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## INFORMATIONAL AND LEGAL SUPPORT OF THE JUSTICE SYSTEM

The article comprehensively investigates the information and legal challenges faced by the justice system when making effective decisions, and proposes conceptual foundations for developing reliable information support for this critically important process. The authors emphasize the role of information and legal support in ensuring impartiality, substantiation, efficiency, and transparency of judicial proceedings. Key aspects of information and legal support are analyzed in detail, such as ensuring timely access to up-to-date legal information, providing analytical support for processing large volumes of evidence and documents, protecting confidentiality and personal data, automating routine document operations, and ensuring open access to information about the activities of courts.

The article critically examines the shortcomings of the existing hierarchical decision-making model in the justice system, which is subject to the influence of political interests, bureaucratic inefficiency, and significant delays. The decision-making process at various stages of justice is described in detail: crime prevention, pre-trial investigation, court proceedings, obtaining confessions, sentencing and post-trial decisions, as well as crime detection. The need to develop a unified decision support system for consolidating information flows and providing comprehensive analytical support to participants in legal proceedings is emphasized.

**Key words.** judicial system, information and legal support, administration of justice, information support, legal proceedings, court, information systems, personal data, automation, information security.

### **Ковальчук О.Я., Теремецький В.І. ІНФОРМАЦІЙНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ СИСТЕМИ ПРАВОСУДДЯ**

У статті ґрунтовно досліджуються інформаційно-правові проблеми, з якими стикається система правосуддя під час ухвалення ефективних судових рішень, та пропонуються концептуальні основи для розробки надійної інформаційної підтримки цього критично важливого процесу. Автори наголошують на ролі інформаційно-правової підтримки у забезпеченні неупередженості, обґрунтованості, ефективності та прозорості судочинства. Детально аналізуються ключові аспекти інформаційно-правової підтримки, такі як забезпечення своєчасного доступу до актуальної правової інформації, надання аналітичної підтримки для опрацювання великих обсягів доказів та документів, захист конфіденційності та персональних даних, автоматизація рутинних операцій з документами та забезпечення відкритого доступу до інформації про діяльність судів.

Стаття критично розглядає недоліки існуючої ієрархічної моделі ухвалення судових рішень, яка піддається впливу політичних інтересів, бюрократичної неефективності та значних затримок. Докладно охарактеризовано процес ухвалення рішень на різних етапах правосуддя: запобігання злочинності, досудове розслідування, судовий розгляд, отримання зізнання, ухвалення вироків та післясудових рішень, а також розкриття злочинів. Підкреслюється необхідність розроблення єдиної уніфікованої системи підтримки ухвалення рішень для консолідації інформаційних потоків та надання комплексної аналітичної підтримки учасникам судового процесу.

**Ключові слова:** судова система, інформаційно-правове забезпечення, здійснення правосуддя, інформаційна підтримка, судочинство, суд, інформаційні системи, персональні дані, автоматизація, інформаційна безпека.

**Problem Statement.** The justice system is one of the fundamental institutions of the state, ensuring the rule of law, protecting the rights and freedoms of citizens, as well as resolving legal disputes. Decision-making in this system carries extremely high weight and responsibility, as it affects the fates of people, the activities of organizations, and even the functioning of the state as a whole. However, effective decision-making in the justice system faces several challenges and problems related to information and legal support (ILS) of this process. In particular, this includes the difficulty of ensuring timely access to complete, up-to-date, and reliable legal information for all participants in the decision-making process; the need to process, analyze, and visualize huge volumes of documents, evidence, and other relevant information to make informed decisions; ensuring an appropriate level of information

security, protection of confidential data and personal information in the context of active use of information systems; the need to automate routine operations with documents, registration, and accounting to improve process efficiency; and the necessity to ensure transparency, accountability, and open access to information about the activities of judicial bodies for public control. Proper resolution of these problems within the framework of information and legal support is critically important for improving the quality, substantiation, and impartiality of decisions made in the justice system, which determines the relevance of these studies.

**Analysis of Recent Research and Publications.** Scholars and representatives of the judiciary are increasingly paying attention to the issues of automating routine court activities to improve the efficiency of the judicial system and the quality of court decisions [1–4]. The use of modern information and communication technology tools can provide automation of the procedure for considering applications, case management before and during trial, analytics and monitoring of judicial trends, identifying cases of different decisions in similar cases, and eliminating conflicts and gaps in legislation [5–7]. The development and implementation of reliable ILS in the activities of the justice system can improve the effectiveness of protecting the rights, freedoms, and interests of citizens, as well as the unity and sustainability of judicial practice [8–10].

Researchers M. Romdoni et al. studied the role of technology in ensuring the effectiveness of the judicial system. They identified the links between ICT and the effectiveness of the judicial system [11]. G. Lupo and D. Carnevali identified the institutional, organizational, and technological conditions for the implementation of intelligent technologies in the electronic justice system [12]. Researchers D. Garat and D. Wonsever presented a solution aimed at automatically managing the national jurisprudence database, with a particular focus on the process of anonymizing personal information [13]. M. Queudot et al. presented dialogue systems (chatbots) designed to provide legal information [14]. Despite the presence of numerous studies on the automation of the judicial system, there are currently no relevant, universally recognized models, methods, and means of supporting rational decision-making in the justice system that would provide effective information support [15–17]. There is also no single, unified, generally accepted, integrated technological solution, approach, or platform that would combine all the necessary technologies into one system. This has led to an important scientific and practical problem of developing theoretical foundations for the development of effective information and legal support for the functioning of an information system that will provide support for making effective decisions in the justice system.

**The purpose of the article** is to investigate the information and legal problems of making effective decisions in the judicial process and analyze the conceptual foundations for developing reliable information support for decision-making in the justice system.

**Presentation of the main research material.** Information and legal support (ILS) plays a key role in ensuring impartiality, validity, efficiency and transparency of the justice system in making decisions by the law. ILS covers several key aspects: access to up-to-date legal information, analytical support, confidentiality protection, process automation and open access to information. To make lawful and substantiated decisions, judges, prosecutors, and lawyers need quick access to the full texts of current laws, regulations, judicial practice and precedents. This is provided by specialized legal databases and information systems. Complex court cases often require a thorough analysis of large volumes of evidence, documents, expert opinions. The use of electronic document management systems, tools for legal analytics and data visualization helps to identify interconnections and draw sound conclusions faster. The justice system operates with large volumes of confidential information about the parties to the proceedings. Ensuring cybersecurity, personal data protection, implementing reliable encryption systems, and access control is critically important. The introduction of specialized information systems allows the automation of routine operations with documents, maintaining registers, generating statistics, etc., increasing work efficiency and reducing the risk of human error. The appropriate level of openness and transparency of the courts' activities, the availability of court decisions and information on the progress of cases for the public, which is ensured by the ILS for decision-making in the justice system, is the key to trust in the system and the ability to exercise public control.

The justice system is the basis of the state's internal security [18] and consists of the following main elements:

- the judicial system – a set of courts that administer justice. These are judges and court staff, as well as the judicial administration and bodies of judicial self-government;
- the legislative framework – a set of laws and regulations governing the organization and functioning of the justice system;
- pre-trial investigation bodies – the prosecutor's office, internal affairs bodies, the Security Service of Ukraine, and other authorized bodies that conduct pre-trial investigation of offenses;
- the bar system – independent lawyers who ensure the protection of citizens' rights and freedoms in court;
- the system for enforcing court decisions – the state bailiff service, private bailiffs, and other bodies for enforcing court decisions;
- the probation system – services that supervise convicts and facilitate their re-socialization.

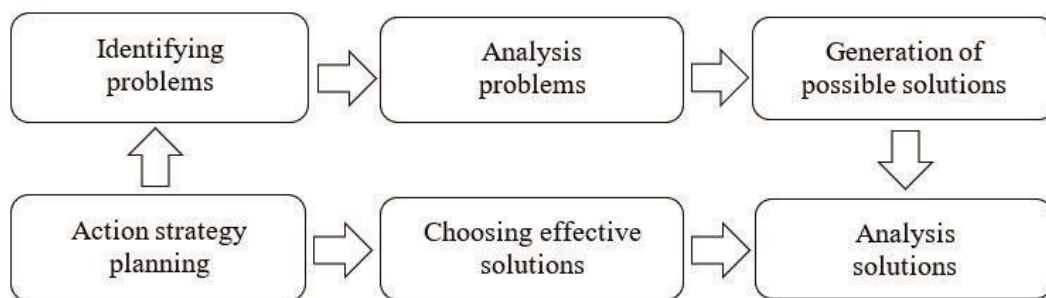
All these institutions interact with each other in a single information space. However, a unified comprehensive information system that would consolidate information flows between different components of the justice system and provide reliable information support for decision-making to each of them has not yet been developed. In addition, the activities of such structures are characterized by significant regional differences. The legislations of different countries of the world vary. A comprehensive information system for supporting decision-making in the judiciary must take into account all national legal norms and specifics of procedural activities.

To solve this problem, it is necessary to create conceptual foundations and practical approaches to information technology for supporting decision-making in the judicial system, which will ensure support for decision-making regarding assessing the propensity for repeated offenses, confessions of suspects, the possibility of applying a suspended sentence or participation in the probation system, making effective court decisions, profiling crime and preventing crime.

Making effective decisions in the field of justice is critically important for ensuring internal security. This is a complex multifaceted problem that requires comprehensive solutions. Reforming the justice system requires the introduction of new models capable of promptly providing information to support effective decision-making. Quality data is the foundation of this process. Legislative bodies seek to improve the practice of pre-trial proceedings, and court sentencing, as well as align the activities of correctional institutions and supervisory bodies with evidence-based principles [19].

Decision-making in the judicial system is data-driven. Its goal is to help government agencies analyze the factors driving trends and costs in the justice sector, develop and implement policies to address these factors, and assess the impact of decisions made (Fig. 1).

Figure 1. The decision-making process in the justice system



Decisions in the justice sector cover a wide range – from notifying victims to arrest, determining preventive measures, filing charges, passing sentences, applying community or penitentiary correctional measures, and conditional early release. These decisions differ in their goals, alternatives, criteria, and consequences. They are influenced by potentially conflicting factors – deterrence, rehabilitation, retribution, and reintegration, as well as the results of social research. It is important to increase the rationality of decision-making through facts and scientific methods, which creates prospects for improving the system.

The justice system is organized as a vertical hierarchical decision-making structure [20]. Such a hierarchical system inevitably leads to delays and lags in implementing reform policies. Fig. 2 presents a scheme of the decision-making process and feedback in the justice system.

The hierarchical decision-making system in the justice system has several shortcomings that hinder the effectiveness of this process. It is based on the interests of voters, who through politicians influence the appointment of judges, members of qualification and disciplinary commissions for sentencing, and prosecutors. However, the electoral process itself is influenced by the ignorance of voters, political interests, and bias towards maintaining the status quo due to the costs of reforms.

Appointed individuals may be guided by their interests rather than public needs. Resources are spent on ensuring political loyalty, bureaucratic inefficiency, and private interests, rather than on proportional punishment. Lengthy delays at all stages – from indictment to final sentencing, formation of commissions, and coordination of punishment systems – also contribute to the distortion of the decision-making process. Prosecutors use plea bargaining to influence outcomes.

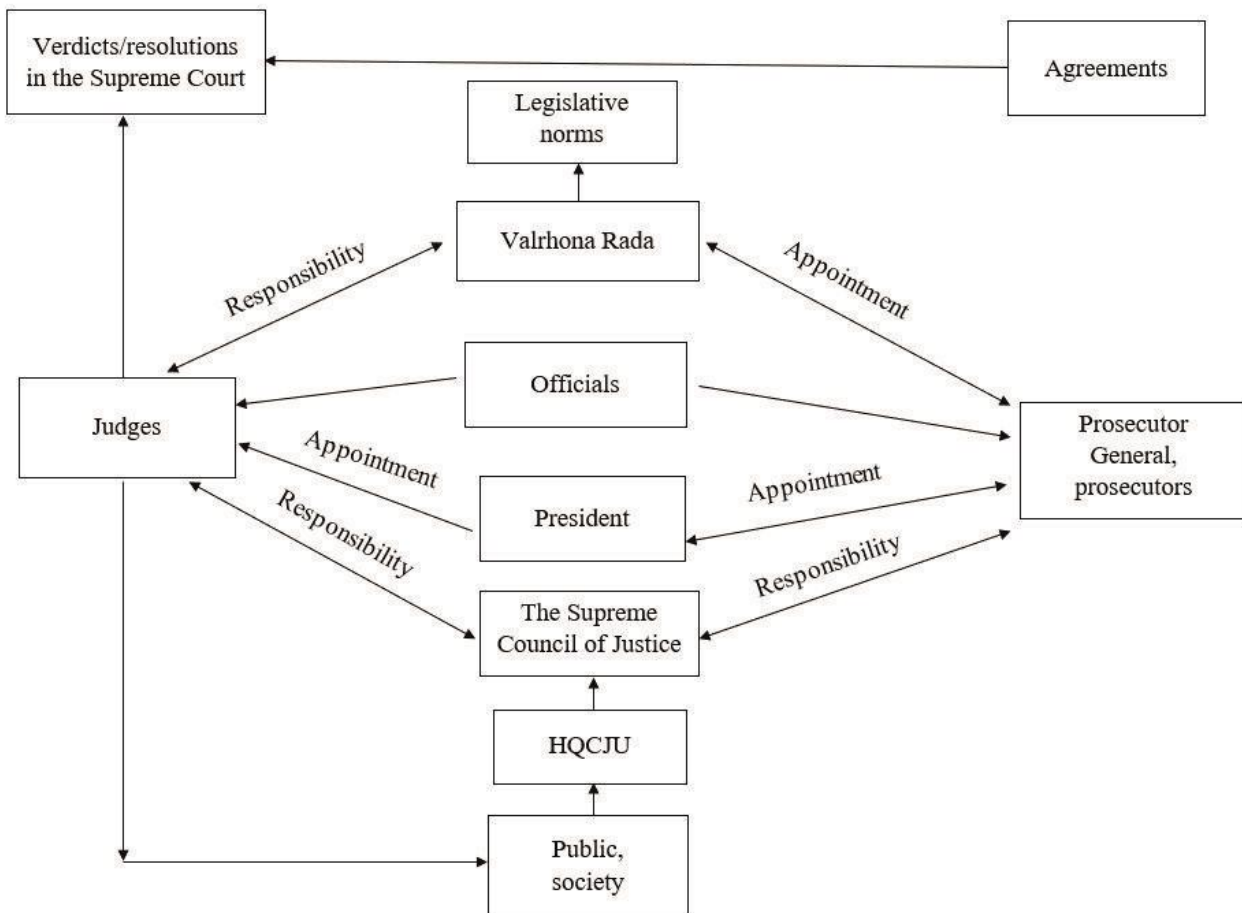


Figure 2. The structure of decision-making in the justice system (HQCJU – Higher Qualification Commission of Judges of Ukraine)

Only stable, widely accepted rules and laws can ensure the safety of citizens, the rights of the accused, and provide an opportunity to evaluate and improve strategies in the justice sector and the redistribution of resources in accordance with public needs. This requires a comprehensive decision support system in the justice system.

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Decision-making occurs at different stages of justice:

I. Decision-making regarding crime and offense prevention. Preventing crime and unlawful behavior is an extremely important aspect of maintaining law and order in society. It requires a multifaceted approach and requires decision-makers to carefully analyze the various factors that lead to criminal activity and develop effective strategies to overcome them. Decisions made in this area have far-reaching consequences, impacting public safety, resource allocation, and the overall well-being of communities.

At the core of decision-making regarding crime prevention is the identification and assessment of risks that could potentially compel individuals or groups to engage in criminal activities [21]. Such factors may include socioeconomic conditions, educational inequality, drug use, family dynamics, mental health issues, and contact with violence or criminal groups. By thoroughly understanding these root causes, decision-makers can develop targeted measures and policies aimed at addressing the underlying problems, rather than simply reacting to the symptoms.

One critically important area of decision-making relates to the allocation of resources for preventive programs and initiatives. This includes funding educational campaigns, community outreach, youth development programs, vocational training initiatives, and support services for at-risk families or individuals. Effective resource allocation requires careful cost-benefit analysis, prioritization of efforts based on local needs, and collaboration among various stakeholders, including law enforcement agencies, social services, educational institutions, and community organizations.

Decisions related to crime prevention also involve the realm of legislation and policy formulation. Lawmakers and policymakers need to consider the potential impact of proposed laws or regulations on crime rates, societal dynamics, and civil liberties. They must strike a balance between deterrent measures, such as tougher penalties or increased enforcement actions, and proactive approaches aimed at addressing the underlying factors that contribute to criminal behavior.

Furthermore, decision-making regarding crime prevention often involves implementing evidence-based practices and utilizing data-driven approaches. This may include the application of predictive analytics tools, crime mapping methods, and the integration of research findings from criminology, sociology, and psychology. By relying on data and empirical evidence, decision-makers can make informed choices and continuously refine their strategies based on measurable outcomes.

Effective decision-making for crime prevention also requires collaboration and coordination among various stakeholders, including law enforcement agencies, social service providers, educational institutions, community organizations, and private partners. Such collaboration facilitates information sharing, aligns efforts, and maximizes the impact of collective actions in addressing the multifaceted nature of crime and offenses.

It is important to recognize that decision-making regarding crime prevention is not a one-time event but an ongoing process that demands constant monitoring, evaluation, and adaptation. As societal dynamics evolve and new challenges emerge, decision-makers must remain vigilant and flexible, adjusting strategies and reallocating resources as needed to maintain the effectiveness of preventive efforts.

Decision-making regarding crime and offense prevention involves a comprehensive understanding of risk factors, resource allocation, policy formulation, implementation of evidence-based practices, collaboration among various stakeholders, and a commitment to continuous improvement. It is a complex process that requires a delicate balance between deterrence, intervention, and addressing the root causes of criminal behavior, with the ultimate goal of creating safer and more prosperous communities.

II. Decision-making at the pre-trial investigation stage. Making decisions during the pre-trial investigation stage is a critically important aspect of the justice system. At this stage, evidence is gathered, witnesses are interrogated, and a determination is made as to whether there are sufficient grounds to formally charge the suspect. The decisions made during this phase can have far-reaching consequences, as they can significantly impact the outcome of the case and the rights of the accused.

Initiating an investigation: A pre-trial investigation typically begins when law enforcement receives a report of a possible crime or when, during their routine activities, they uncover evidence of criminal activity. At this stage, the decision to initiate an investigation is made based on an assessment of the available information and the likelihood of a crime having been committed.

Gathering evidence: Once an investigation has been initiated, investigators must decide on the methods and extent of evidence gathering. This may include conducting searches, seizing physical evidence, obtaining witness testimonies, and carrying out surveillance. Decisions must be made carefully to ensure the admissibility and integrity of the evidence collected.

Interrogating suspects and witnesses: Interrogating suspects and interviewing witnesses are important aspects of the pre-trial investigation. Investigators must decide on the timing, location, and methods to be used during these interactions. They must also consider the rights of the individuals involved and ensure that proper procedures are followed to protect the integrity of the testimonies obtained.

Obtaining warrants and court orders: In many cases, investigators may need to obtain warrants or court orders to conduct certain investigative actions, such as searches, wiretapping, or accessing electronic data. The decision to seek such legal authorizations requires a careful assessment of the available evidence and a demonstration of sufficient grounds.

Determining charges: Based on the evidence gathered, investigators and prosecutors must make the critically important decision of whether to press charges against the suspect. This decision involves weighing the strength of the evidence, applicable laws, and potential consequences of the charges. Prosecutors must exercise discretion and consider factors such as the severity of the crime, the suspect's criminal history, and the interests of justice.

Arrest and pre-trial detention: If the decision is made to press charges, investigators and prosecutors must determine whether to seek the arrest of the suspect or issue a summons for court appearance. Additionally, they may need to decide whether to request pre-trial detention or release the suspect on bail or with certain conditions.

Disclosure and discovery of evidence: Throughout the pre-trial investigation stage, decisions must be made regarding the disclosure and discovery of evidence to the defense. Prosecutors are typically obligated to provide the defense with all relevant evidence, both incriminating and exculpatory, to ensure a fair trial.

The decisions made during the pre-trial investigation stage have profound implications for the rights of the accused, the integrity of the justice system, and the administration of justice. Investigators and prosecutors must exercise sound judgment, adhere to legal principles, and carefully weigh the available evidence and circumstances when making these critical decisions.

III. Decision-making during the trial stage. Making decisions during the trial stage is an extremely important aspect of the justice system. At this stage, the final decision about sentencing is made. If the defendant is found guilty, the judge must make a decision regarding the appropriate punishment, considering factors such as the severity of the crime, the defendant's criminal history, mitigating or aggravating circumstances, as well as sentencing guidelines or mandatory minimums.

Judges play a crucial role in decision-making during trials, especially in bench trials without juries. They are responsible for interpreting and applying the laws to the facts of the case. Judges must remain objective and impartial, setting aside personal biases or beliefs. They must carefully consider the arguments and evidence presented by both sides, assessing the credibility of witnesses and the weight of the evidence. Judges are expected to make decisions based on existing legal principles, precedents, and their understanding of the law.

In jury trials, the responsibility for decision-making lies primarily with the jurors. Jurors are selected from a pool of eligible citizens and are tasked with determining the facts of the case based on the evidence presented. During the trial, jurors must carefully listen to the testimony, assess the credibility of witnesses, and determine the relevance and weight of the evidence. After both sides have presented their cases and closing arguments, the jurors convene in private to discuss the evidence and reach a verdict. The jury decision-making process involves analyzing the evidence, applying the law according to the judge's instructions, and rendering a unanimous or majority decision, depending on the jurisdiction.

During the trial stage, decision-making occurs at various levels and involves many participants, such as judges, attorneys, and jurors. These decisions can have far-reaching consequences for the defendant, victims, and the overall administration of justice. All parties involved must approach the decision-making process with due diligence, impartiality, and a commitment to upholding the principles of fairness and due process.

During deliberations, judges or jurors carefully analyze the case. They review the evidence, testimony, and legal arguments presented by both sides. They may consult legal sources, such as statutes or precedents, to ensure a proper understanding of the applicable laws. The decision-making process often involves weighing conflicting evidence, assessing the credibility of witnesses, and considering the strengths and weaknesses of each side's arguments. Judges or jurors must carefully evaluate all available evidence and apply the appropriate legal standards, such as "beyond a reasonable doubt" in criminal cases or "preponderance of evidence" in civil cases.

After thorough deliberation, the judge or jury must render a final decision or verdict. In a jury trial, the decision is typically announced in open court by the jury foreperson or the judge. In a bench trial, the judge provides a written or oral decision, often with a detailed explanation of the rationale behind the decision. The decision or verdict must be based solely on the evidence presented during the trial and the applicable laws, without the influence of personal beliefs or biases.

Effective decision-making during trials is extremely important for upholding the principles of justice, fairness, and the rule of law. It requires a thorough consideration of evidence, an impartial application of legal norms, and a commitment to rendering well-reasoned and defensible decisions.

#### IV. Decision-making regarding obtaining a suspect's confession.

Making decisions regarding obtaining a confession from a suspect is a delicate and extremely important aspect of the crime investigation process. While confessions can provide valuable evidence, improper tactics or coercion during interrogations can undermine the integrity of the judicial system and violate the suspect's rights. Investigators must act within the law and respect the suspect's constitutional rights, such as the right to remain silent and the right to legal counsel.

Decisions regarding interrogation tactics and the admissibility of confessions are governed by legal principles and case law to prevent coerced or involuntary confessions. Investigators must make decisions on appropriate interrogation strategies and tactics, considering factors such as the suspect's age, mental state, and vulnerability. Investigators and prosecutors must carefully evaluate the circumstances surrounding the confession to determine its reliability and admissibility in court.

Decision-making strategies regarding obtaining a suspect's confession require striking a delicate balance between effective investigative techniques and the protection of individual rights. Investigators must exercise prudence, adhere to ethical and legal principles, and prioritize the pursuit of truth while ensuring that confessions are obtained through proper and lawful means.

#### V. Making post-trial decisions.

Making post-trial decisions is an important aspect of the justice system, as it determines the course of action after a verdict has been rendered. These decisions can have significant consequences for the defendant, victims, and the overall administration of justice. Here is a detailed overview of post-trial decision-making:

If the defendant is found guilty, the court must determine the appropriate punishment, considering various

factors such as the nature and severity of the crime, the defendant's criminal history, aggravating or mitigating circumstances, and relevant sentencing guidelines or mandatory minimums. Sentencing decisions may include incarceration, probation, fines, community service, or a combination of these measures.

For defendants sentenced to probation or granted parole, the court or relevant authorities must establish conditions and terms of supervision to ensure public safety and facilitate the defendant's rehabilitation. These conditions may include regular reporting, drug testing, employment requirements, travel or communication restrictions, and participation in counseling or treatment programs.

Making post-trial decisions is a crucial step in ensuring fairness, accountability, and the proper administration of justice. These decisions must be made judiciously, taking into account the specific circumstances of each case, the rights of the parties involved, and the broader principles of the legal system.

#### VI. Decision-making regarding crime solving.

Making decisions regarding crime-solving is a critical responsibility entrusted to law enforcement agencies and investigators. It involves a complex process of gathering evidence, analyzing information, and formulating strategies to unravel the intricate circumstances of a case.

Decision-making regarding crime-solving requires a combination of investigative experience, critical thinking, and adherence to ethical and legal principles. Investigators must weigh various factors, such as resource availability, case urgency, and the potential consequences of their actions. Effective decision-making in this area is crucial for ensuring public safety, upholding the rule of law, and restoring justice for victims and society.

Making effective decisions at all stages of the justice system requires reliable information support, which can be provided by developing a unified, comprehensive decision-support system for the judiciary.

**Conclusions.** Proper information and legal support is critically important for improving the quality, validity, and impartiality of decisions in the justice system. The existing hierarchical decision-making model in the judiciary has several shortcomings related to political influence, bureaucratic inefficiency, and delays at various stages of the process. Effective decision-making occurs at different stages of justice: crime prevention, pre-trial investigation, trial, obtaining confession, post-trial decisions, and crime solving. Each stage has its own specifics and requires careful analysis of relevant information. To ensure proper information support for decision-making in the judiciary, it is necessary to develop a unified integrated system that will consolidate information flows between different components of the justice system and provide comprehensive analytical support. The creation of such a system will help improve the effectiveness of protecting the rights and freedoms of citizens, ensure the unity and consistency of judicial practice, as well as ensure transparency and accountability of the justice system.

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## **ОСНОВНІ ІСТОРИЧНІ ЕТАПИ ФОРМУВАННЯ ПРИНЦИПУ ПРАВОВОЇ ВИЗНАЧЕНОСТІ**

Статтю присвячено виявленню історичних передумов та основних етапів формування правової визначеності, як ідеї, концепції та юридичного принципу.

Принцип правової визначеності розглядається у якості однієї із базових та невід'ємних компонентів верховенства права. При цьому, на думку автора, правова визначеність являє собою складний юридичний інститут, що включає низку органічних складових. За такого підходу, історія формування даного явища розглядається як процес його постійного ускладнення, через збагачення новими елементами.

В ході дослідження автор приходить до висновку, що витoki принципу правової визначеності можна прослідкувати до найдавніших часів, коли виникли перші письмові законодавчі пам'ятки. Передумовою формування позитивного права автор вважає природне прагнення людини до розумного упорядкування життя та розуміння однозначних наслідків своєї поведінки.

В процесі історичного розвитку принцип правової визначеності пройшов кілька умовних етапів, хронологія яких відрізнялася у різних державних формаціях.

Остаточне оформлення та початок сучасного тлумачення принципу правової визначеності автор відносить до кінця XIX століття. Разом із тим, станом на сьогодні, реалізація даного принципу продовжує стикатися із низкою