

## International Experience of Implementing E-Justice: Best Practices and Challenges

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### Abstract

*The implementation of e-justice is an important aspect of the modernization of judicial systems around the world. Research and analysis of international experience allows to identify best practices and challenges faced by other countries during the implementation of electronic justice, which will help develop own strategy for reforming the judicial system or adapt them for Ukraine. That is why, the purpose of this article is to analyze the international experience of implementing electronic justice, classify countries according to the degree of development of e-justice, as well as identify best practices that can be applied in Ukraine. Conducting this research is extremely important and relevant, as it will reveal the level of implementation of electronic technologies in the judicial system of different countries of the world and determine the best strategies and practices, as well as factors that slow down this process. The research methodology was formed by a set of general scientific and special methods of cognition, namely, methods of dialectics, system analysis, comparative legal, classification and typology, formal logical, historical and empirical methods. The article analyzes in detail the experience of implementing e-justice in foreign countries, in particular in Estonia, Lithuania, Austria, Germany, Poland, Moldova, Greece, and Serbia. Attention is focused on the lack of a comprehensive approach to assessing the level of implementation of electronic justice in foreign countries in the scientific space, and the author's classification of countries according to the degree of implementation of electronic justice, which are divided into countries with a high, medium and low level of such implementation, is proposed. Based on the results of the research, it was concluded that countries with a high level of implementation of e-justice have a well-developed infrastructure and legal framework. Countries with an average level of e-justice implementation are actively working on the implementation of e-justice, but still have certain aspects for improvement. Conversely, low-implementation countries face a number of obstacles and need significant efforts to improve their judicial systems.*

**Keywords:** *electronic justice; e-justice; classification; international experience; judiciary.*

# Міжнародний досвід впровадження електронного правосуддя: кращі практики та виклики

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## Анотація

Впровадження електронного правосуддя є важливим аспектом модернізації судових систем у всьому світі. Дослідження та аналіз міжнародного досвіду дозволяє виявити кращі практики та виклики, з якими стикалися інші країни під час впровадження електронного правосуддя, що допоможе розробити власну стратегію реформування судової системи або адаптувати їх для України. Саме тому метою цієї статті є аналіз міжнародного досвіду впровадження електронного правосуддя, класифікація країн за ступенем розвитку е-правосуддя, а також виявлення кращих практик, які можуть бути застосовані в Україні. Проведення дослідження є надзвичайно важливим й актуальним, оскільки дозволить виявити рівень впровадження електронних технологій у судову систему різних країн світу, зокрема європейських, визначити найкращі стратегії та практики, а також чинники, які сповільнюють цей процес. Методику дослідження утворили сукупність загальнонаукових та спеціальних методів пізнання, а саме: методи діалектики, системного аналізу, порівняльно-правовий, класифікації та типології, формально-логічний, історичний та емпіричні методи. У статті детально проаналізовано досвід впровадження е-правосуддя у зарубіжних країнах, зокрема в Естонії, Литві, Австрії, Німеччині, Польщі, Молдові, Греції та Сербії. Акцентовано увагу на відсутності в науковому просторі комплексного підходу до оцінки рівня впровадження електронного правосуддя в зарубіжних країнах та запропоновано авторську класифікацію країн за ступенем впровадження електронного правосуддя, які поділяються на країни з високим, середнім і низьким рівнем такого впровадження. За результатами проведеного дослідження зроблено висновок, що країни з високим рівнем впровадження е-правосуддя мають добре розвинену інфраструктуру та законодавчу базу. Країни з середнім рівнем впровадження активно працюють над впровадженням е-правосуддя, але ще мають певні аспекти для вдосконалення. Натомість країни з низьким рівнем впровадження стикаються з низкою перешкод і потребують значних зусиль для вдосконалення своїх судових систем.

**Ключові слова:** електронне правосуддя; е-правосуддя; класифікація; міжнародний досвід; судова система.

## Introduction

In today's world, the global digitalization process covers all spheres of social life, and justice is no exception. The implementation of the latest

technologies into the judicial system led to the emergence of a new modern way of administering justice - electronic (e-justice), which has become an integral part of the modernization of the judicial systems of many countries. The use of modern technologies in the judicial sphere opens up significant opportunities for increasing the efficiency, transparency and accessibility of justice. They contribute to the automation of many aspects of judicial proceedings, including electronic document flow, access to court decisions online, and conducting court hearings using video conferencing. This makes it possible to significantly reduce the costs of time and resources, as well as to minimize the human factor, which can affect the objectivity of the judicial process.

At the same time, it is necessary to take into account that the implementation of electronic justice is a complex process that requires a comprehensive approach and consideration of international experience. In particular, at the current stage of development, many foreign countries have already implemented or are actively implementing various elements of electronic justice. For example, the countries of Northern Europe (Denmark, Finland, Norway) have achieved significant success in this area thanks to a comprehensive approach and integration of various information systems. At the same time, as in other, less developed European countries, the implementation of e-justice faces numerous challenges. That is why the study of international experience will reveal the best strategies and practices that ensure the successful implementation and functioning of e-justice. Moreover, successful examples from different countries of the world can serve as reliable guidelines for building an effective electronic justice system in Ukraine.

In this context, we can agree with the point of view of I. Kalancha, who notes that our state needs to make more active use of the positive experience of European countries, which requires more in-depth scientific and practical research on this issue [1].

The purpose of this work is to analyze the international experience of implementing e-justice, classify countries according to the degree of e-justice development, as well as identify best practices that can be applied in Ukraine. In this context, the task of this study is to assess the current state of implementation of electronic justice in various European countries, their structure, functionality and effectiveness; determination of the main criteria for the classification of European countries according to the level of development of e-justice; identifying the best practices and strategies for the implementation of e-justice, which includes the analysis of successful examples of the implementation of e-justice, the identification of key success factors and the possibilities of adapting these practices to Ukrainian realities.

The latest scientific studies indicate a significant interest in the topic of electronic justice among both foreign and domestic authors. In the domestic scientific literature, a large number of scientific works are observed, which consider certain aspects of the problem of the implementation and functioning of electronic justice in Ukraine. Some scientific works are also devoted to the analysis of international experience in the implementation of e-justice. For example, O. Muzychuk summarizes the foreign experience of organizing court activities and elaborates on the possibilities of its use in Ukraine [2]. O. Sereda, V. Mamnitskyi, P. Kornieva, I. Cherevatenko explore the key elements of e-justice and assess the possibility of implementing electronic lawsuits in Ukraine's courts [3]. V. Pyrohovska, N. Holota, T. Kolotilova, A. Hreku, V. Kroitor analyze the challenges, advantages and prospects of digitalization of the judicial system [4]. As for foreign authors, R.K. Ahmed, K.H. Muhammed, A.O. Qadir, S.I. Arif, S. Lips analyzed the electronic court systems of Estonia and Iraqi Kurdistan, and also developed a number of important steps to be taken at various stages of the transition to the electronic court system [5]. P. Saxena analyzed how the courts in India worked during the pandemic and how modern information technologies changed the approach to the judiciary [6]. M.A. Ahmed, T. Kaya, T. Karanfiller investigate the acceptance and usage of e-court systems by regional governments in developing countries [7].

However, from the analysis of domestic and foreign scientific literature, it can be seen that today in the scientific space there is no defined classification of countries according to the degree of implementation of electronic justice and a comprehensive approach to assessing the level of implementation of electronic justice in such countries. This highlights the need for an integrated approach that will allow a better understanding of how different countries are adapting to the challenges and opportunities offered by digital justice, and to identify best practices for their implementation for Ukraine.

## **Materials and Methods**

The study of the implementation of electronic justice in different countries, as well as the classification of such countries according to the degree of integration of electronic tools into the judicial system, included several key stages, each of which is aimed at obtaining new scientific results and deepening the understanding of the processes of digitalization of judicial systems. In particular, the main stages of scientific work include the collection and analysis of scientific literature, reports, regulatory acts and other sources of information in order to study the current state of implementation of electronic justice in different countries. A database of scientific articles, such as Google Scholar, was used, as well as official sources of foreign states – official websites of justice bodies of countries

that actively implement electronic justice and contain texts of legislative acts, resolutions, reports and other materials. In addition, the European e-Justice Portal was analyzed in detail, which contains information on the level of implementation of electronic technologies in the judicial system of various European countries. The next stages of the scientific work were the formation of a classification model, namely, the development of a criterion for the classification of countries according to the degree of implementation of electronic justice, the processing of collected data, the identification of main trends, problems and successful practices.

As for the methodology of scientific research, it consists of a set of general scientific and special methods of cognition. The methodological basis of the study is the *dialectical method* of scientific knowledge, which made it possible to consider the development of electronic justice in foreign countries in dynamics, revealing not only the current state, but also trends and prospects for development. This method helped to analyze how different factors influence the implementation of e-justice in different countries and what changes may occur in the future. The *method of system analysis* was used to study a large amount of information, including scientific literature, reports, regulatory acts and other sources of information. This made it possible to systematize existing knowledge and identify key aspects of the implementation of electronic justice. The system analysis helped to identify the relationships between the various components of the judicial systems and the technologies used. The *comparative legal method* was used to analyze the experience of different countries. The comparison revealed common problems and successful solutions used in different jurisdictions. This helped determine which approaches were most effective and how they can be adapted to Ukrainian conditions. The *method of classification and typology* was used to develop a classification model of countries according to the degree of implementation of electronic justice. This method made it possible to structure countries according to the level of development of e-justice, which helped to highlight different levels of development and identify best practices. Thanks to this method, we were able to create a conditional classification covering various aspects of technology implementation in the judicial system. The *formal-logical method* was used to structure and systematize the data obtained in the research process, as well as to draw logical conclusions based on the analysis of the received information. This method helped in identifying internal regularities and relationships between various elements of the electronic justice system, providing a logical sequence in the construction of a classification model of countries according to the degree of implementation of electronic justice. The *historical method* of scientific knowledge was used to study the evolution of electronic justice in different countries, which made it possible

to identify the main stages and trends in the development of this field. Historical analysis helped to understand how and why certain practices and technologies were implemented and how they affected the current state of the judicial system. *Empirical methods* included observations and experiments, which allowed in practice to evaluate the functionality of various electronic justice systems, their advantages and disadvantages. Empirical research provided a deeper understanding of the real conditions of the introduction of technologies into judicial practice.

The application of these methods made it possible to provide a comprehensive approach to research, taking into account both theoretical aspects and practical results of the implementation of electronic justice in different countries. This contributed to obtaining reliable and comprehensive conclusions that can be used to improve the judicial system of Ukraine.

## **Results and Discussion**

As already mentioned above, one of the most important aspects for our state in the process of developing and implementing its own electronic court systems is the study of international experience in the field of electronic justice. Analysis and study of best practices and challenges faced by other countries during the implementation of electronic justice will help to develop their own strategy for reforming the judicial system. This will not only improve access to justice for all citizens, but also increase the general level of trust in the judicial system, make it more efficient and transparent. Based on the successful practices of other countries, Ukraine can develop its own strategy that will meet the highest standards and contribute to the construction of a modern and efficient judicial system.

Analyzing the experience of other countries in the field of e-justice implementation, we believe that the classification of countries by the degree of development of e-justice can become an effective tool for evaluating their achievements and identifying best practices. Thanks to such a classification, it is possible not only to understand the current state of technology development in the judicial system of different states, but also to determine which approaches and strategies have proven to be the most successful, and how they can be adapted to Ukrainian realities. In our opinion, the classification of countries according to the degree of implementation of electronic justice can be presented as follows:

– *countries with a high level of implementation and a developed e-justice system*: these countries are characterized by full integration of e-justice, including electronic document management, automation of most court processes and a high level of cyber security. This category includes Estonia, Lithuania, Denmark, Austria, Finland and others;

- *countries with an average level of implementation of e-justice*: these countries are actively working on the implementation of e-justice, but still have aspects for improvement. Examples of such countries are Germany, Spain, Italy, Poland and others;
- *countries with a low level of implementation of e-justice*: these countries are at the initial stage of implementation or face significant challenges, such as limited funding, insufficient technical support, etc. This category includes Greece, Moldova, Serbia, Montenegro and Andorra.

We believe that the proposed classification of countries by the degree of implementation of electronic justice is an important step for understanding the global landscape of digital judicial systems. Therefore, in the future, we will take a closer look at each category of countries, analyzing their achievements, challenges and specific solutions that allowed them to achieve or not achieve success in the digitalization of justice.

### ***Countries with a high level of implementation and a developed e-justice system***

Countries with a high level of implementation of electronic justice have a fully implemented and developed electronic judicial system. Such countries include Estonia, Lithuania, Denmark, Austria, Finland, France, Switzerland, the Czech Republic, Singapore, South Korea, China, Australia, etc. We consider it important to focus on the analysis of the experience of the implementation and functioning of electronic justice in European countries, as they are the closest to our legal system and are of significant interest to domestic legal researchers and legislators.

Estonia is the European leader in the field of e-governance and implementation of the concept of an e-state. Estonia is also one of the first countries in the world to successfully integrate electronic technologies into the justice system. Back in 2006, Estonia first developed a complex electronic information system, and already this state has one of the fastest electronic court proceedings in Europe.

The experience of Estonia is traditionally studied by domestic scientists and lawyers as one of the priority ones, because after the collapse of the Soviet Union, this country joined the European Union much earlier than Ukraine. That is why this country is one whose positive experience is valuable to study in the context of our research.

As A. Ivanov notes, Estonia's e-judicial system is one of the most effective in the European Union, and the national Unified Judicial Information and Telecommunication System after its full implementation should become a similar system to the one that has been operating in Estonia for many years [8].

According to O. Tereshchenko, the most suitable for implementation in Ukraine is the introduction of the foreign experience of Estonia, so it is most suitable for the implementation of such important aspects as: saving money (long-term), saving time, saving space, providing extended access to the court for judges, lawyers and participants in court cases processes [9].

The Estonian electronic court system operates through the web portal "E-toimik" (e-File system). This electronic file system is the main information system that enables the functioning of e-justice in Estonia and allows filing lawsuits online, monitoring the progress of cases, receiving electronic documents, filing appeals, etc. In order to enter the electronic file system (e-File system), the user must be authorized using an ID card or Mobile-ID. When logged into the electronic system, users only have access to the legal proceedings and data in which they are involved.

Procedural documents are submitted through the electronic system in electronic format using a digital signature. In order to file an electronic lawsuit, you need to enter the text and all the necessary data in a special form. The forms of the documents differ, but all have a similar format: general information about the case, detailed information about the parties, attached documents and payment of state duty must be provided. The court renders the decision in electronic form, protecting it with the judge's digital signature. It should be noted that along with the electronic form of court proceedings in Estonia, the traditional paper format of court proceedings is preserved.

We believe that another European country that has achieved significant success in the implementation of IT technologies in the judicial system is Lithuania. The possibility of submitting claims electronically was implemented in Lithuania as early as July 1, 2013. The electronic exchange of documents is carried out through the Lithuanian Judicial Information System (LITEKO), which can be accessed through the Public Electronic Services (PES) subsystem. LITEKO is an electronic platform that stores complete information about court cases pending in Lithuanian courts. Procedural documents can be submitted to the Lithuanian court by filling in the templates available in the LITEKO PES subsystem, or by downloading ready-made documents. You can enter the portal of electronic services using such tools as electronic banking, an identification card or an electronic signature. Also, since 2013, attorneys and attorney assistants can receive procedural court documents and familiarize themselves with administrative case materials using electronic means of communication.

The experience of the functioning of electronic justice in Austria is also interesting. In this European country, legal proceedings can be initiated



using the Electronic Judicial Movement (ERV) electronic information system. Through this system, users can submit procedural documents in electronic format. There are two ways to use the ERV system: 1) through document centers; 2) through the download service ("ERV für alle").

Regarding the first method, two-way exchange of electronic documents with the court in Austria can be carried out through special document centers. Anyone can use this service, but for this it is necessary to register in the document center and pay a fixed monthly fee for the provision of services, as well as a fee for each individual submission of documents. The basic monthly fee is about 20 euros per month, and the document transfer fee is about 30 cents. The use of this method of document exchange is usually not mandatory, but lawyers, notaries, banks, insurance companies, state institutions of social protection, financial prosecutor's offices and bar associations are obliged to use document centers exclusively when applying to court.

For Austrian citizens, there is an alternative free way to electronically transmit documents to the court via the download service ("ERV für alle"). You can use this service with a citizen card (ID Austria). However, unlike document centers, the document download service ("ERV für alle") works only in one direction – for submitting electronic documents. That is, return documents are not received through this service [10].

Summarizing the experience of countries with a high level of implementation of electronic justice, we can conclude that in these countries electronic justice is characterized by digitalization of all stages of the judicial process, stability and high efficiency. The electronic systems of such European countries as Estonia and Lithuania are quite similar to the domestic model of the Unified Judicial Information and Telecommunication System, and therefore this experience can serve as a useful example for our country.

### ***Countries with an average level of implementation of e-justice***

Countries with an average level of implementation of electronic justice are characterized by partial digitization. These countries have some electronic systems supporting judicial processes, but digitization does not yet cover all aspects of the judiciary. This approach demonstrates an important transition of European countries from traditional methods of justice to the use of technology to increase the efficiency and accessibility of justice. Such countries include Germany, Italy, Spain, Poland, Hungary, Sweden, Bulgaria, Romania, Slovenia, Croatia, Latvia and some others.

For example, the process of establishing e-justice in Germany started back in 2013 and is quite complex and long. To date, Germany has created a coherent legal framework that regulates the issue of electronic justice in

the country's judicial system, but the implementation of these norms in practice is still at the stage of implementation.

In June 2017, the Law on the introduction of electronic cases in the sphere of justice and on the further promotion of electronic legal turnover [11] was adopted. The law provides for mandatory conduct of court cases in electronic format, which must be implemented by German courts by January 1, 2026. Until this date, the federal government and individual federal states have the right to develop their own legislation that regulates the use of electronic files in individual courts or for certain categories of cases. With this in mind, the degree of implementation and functioning of e-justice in German courts varies depending on the country, jurisdiction and case category.

In 2017, Art. 31 of the Federal Regulations on Advocacy, a special electronic mailbox of a lawyer (beA) was also introduced [12]. Every lawyer licensed in Germany must have a dedicated electronic mailbox (beA) for secure electronic communication between lawyers and other participants in electronic legal affairs (ERV). According to the Act, the obligation of passive use has been valid for lawyers since 1 January 2018, that is, the lawyer is obliged to ensure the technical capabilities necessary for its use and to be aware of the delivery and access to messages via beA. And from January 1, 2022, such use of an electronic mailbox becomes mandatory for all lawyers. That is, from now on, lawyers in all fields are obliged to submit documents to courts exclusively in electronic form [13].

Therefore, from 2022, communication and exchange of documents between German courts and lawyers is carried out exclusively in electronic form through the lawyer's electronic inbox. Until now, namely in the period from 2018 to 2022, such interaction was not mandatory. In addition, from January 1, 2026, all German courts will be obliged to conduct court cases electronically.

From the above, we can conclude that the process of establishing electronic justice in Germany is longer than in other European countries, as it took more than 10 years and has not yet reached its logical conclusion. We believe that this is related to the cultural characteristics and conservatism of the Germans, who prefer a gradual and careful approach to any reforms. In addition, the need for coordination between the federal government and individual states can also slow down the process.

Despite these challenges, we would like to note that Germany nevertheless follows common European standards for the implementation of e-justice and continues to move forward in the direction of the digitalization of the judicial system.

Regarding the level of implementation of electronic justice in the Republic of Poland, it is worth noting that it is quite high, but the digitalization process is also not yet complete. In particular, Poland's e-judicial system includes functions such as remote hearings, digital recording of hearings, electronic delivery of court documents, a system of random distribution of cases among judges, electronic payment of court fees and electronic auctions within the framework of executive proceedings.

However, Poland does not yet have a fully digitized judicial process, and it is working on further measures to achieve this goal, such as mandatory drawing up and serving of all procedural documents in digital form and easy access to fully digitized cases [14].

### ***Countries with a low level of implementation of e-justice***

Countries with a low level of implementation of e-justice are characterized by limited or completely absent e-justice. Such countries usually face a number of common challenges and problems, such as limited financial resources for investing in the necessary technological infrastructure, insufficient digital literacy among government bodies and the population, as well as the imperfection of the legislative framework, which does not allow to fully realize the potential of electronic justice. Such countries include Moldova, Greece, Montenegro, Serbia, and Andorra.

For example, the system of electronic justice in Moldova is only at the nascent stage. At the beginning of 2024, the Institute for European Policy and Reforms (IPRE) and the Ministry of Justice of the Republic of Moldova announced that as of 2024, as part of a pilot project, the electronic system "e-File" is being tested in eight courts of Moldova, and the main goal is its large-scale implementation in 2025 year [15].

Due to limited financial resources, the implementation of any pilot projects in the field of e-justice has not yet begun in Greece, and e-services in other areas are just beginning to develop.

As part of preparations for joining the European Union, with the assistance and financial support of the Council of Europe and the European Union, Serbia is carrying out a complete reform of the judicial system, which is planned for 2022-2024, but electronic justice has not yet been implemented in this country.

### **Conclusions**

Therefore, the proposed classification of countries by the degree of implementation of electronic justice, which includes categories with a high, medium and low level, demonstrates the diversity of approaches and degrees of adaptation to digital technologies in the field of justice. This

indicates that countries with high levels of implementation tend to have well-developed infrastructure and legal frameworks that allow effective use of electronic systems to improve transparency and access to justice. At the same time, countries with an average level show that despite certain achievements, they still face a number of challenges to achieve greater integration and optimization of judicial processes. Despite the long process of implementing e-justice tools, these countries nevertheless demonstrate their commitment to progress in this area, as can be seen in the experience of Germany and Poland. Conversely, low-implementation countries face a number of obstacles and need significant efforts to improve their judicial systems. These obstacles often include limited financial resources, technical and legislative constraints, which require them to make more efforts to realize the potential of e-justice.

The experience of countries with a high level of e-justice implementation provides a valuable example and encourages other states to consider and adopt similar practices. Reflections on this process make it possible to provide a reasoned answer to the widely discussed question in academic circles about the prospects and need for the application of electronic justice. Therefore, it is important for our state to study and adapt the experience of European countries in this area, as well as to develop its own initiatives in order to meet the modern challenges and needs of citizens in access to justice.

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