

DIGITALIZATION OF PROCEDURAL LAW: INTERNATIONAL STANDARDS AND CHALLENGES OF E-JUSTICE IN RESOLVING LABOR DISPUTES

MARCHENKO Olesia Volodyvyrivna - Doctor of Law, Professor, Professor of Civil, Labor and Economic Law Department, Oles` Honchar Dnipro National University, Ukraine

ORCID iD <https://orcid.org/0009-0003-3506-2308>

MARCHENKO Olesia Denysivna - Doctor of Philosophy, Associate Professor of European and International Law Department, Oles` Honchar Dnipro National University, Ukraine

ORCID iD <https://orcid.org/0000-0001-5670-8401>

BESPALENKOV Ruslan - Doctor of Philosophy, Associate Professor of European and International Law Department, Oles` Honchar Dnipro National University, Ukraine

ORCID iD <https://orcid.org/0009-0006-7215-3470>

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In the current conditions of rapid development of information and communication technologies, key elements of the legal system, in particular, judicial and procedural law, are undergoing a transformation. The digitalization of justice has become one of the priority areas of modernization of judicial systems in many countries of the world and is aimed at increasing the efficiency of judicial procedures, ensuring the efficiency of case consideration and expanding citizens' access to justice. These processes are particularly relevant in the field of resolving labor disputes, where timely and fair consideration of cases is of great importance for protecting the socio-economic rights of employees and employers.

The article examines the main areas of digitalization of procedural law and analyzes international standards for the functioning of e-justice. Particular attention is paid to the role of international organizations in shaping standards for the use of digital technologies in judicial proceedings. In particular, the recommendations and guidelines of the Council of Europe, the European Commission for the Efficiency of Justice (CEPEJ), as well as regulatory initiatives of the European Union on the formation of a digital justice space are considered.

The case law of the European Court of Human Rights is analyzed, which defines the limits of the admissibility of the use of electronic technologies in judicial proceedings and emphasizes the need to en-

sure guarantees of the right to a fair trial, stipulated in Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. It is emphasized that the use of electronic procedures in judicial proceedings must be accompanied by compliance with the principles of equality of parties, accessibility of justice, publicity of the trial and effective participation of the parties in the process.

The study reveals the features of the implementation of electronic justice in the field of labor disputes. It is noted that the use of digital tools, such as electronic document management, electronic court systems, remote court hearings and electronic evidence, contributes to the optimization of procedural procedures, reduction of case consideration times and increased transparency of the activities of judicial bodies. Special attention is paid to the functioning of the Unified Judicial Information and Telecommunications System in Ukraine as a key element of the digitalization of judicial proceedings.

At the same time, the article emphasizes that the implementation of e-justice is accompanied by a number of challenges and problems. Among them, the issue of digital inequality of participants in the judicial process, technical risks of the functioning of electronic systems, the need for proper protection of personal data and ensuring cybersecurity of judicial information are highlighted. The problem of

preserving procedural guarantees of participants in labor disputes in the conditions of using remote forms of judicial proceedings is separately emphasized.

As a result of the research, it was concluded that the digitalization of procedural law is an objective and necessary trend in the development of modern justice, which creates new opportunities for increasing the effectiveness of judicial protection of citizens' rights. At the same time, the successful implementation of e-justice in the field of resolving labor disputes requires an integrated approach, which includes improving national legislation, developing the technical infrastructure of the judicial system, ensuring an adequate level of cybersecurity and taking into account international standards for the protection of human rights.

Keywords: international cooperation, jurisdiction, EU law, international standards, labor disputes, procedural law, justice, digitalization.

The rapid development of information and communication technologies has caused significant changes in the functioning of the legal system and judicial proceedings. The digitalization of procedural law has become an important element of the modernization of the judiciary and ensuring effective access to justice. This issue is especially relevant in the field of resolving labor disputes, where the efficiency of case consideration, accessibility of judicial procedures and protection of employees' rights are of key importance.

The introduction of e-justice allows optimizing judicial procedures, reducing the time and financial costs of the parties, as well as increasing the transparency of the activities of judicial bodies. At the same time, the digitalization of judicial proceedings creates a number of new challenges related to ensuring procedural guarantees, cybersecurity, protection of personal data and equality of access to electronic justice services.

In the context of the globalization of legal processes, taking into account international standards in the field of e-justice, formed by international organizations and international case law, is of particular importance [1].

The problems of digitalization of justice and the implementation of electronic procedures in judicial proceedings have been studied in the

works of many domestic and foreign scholars. In particular, the issues of electronic justice have been considered in the works of R. Saskia, M. Weller, P. Bigell, as well as Ukrainian researchers O. Paseniuk, V. Kravchuk, M. Smokovich and others [2].

International standards for digitalization of justice are actively being developed by the Council of Europe, the European Commission for the Efficiency of Justice (CEPEJ), as well as within the framework of legal acts of the European Union. The practice of the European Court of Human Rights has a significant influence on the formation of electronic justice standards, which emphasizes the need to ensure the right to a fair trial in accordance with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms [3].

The purpose of the article is to study international standards for digitalization of procedural law and analyze the challenges of implementing electronic justice in the field of resolving labor disputes.

The digitalization of procedural law is one of the key trends in the development of the modern legal system, which is due to the rapid spread of information and communication technologies in all spheres of public life. It involves the introduction of digital tools into the process of administering justice, the transformation of traditional procedural procedures and the formation of new mechanisms for interaction between the court, participants in the process and other subjects of legal relations. As a result of such changes, the judicial system is being modernized, aimed at increasing the efficiency, efficiency and accessibility of justice [4].

In modern conditions, the digitalization of judicial proceedings is considered as a component of the broader process of digital transformation of public administration and e-government. The introduction of digital technologies into the activities of judicial bodies contributes to the simplification of procedures for access to justice, reducing the administrative burden on courts, as well as increasing the transparency and openness of the judiciary. The use of information and communication technologies allows optimizing procedural procedures, ensuring faster exchange of

procedural documents, and increasing the efficiency of case management [5].

In international practice, the digitalization of judicial proceedings is developing on the basis of recommendations from international organizations, primarily the Council of Europe and the European Commission for the Efficiency of Justice (CEPEJ). The CEPEJ Guidelines on Electronic Justice emphasize that the use of digital technologies in the judicial system should be aimed at ensuring the efficiency of judicial procedures, preserving procedural guarantees for the parties and increasing the level of citizens' access to justice. At the same time, digital tools should not limit the fundamental principles of judicial proceedings, in particular the right to a fair trial, equality of parties, publicity of the trial and independence of the judiciary [6].

One of the key elements of the digitalization of procedural law is the implementation of electronic justice systems (e-justice), which provide electronic exchange of procedural documents, automated distribution of court cases, electronic storage of court proceedings materials and access of participants in the process to information on the progress of the case. Such systems allow creating a single information space for judicial proceedings, which contributes to increasing the efficiency of court administration and ensuring transparency of judicial procedures.

In Ukraine, the process of digitalization of judicial proceedings is carried out within the framework of the functioning of the Unified Judicial Information and Telecommunications System (UETIS). In accordance with Article 18 of the Law of Ukraine "On the Judicial System and the Status of Judges", a unified judicial information and telecommunications system operates in the courts, which ensures the automation of document flow processes, the exchange of procedural documents, the recording of court hearings and other information processes related to the administration of justice. An important element of this system is the "Electronic Court" subsystem, which enables participants in the judicial process to submit procedural documents in electronic form, receive court notices, familiarize themselves with the case

materials and participate in court hearings remotely [7].

The use of electronic document flow also plays a significant role in the digitalization of procedural law. Electronic documents created and signed using a qualified electronic signature have the same legal force as paper documents. This is provided for by the Law of Ukraine "On Electronic Documents and Electronic Document Management", as well as the Law of Ukraine "On Electronic Trust Services". The use of electronic document management significantly simplifies the procedure for submitting claims, complaints, petitions and other procedural documents, and also reduces the terms of their consideration [8].

An important element of the digitalization of judicial proceedings is also the holding of court hearings in the videoconference mode. The possibility of remote participation in a court hearing is provided for by the procedural legislation of Ukraine, in particular by Article 195 of the Code of Administrative Procedure of Ukraine, Article 197 of the Commercial Procedural Code of Ukraine and Article 212 of the Civil Procedural Code of Ukraine. The use of videoconferencing allows the participation of the parties in the trial regardless of their location, which is especially relevant in conditions of martial law or other emergency circumstances.

A separate direction in the development of the digitalization of procedural law is the use of electronic evidence. In modern conditions, evidence in court cases is increasingly being provided by e-mails, digital documents, data from information systems, recordings from video surveillance cameras, information from websites and social networks. According to Article 99 of the Code of Administrative Procedure of Ukraine, electronic evidence is information in electronic (digital) form that contains information about circumstances that are relevant to the case [9].

The introduction of digital technologies into procedural law is also associated with the use of automated case allocation systems, which helps ensure the principle of independence of judges and prevents possible abuses in determining the composition of the court. In Ukraine, such a system operates in accordance

with the requirements of the Law of Ukraine “On the Judicial System and the Status of Judges” and is an important tool for ensuring the transparency of the judicial process [10].

At the same time, the digitalization of procedural law is not exclusively a technical process. It also involves the transformation of legal institutions, the adaptation of procedural legislation to new technological realities and the formation of new approaches to the organization of the judicial process. It is important that digital innovations are implemented taking into account the fundamental principles of justice, in particular the rule of law, accessibility of justice and ensuring a fair trial.

Therefore, the digitalization of procedural law is an important stage in the development of modern justice, aimed at increasing the efficiency of the functioning of the judicial system and ensuring an adequate level of protection of human rights and freedoms. The use of digital technologies allows to optimize judicial procedures, increase the transparency of the activities of judicial bodies and expand citizens’ access to justice. At the same time, the further development of e-justice requires improving regulatory and legal regulation, developing the technical infrastructure of the judicial system and ensuring an adequate level of cybersecurity and personal data protection. [10].

International e-Justice standards are based on the principles of access to justice, efficiency of judicial procedures and protection of human rights.

One of the key documents in this area is the CEPEJ Guidelines on Electronic Justice, which define the basic requirements for the use of digital technologies in the judicial system. In particular, these principles include: ensuring equal access to electronic court services; protecting confidentiality and personal data; ensuring transparency of judicial procedures; preserving procedural guarantees of the parties.

The European Court of Human Rights emphasizes in its case law that the use of digital technologies in judicial proceedings should not limit the right to a fair trial. For example, in the decision “Marcello Viola v. Italy” (2019), the Court noted that holding court sessions via

videoconference is permissible provided that the effective participation of the parties in the process is ensured.

Within the European Union, the digitalization of justice is developing in accordance with the Digital Justice Strategy, which provides for the integration of electronic justice systems and the creation of a single digital justice space.

Labor disputes belong to the category of cases in which the speed of consideration is of particular importance, since the delay in the process can lead to the violation of the socio-economic rights of employees.

The digitalization of justice in the field of labor disputes allows: to speed up the consideration of cases; to reduce the costs of the parties for participating in the process; to ensure the remote participation of the parties in court sessions; to simplify the submission of evidence and procedural documents.

The use of electronic justice became especially relevant during the COVID-19 pandemic and in the conditions of martial law in Ukraine, when remote court sessions became an important tool for ensuring the continuity of the administration of justice [11].

At the same time, electronic procedures in labor disputes require special attention to ensuring access to justice for socially vulnerable categories of citizens who may have limited opportunities to use digital technologies.

Despite the significant advantages of the digitalization of justice, its implementation is accompanied by a number of challenges. Among the main problems are: Digital inequality. Not all participants in the trial have equal access to the Internet or the necessary technical means. Protection of personal data. Electronic document management requires a high level of cybersecurity and information protection. Procedural guarantees. The use of remote technologies should ensure the full exercise of the rights of the parties, including the right to representation, examination of evidence and participation in the trial. Technical risks. Failures in the operation of electronic systems can affect the timing of case consideration and access to court proceedings [12].

Conclusions. The digitalization of procedural law is an important trend in the

development of modern justice, which is aimed at increasing the efficiency of judicial procedures and ensuring access to justice. The introduction of e-justice creates new opportunities for the prompt and transparent resolution of labor disputes.

At the same time, the digital transformation of the judicial system must be carried out taking into account international standards for the protection of human rights and ensuring procedural guarantees for participants in the judicial process. Particular attention should be paid to the issues of digital inequality, cybersecurity and personal data protection.

Further development of e-justice in Ukraine requires improving legislative regulation, developing the technical infrastructure of the judicial system and forming uniform standards for the use of digital technologies in judicial proceedings.

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Марченко Олеся Володимирівна

Доктор юридичних наук, професор, професор кафедри цивільного, трудового та господарського права, Дніпровський національний університет імені Олеся Гончара, Україна. ORCID iD <https://orcid.org/0009-0003-3506-2308>

Марченко Олеся Денисівна

Доктор філософії у галузі права, доцент кафедри європейського та міжнародного права, Дніпровський національний університет імені Олеся Гончара, Україна. ORCID iD: <https://orcid.org/0000-0001-5670-8401>

Беспаленков Руслан Олександрович

Доцент кафедри європейського та міжнародного права Дніпровського національного університету імені Олеся Гончара. ORCID iD: <https://orcid.org/0009-0006-7215-3470>

**ЦИФРОВІЗАЦІЯ
ПРОЦЕСУАЛЬНОГО ПРАВА:
МІЖНАРОДНІ СТАНДАРТИ ТА
ВИКЛИКИ ЕЛЕКТРОННОГО
ПРАВОСУДДЯ У ВИРІШЕННІ
ТРУДОВИХ СПОРІВ**

У сучасних умовах стрімкого розвитку інформаційно-комунікаційних технологій відбувається трансформація ключових елементів правової системи, зокрема судочинства та процесуального права. Цифровізація правосуддя стала одним із пріоритетних напрямів модернізації судових систем у багатьох країнах світу та спрямована на підвищення ефективності судових процедур, забезпечення оперативності розгляду справ і розширення доступу громадян до правосуддя. Особливої актуальності ці процеси набувають у сфері вирішення трудових спорів, де своєчасний і справедливий розгляд справ має важливе значення для захисту соціально-економічних прав працівників і роботодавців.

У статті досліджуються основні напрями цифровізації процесуального права та аналізуються міжнародні стандарти функціонування електронного правосуддя. Особлива увага приділяється ролі міжнародних організацій у формуванні стандартів використання цифрових технологій у судочинстві. Зокрема, розглядаються рекомендації та керівні принципи Ради Європи, Європейської комісії з питань ефективності правосуддя (СЕРЕ), а також нормативні ініціативи Європейського Союзу щодо формування цифрового простору правосуддя.

Проаналізовано практику Європейського суду з прав людини, яка визначає межі допустимості

використання електронних технологій у судовому процесі та наголошує на необхідності забезпечення гарантій права на справедливий суд, передбаченого статтею 6 Конвенції про захист прав людини і основоположних свобод. Підкреслюється, що застосування електронних процедур у судочинстві повинно супроводжуватися дотриманням принципів рівності сторін, доступності правосуддя, публічності судового розгляду та ефективної участі сторін у процесі.

У дослідженні розкриваються особливості впровадження електронного правосуддя у сфері розгляду трудових спорів. Зазначається, що використання цифрових інструментів, таких як електронний документообіг, системи електронного суду, дистанційні судові засідання та електронні докази, сприяє оптимізації процесуальних процедур, скороченню строків розгляду справ та підвищенню прозорості діяльності судових органів. Окрему увагу приділено функціонуванню Єдиної судової інформаційно-телекомунікаційної системи в Україні як ключового елементу цифровізації судочинства.

Разом з тим у статті наголошується, що впровадження електронного правосуддя супроводжується низкою викликів і проблем. Серед них виокремлено питання цифрової нерівності учасників судового процесу, технічні ризики функціонування електронних систем, необхідність належного захисту персональних даних та забезпечення кібербезпеки судової інформації. Окремо підкреслюється проблема збереження процесуальних гарантій учасників трудових спорів в умовах використання дистанційних форм судового розгляду.

У результаті проведеного дослідження зроблено висновок, що цифровізація процесуального права є об'єктивною та необхідною тенденцією розвитку сучасного правосуддя, яка створює нові можливості для підвищення ефективності судового захисту прав громадян. Водночас успішне впровадження електронного правосуддя у сфері вирішення трудових спорів потребує комплексного підходу, що включає вдосконалення національного законодавства, розвиток технічної інфраструктури судової системи, забезпечення належного рівня кібербезпеки та врахування міжнародних стандартів захисту прав людини.

Ключові слова: міжнародне співробітництво, юрисдикція, право ЄС, міжнародні стандарти, трудові спори, процесуальне право, правосуддя, цифровізація.