedural law are being introduced (Babenko et al., 2019; Hubanova et al., 2021).

The issue of reorganization of the civil justice system became acute.

*Address correspondence to this author at the Department of Journalism, National Aviation University, Kyiv, Ukraine;
E-mail: svitlana.bondarenko@npp.nau.edu.ua

The analysis of the Civil Procedure Code of Ukraine, in terms of its impact on the length of the trial, identified the main problems of civil proceedings that need effective tools to address them (the Civil Procedural Code of Ukraine, 2018):

- the terms of consideration of civil cases established by the Civil Procedure Code of Ukraine do not always meet the requirements of reasonable duration, developed in the case law of the European Court of Human Rights;
- to what extent the regulation of various procedural stages and court proceedings in general is effective, coherent, reasonable and in accordance with the legislation of Ukraine on the judiciary and the new structure of the court;
- which institutions or instruments introduced by the Civil Procedure Code of Ukraine create additional opportunities for judges to expedite the consideration of a case in a particular case or to effectively consider repeated cases.

Given the highlighted issues, the concept of case management, or the concept of judicial management of the process (Van Rhee, 2007; Jolowicz, 2000; Popov et al., 2021) or the concept of "organization of the case" (Andrews, 2003; Verkerk, 2007).

The concept is new for introduction into the system of civil proceedings Adaptive Case Management (ACM) - the concept of dynamic process management, which allows you to automate both structured, stable processes and daily collaboration of process participants (Ivashchenko et al., 2021; Hetman et al.,2019; Klochan et al.,2021).

In view of the above, the study of the possibilities of implementing the concept ACM in the realities of Ukraine, from the standpoint of world experience, becomes relevant, given the reform of domestic civil procedural law.

The purpose of the study is to develop scientifically sound proposals and recommendations for the implementation of the principles of Adaptive Case Management in civil litigation.

The justice must be effective, so special attention has paid to the organization of civil proceedings. Accordingly, the role and functions of the judge and the parties in the proceedings need to be conceptually reconsidered. In this sense, the idea of Adaptive Case Management in civil proceedings will ensure the optimal balance of activity between the parties and the court in the implementation of civil proceedings.

2. LITERARY REVIEW

The modern civil procedural systems of different countries have characterized significant disparities due to historical differences in the approach to civil proceedings, civil procedure of common law and civil law.

R Van Caenegem (2005) investigated the truth of this statement by comparing modern English civil proceedings with the procedure of different jurisdictions of continental Europe. It has been found, for example, that in both England and much of the continent, the judge has become an active manager in the civil proceedings. The various continental civil litigation systems have shown interest in English procedural means and rules, such as documentary discovery (disclosure) mechanisms (Bondarenko et al., 2019; Gutorova et al., 2019).

Three types of harmonization in civil proceedings are considered:

(1) as a result of the reform of national legislation;

(2) as a result of competition between procedural systems;

(3) as a result of international harmonization projects (Gutorova et. Al, 2019).

In world legal practice, considerable attention has paid to Civil Case Management (Fact Sheet: the Civil Case Management, 2021; Katzmann Justice Anna, 2015; Bondarenko et al., 2021; Bielova et al., 2017). The case management has considered as a system that ensures maximum efficiency of the process and the nature of procedural actions in civil proceedings.

The case management reduces unnecessary delays and costs, facilitates early and fair settlement and brings cases to a fair conclusion. In conducting the case, the court sets deadlines for the execution of steps in the trial. This process gives the parties the opportunity to resolve, narrow or consolidate issues in order to streamline proceedings and focus judicial resources where they need them most. It also involves early and active court intervention to facilitate the resolution of disputes or the timely referral of cases (Kuznetsov et al., 2019; 2021; Marhasova et al., 2020; Zavhorodnii et al., 2021; Zinovieva et al., 2021). .

Shaowei Wang (2017) proposes the Case Management (CM) concept, which, according to the researcher, overcomes the limitations of the BPM approach and provides an infrastructure for managing change, dynamics and unpredictability in unstructured business processes. The CM has a lower level of predictability, but a higher level of adaptability and flexibility.

Therefore, thanks to the CM approach, organizations can manage their unstructured processes in a more adaptive and flexible way. The author presents a tree of processes and a number of models: CMMN (Case Management Model and Notation) - for the presentation and construction of case models; HiLLS (High Level Language for Systems Specification) - to combine ease of use, modeling capabilities and formal analysis capabilities.

The CEPEJ SATURN Working Time Management Group is actively working on the role of parties and practitioners in preventing delays in litigation (2018; 2021). In line with the latest challenges and requirements, the CEPEJ (2018) recommendations on court time management are being revised.

The issues of court-appointed forensic experts, lawyers, court staff, law enforcement officers and bailiffs are subject to improvement (2021).

The agenda includes the issue of Information Panels to facilitate court proceedings, which are currently being prepared (2021). Thus, the handbook that will accompany the implementation of such information panels, which will be presented to CEPEJ at the next plenary session, is being finalized,

the development of training modules on judicial time management is being considered.

The implementation of case management was considered by the European Parliament, which on its own initiative adopted a resolution on common minimum standards of civil procedure (Emil Radev, 2019). This document identifies judicial control over the process as one of the principles related to ensuring the effectiveness of the process, which has based on the balance of the effectiveness of the process and ensuring proper protection of the interests of participants.

Abobakr Y. Shahrah & Majed A. Al-Mashari (2021) believe Adaptive Case Management a forward-looking approach, highlighting the main differences between traditional business process management and ACM.

The ACM has considered a complement to the concept of Traditional Business Process Management (BPM), which is actively used in the Management of Business Processes in the real sector of the Economy. The experts characterize the difference in approaches as follows: the BPM comes from the structure of the process, the composition of the steps that must be taken to achieve the goal. The data arises during the process, and is completely dependent on it.

The ACM comes from information and data that arise in the course of work and are necessary in order to consider the result achieved. That is, the processes occur in the context of data, not vice versa. It is thought that ACM can be considered "social BPM" when the next step in the process has determined by the decision of the person in the social environment. That is, the BPM and ACM complement each other, allow you to automate both structured, stable processes, and daily collaboration of employees of the organization.

Pillaerds & Eshuis (2017) considered ACM as a new BPM technology to support knowledge-intensive processes. The authors provide a basis for assessing the suitability of ACM for a particular business process: processes that ACM can support when the results of such support are not ideal, and processes that ACM cannot support. The practical advice on which BPM technology is the best suited to support your business process has been developed in collaboration with an IT consulting company that advises its clients on BPM technology.

Thus, the analysis showed that the current model of civil proceedings in a new way regulates the relationship between the activity of the parties and the court in the conduct of proceedings in civil cases.

The emphasis shifts from the autonomy of the parties to the judge's authority to effectively manage the trial.

3. METHODOLOGY

This study uses general philosophical, general scientific, special methods and methodological principles and approaches of legal science, which were used to solve problems.

The paper used a comprehensive analysis of the legal aspects of efficiency civil justice system.

The analysis was conducted using logical-semantic, deductive methods, abstraction and generalization - to reveal the conceptual apparatus of this study.

The interrelations of the main components of the system of civil justice have clarified - to understand the essence of the rule of law as a fundamental principle of the legal mechanism, improving the efficiency of civil justice and bringing it in line with international standards of fair justice.

The systematic approach allowed to identify current problems of implementation of the legislation during implementation significant changes in the classical procedures of civil proceedings, the introduction of new institutions of civil procedural law.

The changes have based on the idea of fundamentalizing human rights and ensuring access to justice as an international standard of fair trial.

The empirical studies have been conducted using civil procedural legislation of Ukraine and other countries (Germany, France, England, USA, Italy, etc.), materials of civil justice reforms in European countries, USA, Canada, sources of international law of universal and regional level, documents of various institutions Council of Europe (Committee of Ministers of the Council of Europe, European Commission on the Efficiency of Justice (CEPEJ), Advisory Council of European Judges, etc.) and the EU in the field of civil justice.

The implementation Adaptive Case Management with civil litigation needs to promote a culture of continuous change. There is no universal solution here, but systematic thinking and the ability to ask the right questions will help to reach a new level.

4. EVALUATION AND ANALYSIS OF RESULTS

4.1. The Civil Proceedings: the World Experience, Problems in Ukraine

All cases that fall under the civil jurisdiction of the court have considered by it according to certain rules. Judicial protection of the rights, freedoms and interests of individuals takes the form of legal proceedings, as the court and participants in civil proceedings must act in the manner prescribed by law.

For comparison, it has proposed to consider the organization of the process of civil proceedings in some of the most developed countries and Ukraine.

The experience of modernization of civil justice in England shows an active search for the latest tools to ensure effectiveness and efficiency.

The Civil Procedure Rules (1998) England is constantly improving.

The Money Claim Online electronic filing system has been available in England and Wales since 2002 and is available to citizens and lawyers. The system includes a government account user account as a way to identify the applicant.

Since 2009, some courts have had an Electronic Working Pilot Scheme: the Commercial and London Mercantile Courts at the Royal Court of Justice (RCJ). The Civil Justice Council announced a project to create a single system of online courts. The court's website, e-mail boxes and documents are sent in electronic form (General guidelines for electronic bundles). In this case, the electronic form of filing a lawsuit is an alternative and is not mandatory (Practice direction 51O).

The information technology serves to support existing procedures in the judiciary without changing the basic processes and procedures. The idea of Online dispute resolution system (2015) with the use of online services is being actively developed.

Since 2014, The Chancery Division of the High Court (a branch of the High Court of the United Kingdom - the court of first instance in civil cases on property management, trust property, etc.) has CE File - an electronic system of registration and record keeping (E Filing).

From 2019, electronic submission of documents via CE-File has been extended to Business and Property Courts (B & PC) (Electronic filing, 2019; Bondarenko et al., 2022), Senior Courts Costs Office, to consider claims and appeals to the Royal Bench Division of the High Court (CE-File, 2019).

The Crown Court Digital Case System - Crown Court digital record keeping platform. It has used to access, prepare and present information in the case. With its help you can transfer documents not only to the court but also to the other party, as well as work together on documents.

Under the procedural law of England and Wales, there is no such separate type of evidence as electronic evidence (as in other European countries). The Rules of Civil Procedure refer only to the procedures and rules for submitting electronic documents.

However, the law of England and Wales does not require civil law (including family and commercial) to use certain ways to obtain / seize electronic evidence (from a notary, bailiff, expert, etc.), for example, if a party wants to provide evidence from the public websites on the Internet, as opposed to criminal proceedings.

An important right of a party who does not have access to electronic evidence is the possibility to apply to the court to obtain a copy of electronic data stored on the other party's computer. A party may also ask the court to identify the user of an e-service provided by a private company, such as a user of an e-mail account, Internet access service, or VoIP account. Videoconferencing (VCF) has used in civil proceedings to gather evidence at a distance.

The practice of electronic litigation is widespread within the judicial systems of developed countries: USA, Canada, Great Britain, Italy, Germany and others.

For example, the United States has a well-functioning electronic court system with free access - PACER. With the help of this system you can get information about the court document, read the register of applications, study the progress of the case and the history of decisions, as well as view the calendar of scheduled meetings. To submit documents to the courts, the CM / ECF application has used in the form of a personal account, which can be accessed with a password issued by the state, and all documents must be sent in PDF format.

In Canada, at the request of a party to the proceedings, the court may decide to conduct electronic litigation. At the same time, the parties themselves must indicate how best to hold meetings and what technologies to use. The paperless litigation system is widespread in Canadian courts of all instances and involves the use of online filing, electronic access to court records, disclosure of information and the use of technology in the courtroom.

Among the countries with a continental legal system, as in Ukraine, e-litigation in Germany is the most significant. In particular, the submission of documents, their processing and even decision-making are in electronic format. In addition, with the help of a paid personal account there is an opportunity to enter into a written discussion with the opponent and challenge the documents he submits.

Norway is actively modernizing its judicial administration. In addition to improving information security, the issues of improving the efficiency of civil proceedings and the effectiveness of the ability to achieve more goals with the same resources, without affecting the quality of work (Modernizing the Court Administration).

To implement such ideas, close cooperation has established with other players in the justice sector. The emphasis is placed on the fact that decisions must be integrated with the IT portfolio of courts, be configured to manage the constant changes that are taking place in Norwegian law. Such an organization of the civil justice system has aimed at better serving all parties, players and the public.

The information platform is Lovisa (Legal Information System), which is a daily tool for judges and case managers in first and second level courts across the country, and is used in all criminal and civil cases in Norway. Lovisa is a comprehensive case management solution that supports the registration, processing and reporting of all court and administrative cases. The decision allows courts to hear more cases with the same resources.

In 2013, the Court Administration and Computas received the International Awards for Excellence in Adaptive Case Management (ACM). The prize was awarded in the category "Law and Courts". In addition, the Court Administration received the Judges´ Choice Award for the best decision of all nominees for the WfMC Awards for Excellence in Case Management.

In 2018, the Norwegian Supreme Court switched to Lovisa as a decision, and from that day on, all new cases in the Supreme Court were registered and heard by Lovisa (Modernizing the Court Administration).

Ukraine is gradually moving away from outdated justice systems that lag behind global technological development. To date, the first attempts are being made to implement the experience of developed countries, moving from paper litigation to more efficient - electronic.

To this end, the Laws "On Electronic Digital Signature" and "On Electronic Documents and Electronic Document Circulation" have already been adopted, a number of legislative

acts that allow electronic submission of documents to the court, conduct court hearings online, inform participants in the electronic format in electronic format, record the process with audio / video devices and more.

In addition, there is a Unified database of e-mail addresses, fax numbers (faxes) of subjects of power, as well as the Unified State Register of Judgments and the Unified Judicial Information System.

At the same time, the Civil Procedure Code of Ukraine was supplemented by Art. 1581 "Participation in a court hearing by videoconference", as well as the possibility to send to the participants of the trial summons in the form of SMS-messages in civil and criminal proceedings.

The Civil Procedure Code of Ukraine (2004) defines the main tasks of civil proceedings: fair, impartial and timely consideration and resolution of civil cases in order to effectively protect violated, unrecognized or disputed rights, freedoms or interests of individuals, rights and interests of legal entities, the interests of the state.

At the same time, the main emphasis of the court's work is on the consideration of the case, and not on the protection of rights or interests, which is quite justified in civil cases. That is, the judge has limited only to the consideration of claims: only at the request of persons, within their stated requirements and on the basis of evidence submitted by the participants. The court should promote a comprehensive and complete clarification of the circumstances of the case as follows: to explain to persons involved in the case, their rights and responsibilities, to warn about the consequences of or not to perform procedural actions, to promote the exercise of their rights.

The main problems for the civil proceedings of Ukraine are:

- duration of the case;
- a huge number of which have considered by courts (according to judicial statistics, this is more than 1 million cases per year in civil proceedings in the courts of first instance);
- a lack of a decent alternative - out-of-court dispute resolution.
- The Law on Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts № 6232 provides for several new institutions:
- a general and simplified claim proceedings;
- the principle of proportionality of civil proceedings;
- a complicated procedure for determining and paying court costs.

Such innovations are due to a change in the main task of civil proceedings - according to the Civil Procedure Code (2017), it must be effective.

This requirement introduces a new approach to determining the role of judges and participants in the organization of the case.

According to the Civil Procedure Code of Ukraine (2017), there are three components of the principle of organization of proceedings:

- resolving the issue of the procedure of consideration of the case;
- setting deadlines for procedural actions;
- determination of court costs incurred by the parties.

The judge finally decides on the determination of the procedure for consideration of the case - general or simplified. At the same time, the initiative to initiate simplified claim proceedings belongs to the plaintiff (Article 2 of Article 184 of the CPC; Article 276). In this sense, the court has a fairly broad power to decide in what order the case will be considered. The court also has the right to finally decide on the appointment of a court hearing in summary proceedings. According to part 5 of Art. 279, the court considers the case in a simplified claim procedure without notifying the parties on the available materials in the case, in the absence of a request of any of the parties otherwise. In resolving this issue, the court in accordance with the CPC takes into account:

- the price of the claim;
- significance of the case for the parties;
- the method of protection chosen by the plaintiff;
- category and complexity of the case;
- the amount and nature of evidence in the case, including whether to appoint an expert in the case, call witnesses, etc .;
- the number of parties and other participants in the case;
- whether the consideration of the case is of significant public interest;
- the opinion of the parties on the need to consider the case under the rules of summary proceedings.

The simplified proceedings should be an effective alternative to general litigation, but it is up to the applicant to defend it, not the court, which can only determine whether the law is being violated.

To protect their rights, the applicant will choose the most effective procedure - either simplified, which will optimize costs and time, or general, which will use all available tools to achieve results. At the same time, simplification should not mean narrowing or reducing all the rights of persons involved in the case, but only their right to choose the procedure of consideration of the case. This choice should be provided by law, should be agreed between the parties and the court, which is more consistent with the proposed principle of organization of the case. The second component of the organization of the case has related to the equally urgent problem of the length of proceedings.

The 2004 Civil Procedure Code of Ukraine provides for a reasonable time limit for considering a civil case, but not more than two months from the date of the opening of the proceedings. In the Civil Procedure Code of Ukraine of 2017

the principle of reasonableness of terms of consideration of case by court has fixed. Accordingly, a reasonable time limit for consideration of the case has provided for the simplified claim proceedings, but not more than sixty days from the date of the opening of the proceedings.

The Judge, according to Art. 121 of the Civil Procedure Code of Ukraine should set reasonable deadlines for procedural actions.

Procedural terms in Ukrainian law have divided into two types - established by law and the court. According to the Civil Procedure Code of Ukraine (2017), the court must set such deadlines as submission of written applications, etc. According to Art. 179 and 180 the plaintiff and the defendant have the right to exchange responses to the recall and objections within the period set by the court, before the trial on the merits.

The reform of civil proceedings concerns the court's control over the distribution of court costs. In the Civil Procedure Code of Ukraine (2017) the rule on reimbursement of court costs of the party in whose favor the court decision was made, was enshrined in the form of a principle (Part 2 of Article 3). According to Art. 134-135 each party in its first application must determine what court costs it has incurred and which it plans to incur in connection with the proceedings. The court may accordingly oblige the parties to provide court costs in order to enforce the decision in the case.

The court received tools to influence the behavior of the parties. Thus, in deciding on the apportionment of court costs, it may take into account the conduct of the party in the proceedings which led to the delay in the proceedings (for example, the submission of manifestly unfounded statements and motions; ; unreasonable overstatement of the plaintiff's claims; actions of the party to pre-trial settlement of the dispute and to settle the dispute amicably during the proceedings; the stage of the case at which these actions were committed).

In addition, the court has the right to set aside all court costs in whole or in part, regardless of the outcome of the dispute in case of abuse of procedural rights by him or her representative, or if the dispute arose as a result of misconduct.

The court may also influence the conduct of the parties in the proceedings by applying a fine as a measure of procedural coercion (in accordance with Articles 144 and 148 of the CPC). The reason for this is:

- non-fulfillment of procedural duties, in particular evasion of actions imposed by the court on the participant in the trial;
- abuse of procedural rights, actions or omissions to obstruct justice;
- failure to notify the court of the impossibility to submit evidence required by the court or failure to submit such evidence without good reason, etc.

Such powers of the court enable it to effectively influence the conduct of the parties in the process, strengthen its role in the dynamics of the case, and should contribute to the proper organization of the case.

The transition to an electronic justice system will be a solution to the problem for businesses, given the location of many far from the place where the case is being considered.

1. Prolongation of the process is due to the long transfer of case materials from one court to another, in particular, due to the demand for documents, transfer to another instance, and so on. Another common reason for postponing the hearing is the need to familiarize the parties with the case file, because, for example, additional evidence was presented in the process. With the functioning of a single integrated electronic system, where all case materials will be stored, the process has improved due to the fact that: a) judges quickly gain access to case materials that are in another court; b) the parties and other participants in the proceedings can get acquainted with the materials of the case online, which should help reduce the grounds for postponing the hearing.

2. The need to certify copies of documents is an outdated approach, in which the representative must certify each copy of evidence before submitting to the court. The legislation stipulates that a person who submits copies of documents to the court must put: a mark on the certification of a copy of the document with the words "According to the original", job title, personal signature of the person certifying the copy; initials and surname; the date of certification of the copy and put below the details of the "signature". Electronic litigation will help to avoid such irrational time costs when certifying copies of documents, and if necessary - the originals can be checked by the court directly in court.

3. Inappropriate complication of lawyers' work. The lawyer's signature on the request to attach the documents submitted to the court to the case file stipulates that the lawyer has convinced of the authenticity of the copies of the submitted documents and is ready to bear responsibility for it. Therefore, the lawyer's certification of each sheet of each copy of the document when submitting to the court with the words (details) "According to the original, the representative of the party, name, date and signature" - is impractical and archaic. In the course of judicial reform, it would be rational to move away from outdated documentary systems, namely to remove from the lawyer the obligation to certify each copy of the submitted document.

4. Irrational use of large amounts of paper. With the help of electronic litigation, there will be no need to print hundreds of copies of documents. This will save financial and time costs for the parties to the process.

The electronic court system has a number of advantages for litigation. In particular, these are:

- - saving time of judges and other participants in the process;
- - saving material costs of courts in connection with the costs of sending documents to the participants of the process and maintaining the human resources of the participants in the process;
- - submission to the court of claims and other documents in electronic form using an electronic signature;

- - the possibility of providing online consultations and online meetings;
- - simplified exchange of information and court documents via a specific e-mail address, etc .;
- - accessibility and openness of justice;
- - elimination of corruption in the courts in connection with the openness and accessibility of documents.

In Ukraine, the system of exchange of electronic documents between the court and the participants in the trial - the Electronic Court - is already operating successfully. The main purpose of this electronic system is to provide the opportunity to send to any court of the country documents signed with an electronic digital signature. In other words, the e-court will simplify the interaction between citizens and the courts.

Since 2013, the local and appellate courts of general jurisdiction have introduced a procedure for the exchange of electronic documents between the court and participants in the process in terms of sending the court to such participants procedural documents in electronic form together with documents in paper form.

However, despite the possibility of submitting documents in electronic form, the submission of the paper version of the documents was not canceled. As the administration of justice in Ukraine has not yet been fully switched to electronic mode, it will be possible to feel all the benefits and effectiveness of this system only after the complete abandonment of the paper form.

4.2. Adaptive Case Management - a Tool for Digitization of Civil Proceedings: Challenges, Realities, Problems

The global trend of the last two years is shifting the focus of business relations to the creation of an integrated platform of the highest order, which will allow the free combination of a wide range of digital technologies. The main principles, tasks and directions of informatization and digitalization of justice have defined in the Law of Ukraine "On Basic Principles of Information Society Development in Ukraine for 2007-2015", in the Strategy of Information Society Development in Ukraine, in the Concept of Sectoral Program of Informatization of Courts of General Jurisdiction and institutions of the approved judicial system the State Judicial Administration Of Ukraine.

There is a decrease in the role of traditional electronic documents in interaction with contractors, development of electronic justice for the whole chain of justice. Signs of electronic litigation, respectively Strategies for the development of justice and constitutional justice for 2021-2023 is :

- introduction of the possibility of considering certain categories of cases online, regardless of the location of the parties and the court and other e-litigation services;
- introduction of modern electronic record keeping in court, electronic case management, electronic communications with the court, the judge's office and the office of the participant in the process;
- improvement and development of the judicial portal for obtaining information on courts and cases (proceedings) with continuous updating of judicial statistics.
- conducting a comprehensive audit of the system of judicial governance and self-government, in order to eliminate duplication of functions, streamline policy, ensure procedures for efficient use of resources;
- improving the mechanisms for verifying the integrity of members of the judiciary;
- start work High Qualification Commission of Judges of Ukraine based on the selection of professional and honest members with the participation of international experts in an open competition with a transparent procedure;
- improving the effective cooperation of all government / self-government bodies in setting the goals of the judiciary, strategic planning, budgeting procedures, clear accountability of the State Judicial Administration (or other institutions with relevant functions) and effective coordination of appropriate infrastructure and services for courts;
- promoting the real and effective representation of the judiciary in relations with other branches of government, protecting the independence of the judiciary, facilitating the accountability of the judiciary and ensuring a mechanism for effective cooperation of all subjects of the judiciary;
- further development of legislation on the proper implementation of the role of the High Council of Justice as a constitutional body of judicial governance, improving the regulation of procedural issues of its activities;
- introduction of unified rules to avoid conflicts of interest for members of judicial authorities and members of public bodies involved in the selection and evaluation of judges and candidates for the position of judge;
- publication of decisions of qualification and disciplinary bodies in order to establish standards for the content and scope of disclosure of information obtained or created in the course of tender procedures, evaluation and disciplinary proceedings, taking into account European standards and best international practices;
- improving the status, formation and organizational and legal framework of public bodies involved in the selection and evaluation of judges and candidates for judges, in order to ensure proper cooperation with qualification bodies, transparency of their activities, validity of their decisions, responsibilities of their members organizations and subjects of their appointment;
- improving the procedure for nominating candidates from among the judges to the members of the High Council of Justice and the Council of Judges of

Ukraine with the possibility of using preliminary rating electronic voting;

- enhancing the role of the Council of Judges of Ukraine in the justice system in implementing the principles of self-government, in particular empowering them to provide opinions on draft by laws of the High Council of Justice and its bodies.

The implementation of technological solutions for the digitalization of civil proceedings requires the introduction of the latest tools that can ensure the adaptation of the system to new operating conditions.

The ACM (Adaptive Case Management) systems are commonly used to manage unstructured processes.

The ACM is an approach to dynamic process management that allows you to organize effective interaction of participants to solve the task (case), timely monitor and respond to external changes and create a library of "best practices" based on the results of its implementation. In the future, it can be used to increase the functionality, behavior and response of the system.

This concept implies an understanding of the active role of the judge in the process in terms of empowering the latter to effectively manage the case.

The main element in the ACM approach is the case to be solved. It can include a large number of elements - people, events, documents, processes, discussions and more. Adaptability means that each case can be unique and adapted to the current situation.

The interest in case management is largely due to the active development of flexible approaches to management.

It should be noted such attractive features ACM regarding the implementation of civil proceedings, which have regulated by the rules of civil procedural law, the procedure for consideration and resolution of civil cases:

- In the context of digitalization of processes, the ACM system provides the opportunity to accumulate corporate knowledge for reuse. Successfully completed a case containing the experience of teamwork subjects of civil procedural legal relations, participants in the relevant legal relationship,edited (to ensure versatility) and stored in the template library. Then, if necessary, a new case on this topic can be created very easily and quickly, using the developed templates.
- The adaptability and flexibility of ACM allows you to automate process elements in the usual way for employees. New cases are formed by users themselves as lists of tasks to be performed, adjusted and supplemented in the process.
- The simplicity and sociability of the ACM system allow you to automate current processes without detailed inspection and time-consuming setup and programming. Instead of complex process descriptions, the ACM actually uses an analog of checklists, which are a list of tasks that need to be performed. As the process progresses, this list has adjusted and supplemented.
- The ACM system can be used almost immediately after installation, gradually creating and improving cases (sequences of tasks and assignments) on any topic.

However, it should be borne in mind that the unequal composition of the parties to the relationship, different subjects of claims, etc. create a certain order that is used to consider and resolve some civil cases, and can not be fully used for proceedings in others.

5. CONCLUSION

This study examines the main aspects implementation of the principles of Adaptive Case Management civil litigation. The necessity is proved introduction in the legislation of Ukraine of a new principle of the organization of consideration of cases for the purpose of ensuring efficiency of judicial proceedings. The research has shown that there is still some bias towards judicial control over the dynamics of the process, and civil proceedings are not effective enough.

The results of the analysis showed that the goals and criteria for the application of specific powers of a judge should be defined in more detail, in particular, when deciding on the distribution of court costs, etc. It has established that for effective consideration of the case it is necessary to ensure not only loyal cooperation between the judge and the parties, but also between the parties to the dispute, imposing on them certain procedural responsibilities. This applies to the disclosure of evidence, the exchange of adversarial papers, the service of court documents, and so on. It is a positive innovation electronic litigation, the system of exchange of electronic documents between the court and the participants in the trial - the Electronic Court. The use of digital tools in civil proceedings makes it possible to incline participants of the process to organized interaction, speed up processes, increase efficiency. The ACM (Adaptive Case Management) system has proposed as the newest tools that can ensure the adaptation of the civil justice system to the new operating conditions. The main element in the ACM approach is a case, which can include a large number of elements - people, events, documents, processes, discussions and more. Adaptability means that each case can be unique and adapted to the current situation. The introduction of the ACM is aimed at creating a more efficient, effective and high-performance civil justice system by gaining experience in the use of new technologies. Research shows that there is a need for a different approach to rulemaking. Proper judicial oversight and participation in the technical design of programmers who develop new digital processes is important. Processes need to be constantly improved, so testing both processes and results is important. This approach will create an opportunity to relieve the court of some functions that are not directly related to the administration of justice. With to ensure the dynamics of the process, consideration and resolution of the case will be enough control of the judge over the organization of interaction between the parties to the dispute.

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