

Aspects of administrative responsibility in a digital environment: problems and prospects

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Abstract. The article examines the features of administrative liability under the administrative proceedings in the context of the trend towards the widespread digitization of different types of judicial proceedings. The authors research current Administrative-tort legislation of the Russian Federation and elements of the electronic justice system typical for such administrative procedures. It is revealed the features of digitalization during the procedure for handling cases on administrative offenses provided by the Draft of Procedural Code of the Russian Federation on administrative offenses. Researching the peculiarities of the procedure for bringing to administrative responsibility, the authors come to the conclusion that a number of significant problems and violations of the rights, freedoms and legitimate interests of persons participating in the case are inevitable, which will arise as a result of the introduction of an electronic justice system in cases of administrative offenses. As a result of the study, the authors come to the conclusion that there is a need for further scientific and practical understanding of all aspects of the implementation of the electronic justice system in cases of administrative offenses in order to focus it on ensuring high-quality and effective implementation by the participants in proceedings in cases of administrative offenses of their rights, freedoms and legal interests.

1 Introduction

Recently, the transition of Russian society to a digital model of formation and development requires a search for new ways of regulating administrative sphere of legal relations based on modern scientific developments and studies of this problem and analysis of digital technologies usage in law enforcement practice, including within the framework of bringing to administrative responsibility.

At the same time, however, among the general markers of law transformation, one should be taken into account – the emergence of new legal categories: subjects of law (virtual personality, robots, etc.), requiring doctrinal development of possible models for recognizing a legal personality for highly developed robotics; artificial intelligence that determines the legal regime; new digital rights [1].

The relevance of the topic is confirmed by the increased attention to this problem from the top officials of the state. So, in the message of the President of the Russian Federation V.V. Putin of March 1, 2018 and February 20, 2019 is emphasized the fact that as soon as

possible we need to create an advanced legislative framework, remove all barriers to the development and widespread use of robotics, artificial intelligence, unmanned vehicles, e-commerce, processing technologies of big data processing. Moreover, such a regulatory framework should be constantly updated, based on a flexible approach to each area and technology [2-3].

Also, Zorkin V.D. noted that one of the tasks of the state is to recognize and protect the digital rights of citizens from all kinds of violations. However, the current legislation of the Russian Federation does not fully meet modern needs, since many laws are weakly related both to the specified basic law and to each other. In this connection, information legislation needs to be systematized, get rid of repetitions and bring its conceptual apparatus into a harmonious, consistent state [4].

These statements generally apply to the administrative-tort legislation, which is currently experiencing the third «wave» of codification [5] and needs to be rethought taking into account the general trend of digitalization and the development of the e-

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justice system in the Russian Federation.

2 Problem Statement

The transition of Russian society to a digital model of development is carried out in accordance with the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030 [6], which provides that the information society is a society in which information and the level of its application and accessibility radically affect economic and sociocultural living conditions of citizens.

The priority of ensuring national interests in the development of the information society is: a) the formation of the information space, taking into account the needs of citizens and society in obtaining high-quality and reliable information; b) development of the information and communication infrastructure of the Russian Federation; c) creation and application of Russian information and communication technologies, ensuring their competitiveness at the international level; d) formation of a new technological basis for the development of the economy and social sphere; e) ensuring national interests in the field of the digital economy.

At the same time, there is an acute imbalance in the digitalization processes of various types of the administrative process. So, if administrative court proceedings are characterized by the widespread use of digital methods of information exchange, then in proceedings on cases of administrative offenses such use is still not very widespread.

Therefore, carrying out scientific research of the problems and prospects of bringing to administrative responsibility in the context of digitalization of the administrative process as a whole, which affects the rights, freedoms and interests of individuals and legal entities, is relevant and in demand today. It can also serve as a basis for further research and development in this area.

3 Research Questions

Since the adoption in 2001 of the Code of Administrative Offenses of the Russian Federation (hereinafter referred to as the Code of Administrative Offenses) [7], the legal regulation of the procedure for bringing to administrative responsibility has undergone many changes and additions in order to refine and improve. So, for 19 years since the adoption of the Code of Administrative Offenses, in total, more than 530 federal laws have been adopted, which have already introduced over 5.5 thousand changes to the Code of Administrative Offenses, which once again confirms the objective need for scientific and practical comprehension and analysis of the practice of Code of Administrative Offenses application that has developed over these years and critical assessment of the effectiveness of its norms, taking into account the numerous changes introduced [8].

In accordance with the Resolution of the Plenum of the Supreme Court of the Russian Federation of March 24, 2005 No. 5 “On some issues arising from the courts when applying the Code of Administrative Offenses of the Russian Federation” [9], to the legislation on administrative offenses, which should be followed when considering this category cases, belongs to the Code of Administrative Offenses, which determines the conditions and grounds for administrative responsibility, types of administrative punishments, the procedure for proceedings in cases of administrative offenses, including the jurisdiction over cases and judicial jurisdiction of these cases, as well as the laws of the constituent entities of the Russian Federation adopted in accordance with the Code of Administrative Offenses on issues related to the competence of the constituent entities of the Russian Federation.

Thus, the provisions of clause “k” of art. 72 of the Constitution of the Russian Federation on the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation of administrative and administrative-procedural legislation.

At the same time, the procedure for proceedings in cases of administrative offenses belongs to the jurisdiction of the Russian Federation, and the establishment by the laws of the constituent entities of the Russian Federation for the organization of proceedings in cases of administrative offenses provided for by the laws of the constituent entities of the Russian Federation belongs to the jurisdiction of the constituent entities of the Russian Federation. However, the elements of digitalization of the procedure for considering cases of administrative offenses by the current administrative-tort legislation of the Russian Federation and the subjects of the Russian Federation is provided for today rather fragmentarily.

It is interesting that the draft Code of the Russian Federation on Administrative Offenses prepared by the Ministry of Justice of the Russian Federation [10] is a more perfect and well-developed legislative act, however, it does not pay due attention to the digitalization of the procedure for bringing to administrative responsibility.

At the same time, the organization of the procedure for carrying out proceedings in cases of administrative offenses, including those provided for by the laws of the constituent entities of the Russian Federation, in accordance with the Draft Code of Administrative Offenses, refers only to the jurisdiction of the Russian Federation, and not to the constituent entities of the Russian Federation, which seems to be quite logical and correct from the point of view of a single the procedure for carrying out proceedings on cases of administrative offenses throughout the territory of the Russian Federation.

It should be borne in mind that in accordance with the Draft Procedural Code of the Russian Federation on Administrative Offenses (hereinafter referred to as the Draft Procedural Code of Administrative Offenses) [11] the procedure for proceeding in cases of administrative offenses in the initiation, consideration and revision of cases on administrative offenses, as well as the

procedure for executing decisions on cases of administrative offenses in the territory of the Russian Federation are regulated by the Draft Procedural Code of Administrative Offenses.

At the same time, this Draft Code of Administrative Offenses and the Draft Procedural Code of Administrative Offenses do not provide for the procedure for the implementation of digital production, as such, in cases of administrative offenses.

However, art. 1.17 of the Draft Procedural Code of Administrative Offenses provides that an application, petition, complaint, protest, the presentation can be filed by participants in proceedings in an administrative offense case to a court considering (reviewing) an administrative offense case in the order and terms established by this Code, in electronic form by filling out the form of documents posted on the official website of the court in the information and telecommunication network "Internet" in the manner established by the Supreme Court of the Russian Federation and the Judicial Department under the Supreme Court of the Russian Federation.

And also, a statement, petition, complaint, protest, the presentation can be submitted by the participants in the proceedings in the case of an administrative offense to the body, the official carrying out the proceedings in this case in the order and terms established by this Code, in the form of an electronic document signed by the person who sent such a document, with an electronic signature in accordance with the legislation of the Russian Federation, through the infrastructure providing information and technological interaction of information systems used for the provision of state and municipal services and the performance of state and municipal functions in electronic form.

At the same time, the materials attached to the application, petition, complaint, protest, submission are also submitted in the form of electronic documents. And electronic documents produced by other persons, bodies, organizations in free form or in the form established for these documents by the legislation of the Russian Federation must be signed by them with an electronic signature in accordance with the requirements of the legislation of the Russian Federation.

In addition, the participants in the proceedings in the case of an administrative offense have the right to receive copies of the acts issued in the case, executed in the form of electronic documents, notifications, summons and other documents (their copies) in electronic form, with the exception of documents containing information, access to which, in accordance with the legislation of the Russian Federation is limited.

At the same time, documents drawn up in electronic form, notifications, summons in the case of an administrative offense are sent to interested persons through electronic means of communication, infrastructure that ensures information and technological interaction of information systems used for the provision of state and municipal services and the performance of state and municipal functions in electronic form, including through the Unified portal of state and municipal services.

However, it should be taken into account that the provisions of this article should be applied only if it is technically feasible. It should be noted that the current Code of Administrative Offenses also contains certain elements of digital proceedings in cases of administrative offenses. So, for example, the legislator has provided for the use of special technical means working in automatic mode that have the functions of photography and filming, video recording for the detection and fixation of administrative offenses in the field of road safety or in the field of landscaping using a vehicle which, on the one hand, allows to optimize the process of bringing to administrative responsibility, to make it simpler and more dynamic, however, on the other hand, it can lead to a violation of the principle of the presumption of innocence of a person. So, within the framework of bringing to administrative responsibility in this category of cases, a number of difficulties arise related to the fact that at the time of the offense, another person was driving the vehicle and this vehicle was in the possession or use of another person.

At the same time, one should take into account the legal position of the Constitutional Court of the Russian Federation, which in its Resolution of January 18, 2019 No. 5-P "In the case of checking the constitutionality of art. 2.6.1 and parts 1, 2, 3 and 6 of art. 12.21.1 of the Code of the Russian Federation on administrative offenses in connection with the request of the Kostroma Regional Court and the complaints of citizens A.I. Dumilin and A.B. Sharov" [12], which indicated that the imposition of responsibility in this case on the owner (owners) of heavy and (or) large vehicles is due to the peculiarities of fixing the corresponding offenses, in which it is established that the offense was committed using a specific vehicle, and on the basis of data from the state registration of vehicles, its owner (owners) can be determined. This method of fixing violations of the prescribed rules - with the provision of vehicle owner (owners) with the opportunity to prove their innocence - in itself does not contradict the Constitution of the Russian Federation its introduction into the legislation on administrative offenses belongs to the discretion of the federal legislator, who, in order to increase the efficiency of protecting the values protected by the Constitution of the Russian Federation from unlawful encroachments (which is part of the scope of this legislation – art. 1.2 of the Code of Administrative Offenses), has the right to take into account the current level of development technical means of detecting prohibited acts.

At the same time, the ruling on requesting the information is signed by the official who issued such ruling, reinforced with a qualified electronic signature. In the event that the requested information (information) or notification of the impossibility of submitting such evidences (information) is sent in electronic form using a unified system of interdepartmental electronic interaction and regional systems of interdepartmental electronic interaction connected to it, they are signed by an authorized official to whom such a determination was received, reinforced

with a qualified electronic signature (art. 26.10 of the Code of Administrative Offenses).

In addition, art. 29.10 of the Code of Administrative Offenses provides that a decision in a case of an administrative offense can be issued and sent for execution in the form of an electronic document (including using a unified system of interdepartmental electronic interaction and regional systems of interdepartmental electronic interaction connected to it) signed by a judge, a person presiding at a meeting of a collegial body, or an official who issued a resolution, reinforced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation.

Also, a decision in a case on an administrative offense with the attachment of materials obtained using special technical means working in an automatic mode, having the functions of photography and filming, video recording, or means of photographing and filming, video recording, is drawn up in the form of an electronic document signed by an official who issued a resolution, reinforced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation.

In order to send for execution a resolution in a case on an administrative offense, issued in the form of a paper document, a copy of the said resolution may be made in the form of an electronic document signed by a judge, a person presiding at a meeting of a collegial body, or an official, who is issued a resolution in a case of an administrative offense, reinforced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation.

It should be noted that the Draft Procedural Code of Administrative Offenses provided for a similar possibility of signing various procedural documents with an enhanced qualified electronic signature by an official considering a case of an administrative offense:

1) A ruling in a case of an administrative offense (for example, a ruling on the reclamation of information (para. 6 art. 3.5); in order to send for the execution of a ruling in a case of an administrative offense, issued in the form of a paper document, a copy of the said ruling may be made in the form of an electronic document signed by a judge, enhanced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation (para. 5 art. 8.45);

2) Resolution in a case of an administrative offense (a resolution in a case of an administrative offense can be issued and sent for execution in the form of an electronic document (including using a unified system of interdepartmental electronic interaction and regional systems of interdepartmental electronic interaction connected to it) signed by the person presiding at the meeting of the collegial body, or by the official who issued the resolution, reinforced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation (para. 6 of art. 6.8);

3) Resolution in a case on an administrative offense with the attachment of materials obtained using special technical means operating in an automatic mode, having the functions of photography and filming, video

recording, or means of photographing and filming, video recording, is drawn up in the form of an electronic document signed by an official who issued a resolution, reinforced with a qualified electronic signature in the manner prescribed by the legislation of the Russian Federation (para. 7 art. 6.8).

At the same time, the Draft Procedural Code of Administrative Offenses of the Russian Federation is partially focused on digitalization processes, just like the current Code of Administrative Offenses of the Russian Federation, and provided that the person has the appropriate technical capabilities and an electronic signature which, in accordance with Federal Law No. 63-FZ dated 06.04.2011 "On Electronic Signature" [13], is information in electronic form, which is attached to other information in electronic form (signed information) or otherwise associated with such information and which is used to identify the person signing the information.

At the same time, the current legislation does not contain the concept of an enhanced qualified electronic signature, but contains the concept of a qualified certificate of an electronic signature verification key - a certificate of an electronic signature verification key that meets the requirements established by the Federal Law "On Electronic Signature" and other normative legal acts adopted in accordance with it, created by an accredited certifying center or a federal executive body authorized in the field of using the electronic signature, and is in this connection an official document (para. 3 of art. 2).

So, despite the fact that the Federal Law "On Electronic Signature" was adopted in 2011, the administrative-tort legislation of the Russian Federation is very limited in agreement and interacts with it, is fragmentarily focused on digitalization processes and the possibility of participants in proceedings in cases of administrative violations of their rights and interests using electronic document management, however, if technically feasible.

As you can see, the current legislation in this area requires significant improvement and unification, first of all, the categorical apparatus and the establishment of a unified approach to the digitalization of various spheres of public life, which today allows us to talk about the improvement of legal regulation and an increase in certain aspects of the effectiveness of justice. However, there is still no evidence of a transition to e-justice [14].

For example, the Federal Republic of Germany Law on Administrative Procedures [15] stipulates that a condition for the implementation of electronic document circulation is the opening by the recipient of an electronic document of appropriate access, which means not only the availability of technical conditions for electronic document management, but also the desire of a person (citizen) to communicate in electronic form. At the same time, to open access to a person, it is enough to indicate an email address. In turn, all public authorities [16] are obliged to open access to receive electronic documents signed with an electronic signature. In addition, the obligation to open access to receive electronic documents is valid for municipalities [1].

Similarly to the Draft Procedural Code of Administrative Offenses, the Federal Republic of

Germany Law on Administrative Procedures provides for written and electronic forms of documents for the implementation by persons participating in the case of their rights and interests and for the performance of duties provided for by law, provided that the electronic documents are signed with an electronic digital signature.

In addition, the Law of the Federal Republic of Germany on Administrative Procedures provides for the issuance of an administrative act in an automated mode, if such a possibility is provided for by the rules of law, and the issuance of such an administrative act is not associated either with the implementation of administrative discretion or with any other possibility of assessing the circumstances of the case. Thus, administrative acts or other actions that are fully or partially issued or carried out not by a person are also qualified as actions of public authorities, and human will, in this case, ceases to be an essential element of an administrative act, and an automated administrative act does not not fully correspond to such a classical doctrinal feature of an administrative act as «regulated» [1].

As you can see, on the one hand, digital technologies make it possible to expand opportunities for citizens to exercise their rights and interests, however, such implementation is made dependent on the availability of technical capabilities, and also imposes on the state the obligation to ensure this right. Thus, the use of digital technologies in the activities of public authorities makes it possible to increase the transparency of their activities, make them more open and at the same time accessible to citizens [17].

An example of the automation of the judicial process in cases of administrative offenses provided for by the Code of Administrative Offenses of the Russian Federation is a special procedure for bringing to administrative responsibility for administrative offenses in the field of road traffic when they are fixed by special technical means working in the automatic mode having the functions of photographing and filming, video recording, or working in automatic mode by means of photographing and filming, video recording (in these cases, a protocol of an administrative offense is not drawn up, a decision on an administrative offense case is issued without the participation of the owner (owners) of the vehicle and is drawn up in the procedure provided for in art. 29.10 of the Code of Administrative Offenses).

In this case, the automatic mode should be understood as the operation of the corresponding technical device without any direct human impact on it, when such a device is placed in the prescribed manner in a stationary position or on a vehicle moving along an approved route makes fixation in the zone of its review of all administrative offenses for the detection of which it is intended, regardless of the discretion of this or that person. Taking into account the fact that the event of an administrative offense is characterized, among other things, by the place and time of its commission, the materials generated by technical means operating in automatic mode must contain the specified information.

At the same time, technical means operating in automatic mode must be certified, in particular, as a measuring instrument, have a valid certificate of metrological verification and be used in accordance with the documents regulating the procedure for using these means. In the description of the type of measuring instrument, the metrological characteristics must be determined, the algorithm for the operation of the software for identifying and fixing an administrative offense must be disclosed, and a list of revealed offenses must be defined. If during the consideration of a complaint (protest) against a decision to impose an administrative penalty for an offense identified and recorded by a technical means operating in an automatic mode, doubts about the correct operation of such a technical means, including in connection with the arguments of the complaint (protest), arise, the judge has the right to demand documents containing the above information.

It should be noted that when revising a decision on the imposition of an administrative penalty for an offense detected and recorded by technical means operating in an automatic mode, the arguments of the person against whom the said decision was issued are subject to verification about the impossibility, after fixing an administrative offense with a technical means operating in an automatic mode, to stop illegal actions in connection with the organization of traffic on a specific section of the road. So, the frequency of placement of technical equipment operating in automatic mode, which did not allow the driver, after fixing an administrative offense, to reduce the speed of the vehicle without creating an emergency situation or leave the lane intended, for example, for the movement of route vehicles, without crossing the road markings, may indicate the absence of his fault in committing a subsequent administrative offense provided for, respectively, one of the parts of art. 12.9, part 1 of art. 12.16 or part 1.1 of art. 12.17 of the Code of Administrative Offenses [18].

Analysis of the provisions of the current Code of Administrative Offenses of the Russian Federation shows that in this case the legislator abandoned the important principle of proceedings in cases of administrative offenses - the principle of individualization of punishment, giving artificial intelligence the ability to choose a punishment option for a person which shows the possibility of introducing information technologies into proceedings in cases of administrative offenses, which, in turn, may grossly violate the inalienable basic principles of any type of legal proceedings - the principle of the presumption of innocence, the principle of inevitability of administrative responsibility for the guilty person, the principle of proportionality and individualization of punishment, which, in our opinion, does not justify the simplicity, efficiency and efficiency of the execution of proceedings in this category of cases of administrative offenses.

In addition, within the meaning of Ch. 30 of the Code of Administrative Offenses, a complaint against acts held in a case of an administrative offense must be submitted to a higher court on paper, since the Code of

Administrative Offenses does not provide for the possibility of filing documents, appeals, complaints about acts in an administrative offense case in electronic form, including in the form of an electronic document signed with an electronic signature.

However, documents, appeals, complaints in cases of administrative offenses are not subject to filing with a court of general jurisdiction in electronic form, since the proceedings in such cases are carried out according to the rules of the Code of Administrative Offenses, the norms of which do not provide for their filing in electronic form.

We must agree with the opinion of V.D. Zorkin that digital technologies can significantly improve the quality of law enforcement in executive bodies, significantly speed up and simplify the implementation of the public powers assigned to them. And also, about the role of artificial intelligence in legal proceedings: in the cognitive and evidence base (digital traces as electronic evidence; new types of forensic examinations); electronic means of organizing the work of the court (electronic document management, electronic business, intelligent systems for analyzing case materials, legal regulation); systems of electronic participation in the process (video conferencing, electronic summons and SMS notifications, electronic copies of case materials) [4].

As D.A. Pashentsev rightly notes, the introduction of digital technologies into legal practice makes it possible to automate a number of processes that previously could be carried out only with the direct participation of the subject of law (for example, the introduction of electronic justice, in which decisions on typical cases will be made by a robot, not a living judge). However, one should agree with the opinion of E.E. Tonkov that one cannot agree with such an approach to the organization of electronic justice, since judicial discretion plays an important role in every judicial process, i.e. the mental activity of a specific judge in a specific case, the result of which will be a specific decision made on the basis of an analysis of alternative options provided for by law [19].

However, in our opinion, the problem in this case also lies in the fact that with a relatively vague content of the norm, it will be impossible to guarantee its unified application in each case when the norm provides for several options for making a decision in a case of an administrative offense. We must agree with the opinion that the confidence in automated technology has not yet reached the level when it could be provided with a solution to multivariate situations. The institution of an automated administrative act is only suitable for simple structured administrative procedures, since it is within the framework of standard situations that computer algorithms are highly efficient [1].

So, if, in order to prepare the case for consideration, the judge must also establish whether the protocol on an administrative offense has been drawn up correctly in terms of the completeness of the investigation of the event of the offense and information about the person who committed it, as well as compliance with the procedure for drawing up the protocol, then within the

framework of electronic justice, this function will be performed by a robot judge, which, given the low quality of drafting protocols on administrative offenses, will contribute to ineffective consideration of cases of administrative offenses and compliance with the principle of inevitability of administrative responsibility but ensuring the termination of proceedings due to the expiration of the deadlines, since the robot judge will return most of such protocols on administrative offenses to the relevant authorities for revision, which, as practice shows, leads to missing deadlines for eliminating deficiencies in administrative material in most cases, or, vice versa will accept protocols with significant flaws in production. So, a significant drawback of the protocol is the lack of data directly listed in part 2 of art. 28.2 of the Code of Administrative Offenses, and other information depending on their significance for a given case on an administrative offense, which should be assessed by a real judge in each specific case (for example, the lack of data on whether the person in respect of whom a case on an administrative offense is initiated, is conversant in the language of the arbitration, as well as data on the provision of an interpreter when drawing up a protocol, etc.) [9].

In addition, the judge must check the authority of the official to draw up a protocol, taking into account the provisions of art. 28.3 of the Code of Administrative Offenses and regulations of the relevant federal executive bodies. At the same time, in the event of the reorganization of federal executive bodies, it is necessary to check whether the relevant officials of these bodies have retained the right to draw up a protocol and consider a case on an administrative offense and whether these functions have been transferred to officials of other federal executive bodies. However, it is not clear how these functions will be performed by a robot judge in the process of implementing electronic justice in cases of administrative offenses.

At the same time, when considering cases on bringing persons to responsibility for an administrative offense, as well as on complaints and protests against decisions in cases of administrative offenses, if necessary, the possibility of summoning the persons who have drawn up a protocol on an administrative offense to the court is not excluded to clarify the issues that have arisen. In this case, it is not clear how the robot judge will resolve this issue. A similar situation will arise when deciding on the appointment of an examination, when, in the course of proceedings on an administrative offense, it becomes necessary to use special knowledge in science, technology, art or craft, a judge on the basis of art. 26.4 of the Code of Administrative Offenses issues a ruling on the appointment of an examination.

In addition, in practice it is quite difficult to determine the degree of guilt of a legal entity in committing an administrative offense. When determining the degree of responsibility of an official for committing an administrative offense, which resulted from the implementation of the decision of the collegial body of a legal entity it is necessary to find out whether the official took measures in order to draw the attention of the collegial body or the administration to the impossibility

of executing this decision due to the fact that this may lead to the commission of an administrative offense. Since the Code of Administrative Offenses does not provide for any restrictions in the specified case when imposing an administrative penalty, the judge has the right to apply any punishment to a legal entity and an official within the sanction of the relevant article including the maximum, taking into account mitigating, aggravating and other circumstances affecting the degree of responsibility of each of these persons, which when considering an administrative offense by a robotic judge will be impossible to implement in practice and will contribute to the violation of the principles of justice, proportionality, individualization administrative punishment [20].

At the same time, in order to comply with the established art. 29.6 of the Code of Administrative Offenses of the Russian Federation, the time frame for considering cases of administrative offenses, the judge must take measures to promptly notify the persons involved in the case about the time and place of the trial. However, the Code of Administrative Offenses of the Russian Federation does not contain any restrictions related to such a notification; depending on the specific circumstances of the case, it can be made by using any available means of communication that will allow you to control the receipt of information by the person to whom it is sent (a subpoena, telegram, telephone message, facsimile, etc.), by means of an SMS message, if the person agrees to the notification in this way and when the fact of sending and delivery of the SMS notification to the addressee is recorded, which in the context of the digitalization of justice should be carried out immediately in automatic mode.

So, para. 1 of art. 2.15 of the Draft Procedural Code of Administrative Offenses stipulates that participants in proceedings in cases of administrative offenses and other persons authorized to participate in proceedings in cases of administrative offenses are notified or summoned to the court, body or official in whose proceedings the case is, by registered mail with delivery receipt, a summons with a receipt acknowledgment, a telephone message or a telegram, by facsimile, using the Unified Portal of State and Municipal Services, or using other means of communication and delivery that ensure that notice or a call is recorded and delivered to the addressee. In this case, the procedure for sending and delivering notifications (notifications) using the Single Portal of State and Municipal Services is established by the Government of the Russian Federation.

In our opinion, in this case, with the notification of the persons participating in the case of an administrative offense, the digitalization of justice will just contribute to their quick and reliable notification, if there are appropriate technical capabilities.

4 Purpose of the Study

The purpose of the research is to study administrative legal relations in the field of bringing to administrative responsibility in the framework of the implementation of

proceedings on cases of administrative offenses in the context of the widespread digitization of different types of judicial proceedings.

5 Research Methods

To achieve this goal, the work used general scientific, special research and partial scientific methods:

1) general scientific methods: logical method (analysis and synthesis provided an accurate and comprehensive consideration of the subject of research; the method of system-structural analysis made it possible to consider the investigated legal phenomena as elements of the system;

2) special methods: the use of the statistical method made it possible to determine the state and dynamics of the administrative-tort situation;

3) partial -scientific (legal) methods: the using of the formal dogmatic (legal and technical) method made it possible to analyze the current federal and regional legislation in the field of researched legal relations.

6 Findings

Thus, the trend of digitalization of all types of legal proceedings, including proceedings in cases of administrative offenses, has significant prerequisites and a basis for its development, but, today, the prospect of total digitalization of all proceedings in cases of administrative offenses seems to be very doubtful, since, on the one hand, digitalization will help to improve the quality of law enforcement, simplify and optimize proceedings in cases of administrative offenses, on the other hand, it can lead to significant violations of basic legal principles - the presumption of innocence, inevitability of punishment, proportionality, fairness and individualization of punishment.

So, the proceedings in cases of administrative offenses to date have not received comprehensive digitalization as the development of the electronic justice system at all stages, at the same time, proper legal regulation and improvement of legal regulation of such constituent elements of electronic justice as: electronic evidence; new types of forensic examinations; electronic means of organizing the work of the court (electronic document management, electronic business, intelligent systems for analyzing case materials, legal regulation); system of electronic participation in the process (video conferencing, electronic summons and SMS notifications, electronic copies of case materials), since the administrative and tort legislation provides for the above elements of e-justice, but does not disclose the specific procedure for their implementation and the requirements that are imposed on them, which significantly complicates the implementation of such elements of digital proceedings in cases of administrative offenses in practice, which can lead to a violation of the relevant rights of citizens, especially in the absence of appropriate technical capabilities.

As you can see, the current legislation in this area requires significant improvement and unification, first of

all, the categorical apparatus and the establishment of a unified approach to the digitalization of various spheres of public life, which today allows us to talk about the improvement of legal regulation and an increase in certain aspects of the effectiveness of justice. However, it does not yet indicate a transition to electronic law.

7 Conclusion

In our opinion, today the digitalization of the procedure for proceedings in cases of administrative offenses is undergoing only its formation and development and requires significant improvements in the legal regulation and the development of a unified concept of digitalization of those elements of the justice system which really need such improvement in order to ensure the implementation of the rights, freedoms and legitimate interests of participants in proceedings in cases of administrative offenses, and not create additional opportunities for violation of their rights when considering this category of cases, that when considering an administrative offense by a robotic judge, it will entail the occurrence of many errors and violations, both procedural and substantive law. For this reason, it should be noted that the confidence in automated equipment has not yet reached the level when it could be provided with a solution to multivariate situations.

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