



# New Forms of Dispute Resolution in the Russian Federation as a Reflection of Innovation in Law Enforcement: Platform Justice

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## Abstract

“Platform justice” is a new approach to online dispute resolution. Another name for this phenomenon is the decentralized justice industry. The authors determined that the term “decentralized justice” should be translated into Russian as “platform justice,” which more accurately reflects the essence of this concept. Moreover, a similar term, “platform law” (in the field of investment law), has already been used by Russian scientists S. Yu. Kashkin, A. V. Altukhov, and N. A. Senzhova. Considering the classification of AI systems, platform justice can be divided into first-level platforms and second-level platforms. The first-level platforms are platforms that perform only part of the procedural actions to resolve disputes (e.g., collecting evidence, executing court decisions, collecting national laws and regulations, etc.). The second-level platforms are platforms that allow resolving a dispute completely online (e.g., Kleros and Aragon, Taobao (PRC), etc.). Depending on the platform’s founder, they can be divided into public platforms and private platforms.

## Keywords

Dispute resolution · Platform justice · Decentralized justice · Platform law · Litigation

## JEL Codes

K24 · K41 · K49

## 1 Introduction

Smart contracts also have limitations: they cannot independently check the quality of the goods, find out whether the service was well rendered, whether the counterparty is acting in good faith, etc. (Rusakova et al., 2021b; Szabo, 1996). In addition to the appearance of a new type of contract, we can observe a boom in online retail. For example, more than a billion purchase and sale transactions are concluded monthly on retail platforms “eBay” (USA), “Amazon” (USA), and “Taobao” (China). As of March 2021, “Taobao Marketplace” (Alibaba Group) reached 792 million active users per month, ranking first among Chinese and global e-commerce platforms.

According to a report by Professor Ethan Katsch at the ODR Forum 2019, eBay resolves more than 60 million disputes per year; in 90% of cases, without human intervention (Loebl, 2019). The above leads us to the idea that new forms of dispute resolution are needed, which can become online platforms based on AI technologies, to settle small domestic and transnational disputes.

## 2 Materials and Method

The features and prospects of the formation of platform justice are studied in the works of Aouidef et al. (2021), Burnov (2021), Ermakova and Frolova (2022), Ermakova et al. (2020), Kashkin et al. (2021), Loebl (2019), Matytsin (2021), Rusakova (2020), Rusakova et al. (2021b), Savage (2020), Shi et al. (2021), Szabo (1996), Zasemkova (2020), Zou (2020).

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### 3 Results

#### 3.1 About Platform Justice

We studied the concept of the French scientists of the University of Paris II—Aouidef et al. (2021). We believe that the term “decentralized justice” should be translated into Russian as “platform justice,” which more accurately reflects the essence of this concept. Moreover, a similar term, “platform law” (in the field of investment law), has already been used by Russian scientists Kashkin et al. (2021). French scientists consider three projects that play an innovative role in platform justice: “Kleros,” “Aragon,” and “Jur.” However, the “Jur” platform is not yet operational (Matytsin, 2021).

The Kleros platform was founded by F. Astom and K. Lesage in May 2017 (Kleros, n.d.). The jury was paid about \$123,000 in the form of arbitration fees (Aouidef et al., 2021). The Aragon platform “Aragon Court” is a Web3 plugin arbitration platform available via API for any decentralized application (DApp) but fully implemented in “Aragon OpenStack” (Aragon, n.d.).

The platform includes a “Protocol of decentralized dispute resolution.” The platform court has 239 jurors but does not inform about the number of resolved disputes. After a dispute arises, seven days are provided for the presentation of evidence, which will be later considered by a jury. During this period, the creator of the dispute may also decide to close the presentation of evidence at any time. The proofs can be presented in text format, but HTTP and IPFS links are also accepted. The dispute is considered by five judges of the “first instance,” randomly selected from among the persons who expressed a desire to act as such. The decision is made by a majority vote based on the materials submitted by the parties and the Aragon Network Jurisprudence rules. The platform also allows appealing decisions (Zasemkova, 2020).

#### 3.2 Experience of the State Courts of the PRC

Chinese lawyers claim that China is flooded with online judicial platforms. There are public and private platforms, national databases and local indexes, websites for scientists, and websites for lawyers. Only the Supreme People’s Court of China has three online platforms. The first platform, “China Judgments Online,” is mainly used to publish and compile court documents. The second—“Faxin.cn”—focuses on analyzing court cases and related issues. The third is the “One-Stop” platform, a diversified platform for resolving international commercial disputes. In 2019, the “National e-evidence platform” was created, which includes

the courts of 22 provinces of China (Rusakova, 2020; Shi et al., 2021).

Additionally, Chinese courts have created four publicly accessible (public) platforms for providing judicial information to parties and the public via the Internet:

1. An online System for Monitoring Court Decisions and Law Enforcement Control (Online Enforcement Query and Control System);
2. Credit and disciplinary mechanism against unscrupulous debtors by court decision (Credit disciplinary mechanism against dishonest judgment debtors);
3. Online judicial auction of property subject to enforcement proceedings (Online judicial auction of the property subject to execution);
4. National Enforcement management system (National court enforcement case process management system).

Other platforms include:

1. “Intelligent trial support system” (Rusakova et al., 2021a);
2. “Trial speech recognition system”;
3. Automated “Filing system” (case pushing system);
4. “Information platform for processing cases for parole” (Digitalized case handling platform for commutation);
5. “Platform for “online data integration for the resolution of road traffic disputes.”

In 2019, the “National e-evidence platform” was also created in China, based on blockchain technology, uniting courts in 22 provinces and municipalities of China (Zou, 2020).

#### 3.3 Categories of Platform Justice: Strong and Weak (Partial) Levels of Platforms

The AI systems are a robot judge, a robot arbitrator, and a robot mediator (Ermakova & Frolova, 2022). Considering the classification of AI systems, platform justice can also be divided into first-level platforms and second-level platforms. The first-level platforms are platforms that perform only part of the procedural actions to resolve disputes (e.g., collecting evidence, executing court decisions, collecting national laws and regulations, etc.). Second-level platforms are platforms that allow resolving disputes completely online (e.g., Internet platforms for litigation in Hangzhou, Beijing, and Guangzhou (PRC), private platforms Kleros and Aragon, Taobao (PRC), etc.). It should be noted that the second-level platforms use the first-level platforms, for example,

the National Electronic Evidence Platform (PRC), the Speech Recognition System (PRC), etc.

Depending on the platform's founder, they can be divided into public platforms and private platforms. By industry, platforms can be divided into platforms in the field of systematization of legal norms, platforms in the field of collecting court decisions, platforms in the field of evidence, platforms in the system of execution of court decisions, platforms in the field of filing court cases etc.

### 3.4 New Laws of Russia 2021: The Use of Digital Technologies in Russian Courts

#### The Law on Digital Transformation of Enforcement Proceedings

To implement the super service “Digital Enforcement Proceedings” (Russian Federation, 2021a, 2021b), the possibility of automatic decision-making on certain issues of enforcement proceedings (a bailiff robot) is being established. These issues include initiation, refusal to initiate, and termination of enforcement proceedings; a collection of enforcement fees; establishment and cancellation of restrictions, prohibitions, imposition, and removal of seizures, and other decisions. Simultaneously, it should be noted that such a regime will only apply to unconditional decisions that do not require the personal participation of a bailiff. Automatic decision-making will allow promptly preparing FBS resolutions and sending them to the parties of enforcement proceedings; control will be provided with the possibility of appealing in court and in the order of subordination.

#### Unified Superservice: “Justice Online” Platform

The development of electronic information storage and exchange systems requires the improvement of relevant search engines, as well as the use of AI technology for the analysis of judicial practice. To this end, the Russian judicial system has decided to develop a single super service—the “Justice Online” platform. The platform is expected to combine the functionality for the exchange of documents between courts, data storage, the use of cloud technologies, and provide an opportunity to form “electronic files,” including for remote familiarization of the parties with materials (Burnov, 2021).

The super service will include the following:

1. Remote appeal to the court in electronic form;
2. Court notices;
3. Remote access to electronic case materials;
4. Receipt of judicial acts or their copies in electronic form;

5. Remote participation in court sessions using web conference technology, etc.

Additionally, the super service will have built-in auxiliary elements with which it will be possible to determine the jurisdiction of the case and calculate and pay the state fee; an “interactive assistant” will be created that will be able to answer frequently asked questions and help with navigation through the service. The super service will be integrated with other information systems, including a cloud-based digital platform for providing state (municipal) services, a digital profile, and a National Data Management System. The creation of this super service will allow transferring electronic justice to a qualitatively new level.

The launch of “Justice Online” is planned for 2024. However, some of its components, such as the service for determining territorial jurisdiction, the classifier of claims, and the service for calculating state fees, will be tested as soon as they are ready. In 2022, it is planned to provide the possibility of remote participation in trials.

## 4 Conclusion

We believe that the active implementation of platform justice will be the main trend in 2022 worldwide and in Russia. On December 21, 2021, the President of Russia signed the law on digital enforcement proceedings (No. 417-FZ), on the basis of which the “Digital Enforcement Proceedings” super service will be created, providing for the possibility of automatic decision-making on certain issues of enforcement proceedings (Robot Bailiff). On December 30, 2021, the President signed another law—on online attendance at court sessions with identification through the public services portal.

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